

**1076.**

Pursuant to Article 95 item 3 of the Constitution of Montenegro, I hereby issue the following

**DECREE  
PROMULGATING THE LAW ON HIGHER EDUCATION**

I hereby promulgate the Law on Higher Education, passed by the 25<sup>th</sup> Parliament of Montenegro at the second sitting of the second ordinary (autumn) session in 2014, on 14 October 2014.

Number: 01-1026/2  
Podgorica, 20 October 2014

The President,  
**Filip Vujanović, m.p.**

Pursuant to Article 82 item 2 of the Constitution of Montenegro and of the Amendment IV paragraph 1 to the Constitution of Montenegro, at the second sitting of the second ordinary (autumn) session in 2014, on 14 October 2014, the 25<sup>th</sup> Parliament of Montenegro passed the following

**LAW  
ON HIGHER EDUCATION**

**I BASIC PROVISIONS**

**Subject of the Law**  
Article 1

This law shall regulate the fundamentals of higher education, conditions for performing the activity, types of study programmes, organisation principles of institutions performing this activity, rights and obligations of academic staff and students, quality assurance, financing of higher education, as well as other matters relevant for the performance of higher education activities.

**Aims of Higher Education**  
Article 2

The aims of higher education are to:

- 1) attain, improve and develop knowledge, scientific-research activities, art and culture;
- 2) transfer general, scientific and professional knowledge and skills through teaching and research;
- 3) develop research-oriented higher education;

- 4) provide a possibility for obtaining higher education throughout entire life;
- 5) establish and develop cooperation in the areas of teaching, research, art and culture;
- 6) provide conditions for unrestricted access to higher education.

### **Public Interest**

#### Article 3

Higher education is a public interest activity.

### **Autonomy of Institutions**

#### Article 4

A higher education institution shall be autonomous in performing its activities, in compliance with this Law.

### **Code of Ethics**

#### Article 5

The code of ethics of higher education institutions defines the essential and general value principles based on ethical rights and obligations within higher education, as well as protects the highest values of higher education through the application of adequate norms regulating academic relationships within the university community.

### **Availability of Higher Education**

#### Article 6

Higher education is available to all persons and may not be directly or indirectly restricted on the basis of: gender, race, marital status, skin colour, language, religion, political or other affiliation, national, ethnic or other origin, financial status, disability or other personal grounds, position or circumstances, in compliance with a special law.

### **Quality Assurance and Improvement**

#### Article 7

Quality assurance and improvement in higher education shall be achieved through accreditation, self-evaluation and reaccreditation.

### **Supervision**

#### Article 8

A body of public administration in charge of educational affairs (hereinafter: the Ministry) shall supervise the enforcement of provisions hereof, in compliance with law.

Inspection over the work of higher education institutions shall be conducted by a competent Education Inspectorate.

### **Use of Gender Sensitive Language**

#### Article 9

All terms used in this Law with reference to natural persons in masculine gender shall relate to the same terms in feminine gender.

## Definitions

### Article 9

For the purpose of this Law the following terms mean:

- 1) **European Higher Education Area** includes higher education institutions of countries signatories to the Joint Declaration of the European Ministers of Higher Education convened in Bologna (1999);
- 2) **ECTS** is the European Credit Transfer System;
- 3) **one ECTS credit** refers to 30 hours of student workload required for one or more of the following activities: contact classes, studying, practical work, preparation and defence of individual works, taking midterms and exams;
- 4) **study programme** is the basic unit for the classification of higher education with a defined structure and number of ECTS credits which provides an individual with learning outcomes required for gaining knowledge, skills and competences for the area of work from levels of higher education defined by the National Qualification Framework and issuing a diploma;
- 5) **publicly valid study programme** represents an accredited study programme;
- 6) **diploma supplement** is a public credential enclosed with a diploma issued by a higher education institution providing a more detailed insight into the level, nature, content, system and rules of studying as well as the results achieved during the studies by an individual to whom the diploma is issued; it is prepared according to the basic model determined for the unique European Higher Education Area;
- 7) **lifelong learning** is the overall studying activity throughout life aimed at improving knowledge, skills and competences related to personal, civic, social perspective and/or employment perspective. It involves learning in all life stages (from early childhood to old age) and in all forms in which it is realized (formal, non-formal and informal);
- 8) **lifelong learning programme** is a part of study programme, i.e. a module, with a defined structure that provides learning outcomes for gaining competences and issuing certificates for the performance of related tasks within the areas of work from higher education activities as defined in the National Qualifications Framework;
- 9) **affirmative action** implies the introduction of special measures aimed at creating conditions for achieving equality and protection of rights of persons put in an unequal position in education on any grounds;
- 10) **person or student with disabilities** is an individual having a long-term physical, mental, intellectual, sensory or combined impairment which through diverse barriers within higher education may hinder their full and effective participation on an equal basis with others;
- 11) **foreigner** is a citizen of another country, person without nationality, asylum seeker and emigrant;

