

**REPUBLIC OF ALBANIA
THE ASSEMBLY**

LAW

NO. 8461, DATED 02/25/1999

ON HIGHER EDUCATION IN THE REPUBLIC OF ALBANIA

In compliance with Articles 78 and Point 83 of the Constitution, with the proposal of the Council of Ministers,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA**

DECIDED:

HEADING I

GENERAL PROVISIONS

Article 1

Higher education in the Republic of Albania is both public and non public.

Higher public education is guaranteed and financed by the state, as well as through other legal sources.

Higher public education is secular.

Article 2

The goal/mission of the higher civil education is the following:

- a. to establish, develop, protect and transmit knowledge through teaching and scientific research, develop and enhance arts, physical training and sports;
- b. to train high cadres;
- c. to prepare new scientists.

The goal/mission of higher education of the Armed Forces structures, as well as of other structures of the military status is to train, prepare, and qualify military subjects and high cadres, who would be capable and committed to defend the Country, as well as enforce/implement duties determined by law.

The mission of higher education of the police is to train, prepare, and qualify experts, who

would be capable and committed to defend public security.

Article 3

Higher civil education is taught/done at higher university schools and other higher non-university schools. Further down in the Law, higher university schools and other higher non-university schools shall be referred to as "higher schools".

Higher education of the Armed Forces structures, police structures, as well as of other structures of the military status is done/taught at the relevant schools, which further down shall be referred to as "military or police higher schools".

Article 4

Higher schools and higher military or police schools are 'juridical subjects.

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Higher schools are headed/chaired and represented by the Rector or the Director/Headmaster.

Higher military or police schools are headed/chaired and represented by the Commander or the Director.

Article 5

Higher University schools are learning and scientific institutions, the duty of which is to:

- a. conduct the professional education process and scientific formation/preparation through teaching and scientific research;
- b. carry out scientific studies in the areas that they cover and prepare the new scientists.

Higher non-university schools are learning institutions. The main duty of higher non-university schools is to prepare highly qualified experts.

Article 6

Higher schools have teaching and scientific research academic freedom. The academic freedom is based on respect of the opinions, ideas, and methods, as well as in the guaranty of free development, creative and critical of teaching and scientific research in compliance with the relevant plans and programs.

Article 7

Higher public civil schools are autonomous institutions. In this context:

- a. the higher school is entitled to elect its steering bodies and authorities;
- b. the higher school personnel is entitled to elect and be elected in the steering bodies of the higher school in line with the higher school charter;

- C. the higher school determines/defines the areas of teaching and scientific research;
- d. the higher school is entitled to select its own personnel/staff;
- e. the budget of each higher school is included as a separate item in the education budget, and it is managed by the school according to the regulations determined through legal acts. The budget of higher military or police schools is included as a separate item in the budget of the relevant Ministry;
- f. the higher school is entitled to offer/render services in areas related to certain aspects of practical implementation of teaching or scientific research, and make money out of these provided services;
- g. the higher school is entitled to sign agreements with higher foreign schools for exchange programs as well as for cooperation purposes during the teaching and scientific research process and for staff training;
- h. the higher school is entitled to have relations with and be member of international associations or organizations of higher education;
- i. the higher school is entitled to cooperate with entities, which help development of higher education.

Article 8

Higher military or police schools are entitled to select their own teaching and managing staff. The teaching and managing staff is proposed by these schools for approval to the relevant Ministry.

The Director/headmaster of these schools is appointed by the Council of Ministers with a proposal of the relevant Ministry.

Higher military or police schools are entitled to have twining relations with foreign schools for exchange programs and cooperation purposes during the teaching and scientific process, for the qualification of cadres. Also, higher military or police schools are entitled to participate in international associations or organizations in compliance with the agreements signed or approved by the relevant Ministry.

Article 9

The state guaranties the integrity of the higher education institutions and their territory.

Intervention of the public order bodies in the academic environments is done upon the request or upon the permission of the director/headmaster of the higher school. The intervention of public order bodies can take place with no permission from the director/headmaster of the higher school in case a flagrant crime has been committed or in cases of force major.

Violation of the integrity of the higher education institutions is punished according to the legal provisions in force.

Article 10

The assessment of the quality of the higher schools and academic accreditation is carried out by the Accrediting Agency and the Accrediting Council. The establishment and the competencies of the Accrediting Agency and the Accrediting Council are determined by the Council of Ministers.