12) **expert** is a person possessing exceptional knowledge and skills in a certain field or subject in the scope relevant for establishing facts, problem solving or understanding situations.

## II HIGHER EDUCATION COUNCIL

### **Competence of Higher Education Council**

#### Article 11

Activities of improvement and development of higher education shall be conducted by Higher Education Council (hereinafter: the Council).

In performing the activities referred to in paragraph 1 of this Article, the Council shall:

- 1) analyse the condition and achievements in higher education and offer expert proposals to the Ministry and the Government of Montenegro (hereinafter: the Government).
- 2) provide opinion concerning the proposal of strategy for the development of higher education;
- 3) prescribe conditions and criteria for election into academic titles;
- 4) provide opinion on the amount of funds for financing public higher education institutions and students attending them, for each academic year;
- 5) provide opinion on the number of students and the amount of funds for financing students attending study programmes of public interest at private higher education institutions, for each academic year;
- 6) conduct the accreditation procedure of a study programme and issue a certificate on accreditation of the study programme;
- 7) issue a certificate on reaccreditation of a higher education institution on the basis of reaccreditation report;
- 8) propose measures for quality improvement of higher education based on recommendations from reaccreditation report concerning higher education institutions and provide them to the Ministry and the Government;
- 9) cooperate with higher education institutions in terms of assurance and improvement of quality;
- 10) rank higher education institutions according to methodology of ranking institutions in the European Higher Education Area;
- 11) perform other activities prescribed by the law.

### **Composition and Appointment of Council**

#### Article 12

The Council shall be appointed and dismissed by the Government.

The Council shall be composed of 13 members appointed for a period of four years.

Council members shall be appointed from among eminent experts in the area of higher education, science, arts, from among students and the area of economy, social affairs and other relevant areas.

Notwithstanding paragraph 2 of this Article, representatives from among students

shall be appointed for a period of two years.

Council members from among students shall be proposed by student parliaments of higher education institutions.

### **Work of Council**

#### **Article 13**

The work of the Council is public.

For some areas of its activities, the Council may form working entities, commissions and independent expert groups.

Foreign experts included in the list of experts which is determined by the Ministry may be appointed as members of working entities, commissions and independent expert groups referred to in paragraph 2 of this Article.

The Council shall publish its conclusions, recommendations, opinions and reports of bodies referred to paragraph 2 of this Article, on the website of the Council.

A Council member cannot be a member of accreditation commission.

Funds required for the work of the Council shall be allocated from the budget of Montenegro.

Expert and administrative-technical activities for the Council shall be performed by the Ministry.

The Council shall determine the organisation and manner of operation by Rules of Procedure.

### **III HIGHER EDUCATION INSTITUTIONS**

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

##### **Article 14**

Higher education is provided by licensed higher education institutions (hereinafter: institutions), in compliance with this Law.

#### **Types of Institutions**

##### **Article 15**

The institutions include: university, faculty, art academy and college.

An institution referred to in paragraph 1 of this Article may be established as public or private institution.

An institution shall acquire the capacity of a legal entity after being entered into the Central Register of Commercial Entities, unless otherwise prescribed herein.

#### **Name of Institution**

##### **Article 16**

The name of an institution shall be determined by its founder, in compliance with this Law.

## **Freedom of Institution**

### **Article 17**

An institution shall be autonomous in the area of teaching, research and art work within the scope of its license, in compliance with this Law.

Scientific-research work of an institution shall be regulated by a special law.

## **Rights of Institution**

### **Article 18**

An institution is entitled to:

- 1) determine study programmes to be carried out and courses to be taken;
- 2) independently develop and carry out study programmes;
- 3) determine methods of teaching and assessment of students' knowledge;
- 4) elect governing and managing bodies, determine their composition, scope of activities and terms of office;
- 5) regulate internal organisation, in compliance with this Law and statute of the institution;
- 6) elect academic staff;
- 7) conclude contracts with other institutions in Montenegro, as well as institutions at an international level;
- 8) award honorary titles, in compliance with its general act;
- 9) exercise property rights and use assets, in compliance with law; and
- 10) enjoy other rights in compliance with this Law and statute of institution.

## **Inviolability of Premises**

### **Article 19**

Premises of an institution shall be inviolable, unless in case of prevention of an imminent or ongoing criminal offence, in case of natural disaster, other accident or in other cases provided by law, with the obtained consent of managing body of the institution.

## **Academic Freedoms and Protection**

### **Article 20**

An institution shall guarantee to academic staff freedom of thought, ideas, testing of acquired knowledge, i.e. ensure freedom of organisation and association as well as protection of academic staff against discrimination on any grounds, in compliance with a special law.

## **Freedom of Research**

### **Article 21**

Academic staff of an institution shall be free to publish the results of their research, in compliance with a special law and acts of the institution.

## **Founding an Institution**

### **Article 22**

A public institution is founded by the state.

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

### **Requirements for Founding and Carrying out Activities**

#### **Article 23**

An institution can be founded and can perform its activity, if it has the following:

- 1) a certificate on accreditation of a study programme;
- 2) adequate premises (classrooms, laboratories, library, premises for extracurricular activities of students) owned or on lease, along with teaching materials, equipment and other materials necessary for the performance of activities;
- 3) conditions and unrestricted access for persons with disabilities;
- 4) academic staff elected into academic titles in accordance with the regulations of Montenegro, for teaching all study courses at all years of studies, of whom at least one third have concluded employment agreements;
- 5) one half of associates out of the total number of associates required for teaching all study courses on each year of studies, with concluded employment agreements;
- 6) financial assets for founding and performing activities; and
- 7) hygienic and technical conditions, in compliance with special regulations.

More detailed requirements referred to in paragraph 1 items 2 and 3 of this Article shall be prescribed by the Ministry.

Notwithstanding paragraph 1 item 4 of this Article, an institution shall be deemed to have the required academic staff from the area of medical sciences, for clinical courses, who are employed at a health institution serving as a teaching base of the institution.

### **Contents of Founding Act**

#### **Article 24**

The founding act shall include the following:

- 1) name and address, or name and place of residence of the founder;
- 2) name and address of the institution;
- 3) main activity of the institution;
- 4) assets for founding and performance of activity, as well as the method of their acquisition;
- 5) interim managing and governing bodies;
- 6) time frame for adopting the statute; and
- 7) other matters significant for the performance of activities of the institution.

### **Passing the Act**

#### **Article 25**

The founding act and act of closing down a public institution shall be passed by the Government.

The founding act and act of closing down a private institution shall be passed by the founder.

## **Financial Guarantee**

### **Article 26**

In addition to evidence on meeting the requirements referred to in Article 23 herein, the founder of a public institution shall submit evidence from a public authority in charge of financial affairs that the amount of assets required for the implementation of a study programme has been provided.

In addition to evidence on meeting the requirements referred to in Article 23 herein, the founder of a private institution shall submit a commercial bank's guarantee on time-deposited financial assets in the amount required for the implementation of the study programme for a period of one year.

Assets required for the implementation of a study programme referred to in paragraphs 1 and 2 of this Article shall be calculated on the basis of cost price of education per student for a certain study programme, as well as the number of students for which the license is requested.

Prior to the expiry of the financial guarantee referred to in paragraph 2 of this Article, an institution shall, until the beginning of the next academic year, provide the Ministry with the evidence on provision of funds for the performance activity of the institution during the next academic year.

The guarantee of a commercial bank referred to in paragraph 2 of this Article shall be activated in case the founder decides to discontinue or close down an institution, or a study programme before students complete their education according to the relevant study programme, following the request of a public administration body competent for financial affairs.

Assets referred to in paragraphs 1, 2 and 4 of this Article can be used only for students' completion of education.

## **Performing Activities outside the Seat**

### **Article 27**

An institution can perform its activity outside its seat.