HEADING II

HIGHER SCHOOLS ORGANIZATION AND MANAGEMENT

Article 11

The higher university schools are composed of faculties. In special cases, a higher university school may also include a higher non-university school, which has a similar structure with that of a faculty.

The Faculty is a teaching and scientific unit of the higher university school, which covers sciences of the same origin/source.

The Faculty and the higher non-university schools are composed of departments.

The Department is the founding/basic teaching and scientific of the higher university school. Also, The Department is the founding/basic teaching and scientific of the higher non- university school. The objective of the teaching and scientific research of the department includes several disciplines of one science. As a rule, the department is divided into sections, which include the closest/ most similar disciplines of a science.

Article 12

The structures of the higher schools units include: institutes, research centres and sectors, teaching laboratories and ateliers, clinics, services, studios, libraries, sport centres. museums, experimental farms, which function according to the relevant internal regulations.

Article 13

The study course is an area of study in the higher school, upon the completion of which, a diploma is issued from the higher school at which studies have been attended. According to the academic nature, the study course can be called "branch" or "profile". The profile is rather a sub branch (sub division), with a narrower study scope/orientation and more specific than the branch.

The study course is opened with a decision of the higher school senate upon the approval of the Ministry of Education and Science about meeting all the standards put by this Ministry. The expenditures for this branch opening shall be met by the higher school. The state budget allocations for the public higher school projects the existence of a new branch only after it has been acknowledged through accrediting procedures.

The Minister of Education and Science gives the approval about the title of the diplomas issued by the higher schools for those study courses, which are acknowledged through the accrediting process. On the higher military or police schools, the only person that exercises this right is the relevant Minister.

Opening up of new departments and sections is done upon a decision of the higher school senate after having had the approval from the Ministry of Education and Science about meeting the standards put by this Ministry. The expenditures for opening of these departments and sections shall be faced by the higher school. The state budget allocations for the public higher school projects the existence of these new units only after the institutional results and accreditation of the higher school.

The same criteria shall apply also to opening up of other new structures and units stipulated in Article 12, and the expenditures for which shall be met by the higher school budget.

Closing down of study courses, departments, and sections is done by the Minister of Education and Science, after an evaluation/assessment of the Accreditation Council.

Opening of higher new university schools, higher non-university schools, faculties, units and structures foreseen in Article 12 of this Law, the expenditures for which can not be covered by the higher school funds, shall take place upon a decision of the Council of Ministers, according to the proposal of the Ministry of Education and Science or of the relevant Ministries on the higher military or police schools.

Closing down, merging, and change of scope of mission of public institutions determined in Article 13, paragraph 7 of this Law takes place by a decision of the Council of Ministers, at the proposal of the Ministry of Education and Science or of the relevant Ministries about the higher military or police schools after having received the input of the Accrediting Council on the topic.

The criteria, manner of functioning, as well as the procedures for opening of higher non-public schools are determined in this Law as well as in other by legal acts issued by the Council of Ministers for enforcement purposes. The permit for opening a new non public higher school is issued not before 6 months after the date of the submission of the request to the Ministry of Education and Science, and not later than one year from the date of the request submission to this ministry.

Opening of the study course at the higher military or police schools is done with the approval of the relevant Ministry. Definition of the education and organic structure for each such school is done according to the education provided and it is approved by the Minister of the relevant Ministry.

ARTICLE 14

The highest autonomous body of the Rectors and higher schools directors/headmasters in the education system is the Conference of Rectors. An authorized representative of the Minister of Education and Science shall be member of the Conference of Rectors. In the Conference of Rectors are discussed the main/key issues of higher education. The duties and responsibilities of the

Conference of Rectors are determined in this Law, as well as in the charters and internal regulations of the higher schools. Organization and the activity of the Conference of Rectors are determined in the Conference's charter approved by the Ministry of Education.

ARTICLE 15

The higher schools senates and councils are collegial, elected bodies, that decide on the most

important issues of the higher school in the areas of education, scientific research and administration and finance. These bodies convene on regular bases.

The senate is the highest body of the higher university school. The faculty council is the highest body of the faculty. The school council is the highest body of the higher non-university school. The department councils the highest body of the department.

The composition, duties, competencies, and functioning manner of the senates and the relevant councils is determined in the charters of the higher schools, as well it is part of their internal regulations.