A decision on performing activities outside the seat of a public institution shall be passed by the Government following the proposal of the governing body of the institution.

A decision on performing activities outside the seat of a private institution shall be passed by the founder.

## **Accreditation of Study Programme**

### **Article 28**

An institution shall submit a request for accreditation of study programme to the Council, at least six months before submitting a request for licensing.

In the procedure of study programme accreditation, the assessment of quality of study programme and its harmonization with professional needs and adopted standards, as well as comparability with same or similar programmes abroad is performed.



Accreditation of a study programme shall be issued for a period not longer than three years.

Notwithstanding paragraph 3 of this Article, accreditation of study programmes that last longer than three years, shall be issued for a period equal to duration of the relevant study programme.

The procedure of study programme accreditation, content and form of accreditation certificate shall be prescribed by the Ministry, following the proposal of the Council.

## **Licensing**

### **Article 29**

An institution shall submit a request for licensing to the Ministry, at least six months prior to beginning to perform its activity.

In addition to the request for licensing of an institution, the founder shall submit a founding act and evidence on fulfilment of requirements referred to in Article 23 hereof.

An institution shall submit the request for licensing when: performing status changes; changing the seat or premises; performing its activity outside the seat or introducing new study programmes.

## **Beginning of Activity Performance**

### **Article 30**

An institution can perform its activity and admit students after the Ministry finds that the institution meets the requirements prescribed by this Law and renders a decision on licensing.

The license shall determine the type of an institution, accredited study programmes, maximum number of students that can be admitted to certain study programmes, levels of education and diplomas that can be obtained at the institution.

The decision on licensing, referred to in paragraph 1 of this Article, shall be passed by the Ministry and published in the Official Gazette of Montenegro.

The decision referred to in paragraph 3 of this Article shall be final in the administrative procedure.

## **Register**

### **Article 31**

After obtaining the decision on licensing an institution shall be recorded in the Register of Higher Education Institutions kept by the Ministry.

Licensing procedure and the method of keeping the Register referred to in paragraph 1 of this Article shall be defined by a regulation of the Ministry.

## **Prohibition of Work**

### **Article 32**

If a competent inspectorate identifies that an institution does not meet the requirements for the performance of its activity or does not perform the activity in

compliance with the Law, or fails to provide the financial guarantee referred to in Article 26 paragraph 4 of this Law, they shall temporarily suspend the work of the institution and shall determine a time frame within which the institution and the founder must remove the identified deficiencies.

If the deficiencies are not removed within the time frame referred to in paragraph 1 of this Article, the Ministry shall prohibit the work of that institution and notify the founder on the matter.

In case of prohibition of activity performance referred to in paragraph 2 of this Article, the institution and the founder shall enable students to continue the initiated education at another corresponding institution.

### **Status Changes**

#### **Article 33**

An institution can perform status changes.

A decision on a status change of an institution shall be passed by the founder.

Status changes of an institution shall not be done during the course of an academic year.

Provisions laying down the matters of founding and performance of activities of an institution hereof shall duly apply to status changes of an institution.

### **Discontinuing a Study Programme**

#### **Article 34**

A decision on discontinuing a study programme at an institution shall be passed by the governing body of the institution, with the consent of the founder.

In case a study programme is discontinued, the institution shall enable the students who have not completed the programme to finish the studies within the time frame defined by an act on discontinuing the study programme.

The decision referred to in paragraph 1 of this Article shall be delivered to the Ministry for the purpose of entering changes into the Register of Higher Education Institutions.

### **Closing Down Higher Education Institution**

#### **Article 35**

An institution shall be closed, if:

- 1) there is no need for its existence;
- 2) it fails to meet the prescribed requirements for the performance of its activity; and
- 3) it fails to perform the activity for which it was founded.

In case of closing down an institution, an academic year in which the institution will stop admitting students to the first year of studies shall be determined.

In case of closing down an institution, the founder shall enable the students who have not completed the programme to finish the studies within the time frame determined by an act of closing down the institution.

The founder shall deliver the decision on closing down an institution to the Ministry for the purpose of entering changes into the Register of Higher Education Institutions.