ARTICLE 16

The steering authorities of the higher schools and of their units structures are as follows:

- a. The Rector for the university schools;
- b. the headmaster/director for the non-university school;
- C. the Dean of the faculty;
- d. the Head of the department;
- e. On higher military or police schools, the steering authority equal to that of the Rector, director, or Dean can be the commander or director.

In case of absence, the authorities delegate all their competencies or part of them to their deputies.

The duties and competencies of these steering authorities derive from this Law and are contained in more specific details in the statutes of the higher schools.

Article 17

The higher public school elects its steering bodies and authorities.

The department elects with a majority of votes, the head of department, the members of the department council, as well as the representatives to the faculty council or to the higher non-university school.

The faculty or the higher non-university school council is composed of representatives elected from the departments, the non-academic personnel and the students. This council elects , with a majority of votes, the Dean of the Faculty or the headmaster of the higher non-university school. The Dean of the Faculty or the headmaster of the higher non-university school can be members or not of this council. The council of the faculty or of the higher non-university school (in case when the non-university school is a university structure) elects with a majority of votes, its representatives in the senate of the higher school university.

The senate of the higher university school is composed of representatives elected from the councils of faculties and higher non-university schools, as well as students. This senate elects, with a

majority of votes, the Rector, who can or not be member of this senate.

Elections take place with secret voting. The procedures and criteria for participation in elections of all categories of employees of higher schools are determined in the regulation on the elections in the higher schools. The date that marks the beginning of the elections, as well as the deadline for their realization in all higher schools are declared by the Minister of Education and Science.

Once the elections are over, the President of the Republic appoints the Rector or the elected headmaster (in those cases when the non-university school is outside the structure of the University). The Vice Dean and the vice headmaster get proposed by the Rector or the headmaster and get appointed by the Minister of Education and Science. The Rector appoints the elected dean and the vice dean selected by the dean. The elected head of department is appointed by the dean.

Article 18

The Rector is concomitantly the chairman of the senate. The director is the chairman of the council of the higher non-university council, and the Dean is the chairman of the faculty council.

The head of the department at the higher public school is entitled to the selection of the heads of sections based on competition according to the personal file. The Dean is entitled to appoint the head of the section. The heads of the sections, the elected members of the department council together with the head of the department compose the department council. The head of the department is the chairman of the department council.

Article 19

The steering authorities of the higher public schools get elected every three years. They can not be elected more than twice in a row in the same function.

The senate and the councils get elected every three years.

Article 20

The steering authorities of the higher schools should hold high scientific degrees. The statute of every higher school comprises the degrees that should be held by the high officials/authorities according to Article 16, as well as the degrees that should be held by the academic members of the councils and senates.

HEADING 111

THE FINANCIAL AND ADMINISTRATIVE ARRANGEMENTS

Article 21

The higher public schools are budgetary institutions. They are funded by the state budget according to the Law No. 8379, dated 07/29/1998 "On drafting and enforcement of the state budget in the Republic of Albania", and according to the by legal acts for its enforcement. The budget of each higher school is a separate item in the education budget.

In those cases when the faculties meet the standards determined by the Ministry of Education and Science they have their separate accounts.

ARTICLE 23

The funds for scientific research are defined as a separate item in the budget of every higher school. These funds are administered by the higher school as payment for the scientific norm, as well as for the laboratories supplies or other expenditures related to/connected with scientific research.

ARTICLE 24

In compliance with the legal and by legal acts in force, the higher schools generate and use the revenues that they collect during the exercise of their activity.

The education fees for higher public schools are approved with a decision of the Council of Ministers, and are used by the higher schools once the obligations towards the state have been repaid to an extent that does not exceed 10 percent.

Article 25

The Ministry of Education and Science is the body that approves the orientation structure of the administration of higher schools at all levels.

The responsible subjects for the good ongoing administrative and economic process of the higher school are the chancellor of the higher school and the chancellors of the faculties, who are experts in economics and have managing experience.

The chancellor of the public higher university and non-university school get proposed by the Rector of the headmaster and appointed by the Minister of Education and Science. The chancellor of the faculty is proposed by the Dean and appointed by the Rector.

The duties and competencies of the chancellors are determined in the statute of the higher school.

HIGHER SCHOOLS PERSONNEL

Article 26

The higher school staff is composed of.

- a. the internal and external academic staff,
- b. the education and scientific support staff,
- C. administrative staff,

- d. library staff,
- e. services staff.