## **Statute of Institution**

### **Article 36**

The statute of an institution determines in more detail the following:

- 1) organisation of an institution;
- 2) bodies of an institution and manner of operation;
- 3) acquisition of diplomas of academic and applied studies;
- 4) performance of research, scientific and artistic work;
- 5) manner of exercising rights and obligations of employees and students;
- 6) method of adopting the code of ethics of academic staff;
- 7) financial control;
- 8) records; and
- 9) other matters significant for the performance of activity of an institution.

The governing body of an institution shall adopt the statute of the institution.

The Government shall give consent to the statute of a public institution.

## **Protection of Name**

### **Article 37**

The name for institutions referred to in Article 15 hereof shall be used only by an institution that is licensed and recorded in the Register of Higher Education Institutions.

## **University**

### **Article 38**

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

A university provides for the development of higher education, science, profession and art, creative skills and preparation of students for the performance of professional activities, as well as the promotion of human rights and freedoms, civil and national rights and achievements of the highest standards of teaching and learning.

Scientific-research, or artistic activities shall be performed and organised in accordance with special law and general act of a university.

## **Organisation of University**

### **Article 39**

An institution may have the status of university if it carries out at least five different study programmes at an undergraduate level, at least one of which is conducted as both undergraduate and postgraduate.

Study programmes referred to in paragraph 1 of this Article must be from at least three of the following seven areas: natural sciences, technical and technological, medical, social, humanistic, agricultural and interdisciplinary.

A university carries out its activity through: faculties, art academies, institutes and colleges, acting as organisational units.

A university has the status of a legal entity.

An organisational unit of a public university does not have the status of a legal entity.

A public university may transfer certain authorisations for the sake of entering legal communication to organisational unit referred to in paragraph 3 of this Article, in accordance with statute of the university.

An organisational unit of a private university may have the status of a legal entity.

Classification of areas referred to in paragraph 2 of this Article shall be prescribed by the Ministry and a state authority competent for the affairs of science.

### **Other Methods of Organisation of Studies**

#### **Article 40**

A public institution may, with the consent of the Government, organise studies in cooperation with a domestic or a foreign higher education institution.

A private institution may organise studies in cooperation with a domestic or a foreign higher education institution.

In organisation of the studies referred to in paragraphs 1 and 2 of this Article, an institution is entitled to carry out a programme of double or joint degrees.

## **IV QUALITY ASSURANCE**

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

#### **Article 41**

An institution shall conduct the procedure of quality self-evaluation concerning study programmes, teaching and working conditions at the end of each academic year, in compliance with statute of the institution.

In the procedure of self-evaluation student surveys shall be carried out at all levels, at least twice a year with regard to study programmes, teaching, conditions and work of academic staff.

The results of student surveys shall be published on the website of institution.

Self-evaluation reports of an institution shall be passed by the governing body of the institution.

An institution shall submit a self-evaluation report to the Ministry and Council.

Method and criteria of self-evaluation concerning study programmes, teaching equipment, qualifications of academic staff, teaching methods, enrolment of students, exam pass rate, percentage of graduate students and the content of survey are more closely laid down by act of the Council.

### **Reaccreditation of Institution**

#### **Article 42**

Within the procedure of reaccreditation, evaluation of an institution shall be conducted by a foreign accreditation agency for quality assurance.

A decision on the engagement of agency referred to in paragraph 1 of this Article shall be passed by the Ministry following the prior opinion of the Council, after conducting a public call.

Foreign accreditation agency shall conduct evaluation of an institution on the basis of its own standards for institution evaluation or standards for institution evaluation adopted by the Council, in compliance with standards for evaluation of institutions in European Higher Education Area.

In the procedure of reaccreditation, an institution shall prepare a self-evaluation report referring to a period not longer than five years.

Based on the self-evaluation report and the conducted evaluation procedure the agency referred to in paragraph 1 of this Article shall prepare a reaccreditation report.

The reaccreditation report referred to in paragraph 1 of this Article shall be submitted to the institution, Ministry and Council.

Based on the positive reaccreditation report of a foreign accreditation agency, the Council shall issue a certificate on reaccreditation of the institution.

The form of the certificate referred to paragraph 7 of this Article shall be determined by the Ministry.

Costs of evaluation shall be financed by the institution.

If an institution does not obtain a certificate of reaccreditation, the licence shall be valid for a period not longer than one year, without the possibility to admit students in that year.

If, after the expiry of the time frame referred to in paragraph 10 of this Article no reaccreditation is obtained, the license shall be revoked.

The act on revoking the license shall be final.

## **Exemption**

### **Article 43**

During the period of accreditation or reaccreditation validity, a licensed institution can make alterations in study programme at undergraduate level of up to 30 ECTS credits without undergoing accreditation and licensing procedure.

## **Labour Market Research**

### **Article 44**

An institution shall conduct a labour market research at least once in five years by conducting survey among graduate students, associations of employers, commercial entities and entrepreneurs concerning the applicability of the obtained knowledge, skills and competences required in the labour market.

The results of surveys referred to paragraph 1 of this Article shall be considered on the occasion of preparing self-evaluation and reaccreditation reports, and shall be published on the website of the institution.

## **V GOVERNANCE AND MANAGEMENT**

## **Governing Body of University**

### Article 45

The governing body of a university is Governing Board.  
Governing Board determines the business policy of a university.

## **Governing Body of Public University**

### Article 46

Governing Board of a public university has 15 members and is composed of the representatives of: academic staff, other employees, students and representatives of the founder.

Representatives of the founder within the Governing Board of a public university shall make 1/3 of the total number of the Governing Board members.

Representatives of students within the Governing Board of a public university shall be elected by Student Parliament in compliance with its rules.

The Governing Board is elected for a period of four years, except in case of a student representative who is elected for a period of two years.

Competence, method of election and dismissal, as well as the principles of operation and decision making of the Governing Board shall be determined in more detail by statute of a public university.

## **Governing Body of Private University**

### Article 47

Governing Board of a private university shall be elected by the founder.

The composition of the Governing Board referred to in paragraph 1 of this Article must include student representatives.

Competence, number of members, composition, method of election and dismissal, manner of operation and decision making of the Governing Board, as well as the period of electing the Governing Board of a private university shall be determined by the founder, in compliance with the statute.

## **Governing Body of Non-University Institution**

### Article 48

The governing body of a non-university institution shall be determined by statute of the institution.

The governing body referred to in paragraph 1 of this Article must include representatives of academic staff, other employees and students.

Competence, number, composition, duration of term of office, method of election and dismissal, as well as the manner of operation and decision making of the governing body of institution referred to in paragraph 1 of this Article shall be regulated by statute of the institution.

## **Managing Body of University**

#### Article 49

The managing body of a university is Rector.

Rector is responsible for the work of university, as well as for the management within the business policy determined by the Governing Board of the university.

A university may have vice-rectors.

#### **Election of Public University Rector**

##### Article 50

Rector of a public university shall be elected for a period of three years on the basis of public competition and a submitted programme for the development of university.

Rector of a public university shall be elected by the Governing Board, from among full professors of the public university.

Same person can be elected rector of public university twice in a row.

The method and procedure of electing a rector, or a vice-rector, their authorisations, term of office of a vice-rector and other matters shall be regulated by statute of public university.

#### **Election of Private University Rector**

##### Article 51

Rector of a private university shall be elected by the founder from among full professors in compliance with its statute.

The method of electing a private university rector, or a vice-rector, authorisations, duration of term of office and other issues shall be regulated by statute of the private university.

#### **Managing Body of Organisational Unit of Public University**

##### Article 52

The managing body of organisational unit of a public university is dean, or director elected by the Governing Board of a university in compliance with its statute.

The method of election of dean, or director, authorizations, duration of term of office and other issues shall be regulated by statute of the public university.

#### **Managing Body of a Non-University Institution**

##### Article 53

The managing body of a non-university institution shall be determined by statute of that institution.

The method of election of managing body, authorizations, duration of term of office and other issues shall be regulated by statute of the institution.

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

##### Article 54

The professional body of a university is senate.

The senate comprises: rector, vice-rectors, representatives of academic staff, and representatives of students in compliance with statute of the university.

Out of the number of senate members, at least 50% of members must be from among the full professors of the university.

Competence, number, composition, duration of term of office, method of election and dismissal, as well as the manner of operation and decision-making of senate shall be regulated by statute of the university.

### **Professional Body of Non-University Institution**

#### **Article 55**

The professional body of a non-university institution is Council of institution.