The duties and the rights of the higher schools staff that derive from the legislation in force are determined in the higher school charter, as well as in internal regulation of the composing units of the school in compliance with the legal and by legal acts in force.

Article 27

The Scientific Qualification Commission is a commission established by the Council of Ministers. This Commission approves the qualification for the academic staff in the higher schools.

The Ministry of Education and Science decides on the number of job positions/vacancies for the academic staff, as well as on the classification and number of job vacancies for the administrative, library, and service staff of the higher public civil schools. Decisions on higher military or police schools shall be taken by the relevant Ministries.

Job vacancies for the internal academic employees, education and research support staff, administrative and library staff are won through competition and based on an employment contract in compliance with the legislation in force, the charters of the higher schools and their special regulations.

Article 28

The higher public schools internal academic staff has to deliver services by therefore being involved until at least at the minimum level of the annual teaching and scientific norm. In those cases when among higher Albanian schools, and when among these schools and other foreign higher schools or scientific research institutions, be them local of foreign agreements are signed on exchange of academic staff services, the minimal norm can be realized/achieved in more than one institution.

The educational and scientific norm is determined by the Minister of Education and Science.

To meet the needs for the realization of the education and scientific process, the higher school asks for external academic employees/staff on different contract bases/different deadlines. The manner of payment of the external staff/employees the higher schools are determined by the Minister of Education and Science.

The Council of Ministers determines the number of unpaid for lesson hours from the budget of the higher schools, that an employee of the scientific institutions under the Academy of Sciences has to complete in the higher schools program. The

working load is an integral part of the functional duty for which these employees are paid for by the Academy of Sciences.

The selection criteria for these experts are determined in a joint regulation issued by the higher school and the Academy of Sciences.

Article 29

The higher school functions based on this Law, and other by legal acts issued

for the purpose of enforcement of this Law, its charter and internal regulations.

The charter of the higher school is drafted by the university senate or the higher school council. The charter of the higher school is approved by the Minister of Education and Science.

The higher military or police schools charter is approved by the relevant Minister. The regulation of elections of the bodies and steering authorities is drafted by the senate or the higher school council and approved by the Minister of Education and Science.

The internal regulation of the faculty is approved by the rector. The internal regulation of the department is approved by the Dean of the faculty or the higher no university school headmaster. These regulations are drafted by the relevant councils.

For the purpose of enforcement of this Law, the charters of the higher schools are submitted for approval to the Ministry of Education and Science not later than three months from the date this Law enters into force. If within one month from the date of submission of such statute/charter for approval by the Ministry of Education and Science does not express itself on this statute, it should be considered as approved.

Article 30

Every 7 years, the higher schools academic staff is entitled to get training and be qualified in the relevant area for a period of up to one year.

This can be done during one entire academic year or during different periods of time.

The above mentioned criteria do not apply to the cases of full post university studies abroad, which are carried out in consistency with qualification plans approved by the faculty council based on the proposal of the relevant departments.

In all cases, a special contract is signed with the higher school according to the manner established in its statute.

HEADING V

THE STUDENTS

Article 31

Admission in the higher public schools is done on foreseen quota/fees. These are divided into: main fees and secondary fees. The main admission fees in the higher schools for the are proposed by the Ministry of Education and Science and approved by the Council of Ministers. For the permanent study system, the main fees are determined by the Ministry of Education and Science. In determining the main fees, the Ministry of Education and Science takes the suggestions of the higher schools. The secondary fees are fees to which apply special education fees.

The main admission fees to the higher military or police schools are proposed by the relevant Ministries and approved by the Council of Ministers. The higher military or police schools do not accept secondary fees students.

The secondary fees can go up to 10 per cent of the main fees. Establishing of these fees and the manner of admission according to them is done by the Council of Ministers with a proposal of the Ministry of Education and Science after they received the suggestions from the higher schools. The education fees for secondary fees are established jointly by the Ministry of Education and Science and

the Ministry of Finance.

Admissions to the public higher schools are done through competition. The manner of organizing of these admissions competitions and assessment/evaluation of results are determined by the Ministry of Education and Science after having been advised by the Conference of Rectors.

Organization of competitions is arranged by the higher school in cooperation with the Ministry of Education and Science. At the end of the competition, the higher school admits/accepts the winning students according to the already established fees.

Admission of foreign students to the higher public schools of the Republic of Albania is done based on the fees approved by the Council of Ministers, with the proposal of the Ministry of Education and Science. The admission criteria are determined by the Ministry of Education and Science.