The Council of institution shall be composed of academic staff and representatives of students, in compliance with statute of the institution.

A more detailed composition, competence, duration of term of office, manner of work and decision making of the Council shall be regulated by statute of the institution.

### **Professional Body of Public University Organisational Unit**

#### **Article 56**

The professional body of an organisational unit of a public university is Council.

The Council referred to in paragraph 1 of this Article is composed of: dean, vice-deans, persons with academic titles, representatives of associates and students, in compliance with statute of public university.

Competence, duration of term of office, manner of work and decision making of the Council shall be regulated by statute of public university.

## **VI FINANCING**

### **Sources of Financing**

#### **Article 57**

An institution may be financed from the following sources:

- 1) founder's assets;
- 2) tuition fees and other fees paid by the students;
- 3) intellectual and other services;
- 4) donations, presents and legacies;
- 5) income from property (lease);
- 6) projects and contracts with international, national and private entities aimed at promotion of teaching, research and consulting activities; and
- 7) other sources in compliance with law.

### **Responsibility of Managing Bodies**

#### **Article 58**



Managing body of a public institution shall be responsible for lawful and purposeful use of resources allocated in accordance with this Law.

### **Audit**

#### Article 59

Independent external and internal financial control shall be provided with regard to operations of an institution.

Statute of an institution shall regulate the method of performing internal financial control.

### **Independent Audit**

#### Article 60

In performing external control, the Government may appoint an independent authorised auditor to perform the examination of financial standing of an institution acquiring assets from the budget of Montenegro.

The governing body of an institution shall ensure cooperation on the occasion of performing the financial control referred to in paragraph 1 of this Article.

### **Return of Funds**

#### Article 61

The Government will request the return of allocated funds from an institution financed from the budget of Montenegro, if an independent and authorized auditor identifies that the resources have been unlawfully and inappropriately used.

### **Public Institution's Authorisations**

#### Article 62

A public institution can invest funds in educational or research purposes, with the consent of the Government, provided that:

- 1) the contract does not burden funds from the budget of Montenegro; and
- 2) funds from the budget of Montenegro are not exposed to risk.

### **Temporary Financing**

#### Article 63

If a public institution does not obtain a certificate of reaccreditation, in compliance with this Law, the founder may provide funds for financing the institution, for a period not longer than one year, without the possibility of admitting students in that year.

### **Norms and Standards for Financing**

#### Article 64

The founder shall provide a public institution with all assets for:

- 1) material expenses, ongoing and investment maintenance;

- 2) salaries of employees in compliance with law, collective agreement and an act on organisation and systematisation of work places;
- 3) equipment and the library fund;
- 4) performance of scientific-research, or art work, that is in function of raising quality of teaching;
- 5) scientific and professional development of employees;
- 6) data bases and information system;
- 7) work of Student Parliament and extracurricular activities of students;
- 8) establishment of equal study conditions for all students (unrestricted access, stay and work); and
- 9) other purposes in compliance with law.

Following the prior opinion of the Council, the Government shall determine the amount of funds for financing public institutions and their students for each academic year.

The amount of funds referred to in paragraph 1 of this Article shall be determined on the basis of norms and standards for financing public institutions passed by the Government.

### **Determining Number of Students**

#### **Article 65**

The Government shall determine the number of students to be financed from the budget of Montenegro, with regard to a particular study programme, in line with the number prescribed by license of a public institution.

The decision referred to in paragraph 1 of this Article shall be passed by the Government, upon the proposal of the governing body of a public institution, within the procedure of giving consent to competition for admission to study programmes.

### **Public Institution's Profit Making on the Market**

#### **Article 66**

Activities of a public institution, as a rule, are non-profitable.

A public institution may, in compliance with this Law, promote and use basic educational and research activities on the market for the purpose of generating profit for the implementation of higher education goals, which is used for the improvement of teaching and scientific-research activities, in line with its financial plan.

A public institution shall primarily obtain consent from the Government, when that activity includes, or might include, the use of right to any important intellectual property, in any literary, artistic or scientific works, scientific discoveries, projects, inventions, goods or services which are entirely or partly, directly or indirectly provided from the budget of Montenegro.

### **Special Financing Conditions**

#### **Article 67**

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

- 1) acquisition, use and disposal of land, buildings and equipment;
- 2) level and use of tuition fees and other fees prescribed for students;
- 3) transfer of resources allotted for study programmes.