ARTICLE 32

The student is acknowledged as such upon registration in the higher school, and loses the name of the student upon receiving the diploma or certificate or upon being **expelled** from the higher school. The duties and rights of the student are established in the charter of the higher school which comprises:

The students are entitled to:

- a. use all installations and higher school supplies to meet their teaching and scientific load in compliance with the relevant programs and rules.
- b. elect and be elected in all school councils including the senate in compliance with the possibilities for representation established in the charter of the higher school.
- c. win a scholarship when they meet the criteria determined in the decision of the Council of Ministers. The outstanding students are entitled to scholarships and special compensations/remuneration, that are administered by the higher school. The scholarships for outstanding students shall be met by the state through special funds that are allocated to the higher school, whereas the remuneration shall be met by the higher school itself from the revenues it generates in compliance with Article 24 of this Law.

ARTICLE 33

The students of higher schools are entitled to get organized into non-political students associations.

The establishment, organization, functioning and dissolution of students associations of the higher schools takes place in compliance with the Civil Code provisions.

ARTICLE 34

The Ministry of Education and Science in taking care and assists the students

of higher schools for exercise of their rights and obligations, establishes a student information section.

HEADING VI

STUDIES IN HIGHER SCHOOLS

Article 35

Full duration of studies in the higher university schools is calculated based on academic years, and can not be less than four years.

For higher non-university schools this duration is not less than two academic years.

Full duration of studies in the higher military or police schools is not less than three academic years. For the candidate that is admitted after the completion of a higher civil school, this duration is not less than one academic year.

ARTICLE 36

The higher schools operate based on the teaching plans that the schools themselves draft, and these plans get approved by the senate or the higher school council.

The teaching programs are drafted by each lecturer or group of lecturers. They get revised at the meeting of the section or department, and get approved by the head of the department.

ARTICLE 37

Post university education is part of the higher education system, and is organized at the higher schools. Post university education comprises post university scientific qualification, medium-term and long-term training courses.

ARTICLE 38

The short-term and long-term training courses are opened at the higher schools in compliance with criteria determined by the Ministry of Education and Science.

HEADING VII

FINAL PROVISIONS

Article 40

The Ministry of Education and Science exercise control on the legal enforcement in the higher school.

The Ministry of Education and Science is entitled to abolish any act issued by the university higher school senate, by the non-university higher school council, their rector or headmaster in those cases when these acts fall contrary to the Law.

The Rector is entitled to abolish the decisions taken by the dean or by the faculty council when these fall contrary to the legislation in force.

In cases of conflicts between them, the case can be appealed at the Court of Appeal.

In flagrant cases, when through their actions, the Rector or the Director violate repeatedly the legal and by legal acts, their statute, the higher school regulation, the Minister of Education and Science calls for preliminary elections for the Rector or the new Director/headmaster after having had the preliminary opinion of the senate. In such same cases, the Rector calls for preliminary elections for the Dean or the new director, whereas the Dean or the Headmaster gets the preliminary approval of the relevant councils.

ARTICLE 41

Every higher school drafts its own draft charter in compliance with this Law, as well as with the Guidelines issued by the Ministry of Education and Science. The Ministry of Education and Science is in charge of harmonizing these draft statutes/charters on a joint bases, while considering the specifics of every higher school.

ARTICLE 42

When the citizens of the Republic of Albania meet the conditions necessary to attend higher studies, they are acknowledged the right to study and get a diploma in more than one area of study at the higher schools. These duties are accomplished in consistency with the criteria determined in the higher schools charters.

ARTICLE 43

The manner for the acknowledgment and reconciliation of certificates, diplomas received in foreign higher schools is done through acts issued by the

Council of Ministers fully respecting the international agreements and conventions in which Albania is party.

Article 44

Every higher school is entitled to choose its **official** name and emblem.

The official title/name and the higher school emblem are selected by the higher school with the proposal of the Ministry of Education and Science or the Ministry of Defence or the Ministry of Public Order get approved by the Council of Ministers.

ARTICLE 45

Law No. 7810, dated 04/06/1994 "On Higher Education in the Republic of Albania" with the changes/ amendments made to it, as well as other legal provisions and by legal acts related to the higher education that fall contrary to this Law become nil and void.

ARTICLE 46

This Law comes into force 15 days after its publication in the Official Gazette.

THE SPEAKER OF THE PARLIAMENT

Skender Gjinushi