### **Financing Students at Private Institutions**

#### **Article 68**

For the purpose of financing students of private institutions attending study programmes of public interest that are not implemented at any public institution, it is possible to allocate funds from the budget of Montenegro.

Criteria for determining the study programmes of public interest at private institutions that are not implemented at any public institution shall be prescribed by the Government, following the opinion provided by the Council.

Based on the criteria referred to in paragraph 2 of this Article, the Government shall pass a decision on study programmes of public interest carried out at private institutions that are not implemented at any public institution for each academic year.

Following the opinion provided by the Council, the Government shall, on the basis of the decision referred to in paragraph 3 of this Article, determine the number of students and the amount of funds for financing students attending study programmes of public interest at private institutions which are not implemented at any public institution, for each academic year.

The amount of funds referred to in paragraph 4 of this Article shall be determined on the basis of norms and standards for financing study programmes of public interest at private institutions which are not implemented at any public institution, adopted by the Government.

### **Conditions of Using Funds**

#### **Article 69**

The Government shall prescribe certain conditions for the use of funds allocated to a private institution, as well as request from the private institution to submit the budget proposal for the performance of its activity for the following fiscal year.

A private institution shall be responsible for lawful and purposeful use of funds allocated by the Government, and it shall provide the Government with access to its financial books and records.

### **Determining Tuition Fee**

#### **Article 70**

The amount of tuition fee paid by students at institutions shall be determined by the governing body of an institution.

Notwithstanding paragraph 1 of this Article, the amount of tuition fee paid by students at public institutions shall be defined by the governing body, with the consent of the Ministry.

The amount of tuition fee referred to in paragraphs 1 and 2 of this Article can be determined in different amounts depending on costs of implementing a study programme.

Students with disabilities shall be exempt from paying tuition fee.

## VII ACADEMIC STAFF

### **Academic Staff**

#### Article 71

Academic staff, in terms of this Law, refers to persons with academic titles as well as associates that directly carry out a study programme at an institution.

### **Academic Titles**

#### Article 72

In terms of this Law, academic titles refer to:

- 1) full professor;
- 2) associate professor;
- 3) assistant professor;
- 4) college professor and college lecturer.

Persons shall be elected into academic titles, referred to in paragraph 1 of this Article, by senate of university on the basis of public competition, for a period of five years, except in case of full professors who are elected for an unlimited time period.

Election into a higher title shall be performed upon the expiry of election into a lower title.

Procedure of election into academic titles referred to in paragraph 1 of this Article must be completed within six months from the date of announcing the competition.

### **Conditions for Election into Academic Title**

#### Article 73

A person holding a doctoral degree and having proven pedagogical skills may be elected into academic titles referred to in article 72 paragraph 1 of this Law.

A person having a higher education degree, recognized works of art and proven pedagogical skills may be elected into academic titles for art and the corresponding courses at a faculty and academy for visual, applied, music, dramatic arts and architecture.

In addition to conditions referred to in paragraphs 1 and 2 of this Article, academic staff referred to in Article 72 of this Law must meet conditions for election into title for a certain discipline of science/art which have to be internationally comparable.

Conditions for election into an academic title shall be prescribed by the Council.

### **Procedure of Election**

#### Article 74

Procedure of election into academic titles, as well as other related matters, shall be regulated by statute of a university.

Participation of international experts may be allowed on the occasion of electing academic staff, in compliance with statute of a university.

## **Associates**

### **Article 75**

A teaching associate may be:

- a student of master studies who has completed undergraduate or specialist studies with a minimum average grade B (8.50);
- a student of doctoral studies, i.e. PhD candidate who has completed master studies with a minimum average grade B (8.50);
- a person who has acquired a scientific degree of Doctor of Sciences.

Person referred to in paragraph 1 of this Article shall be elected on the basis of public competition announced by an institution, in compliance with statute of the institution.

Agreement with associates referred to in paragraph 1 indent 1 of this Article shall be concluded for a period of one year, however not longer than four years.

Agreement with associates referred to in paragraph 1 indent 2 of this Article shall be concluded for a period of three years, however not longer than seven years.

Agreement with an associate who acquired a scientific degree Doctor of Sciences shall be concluded for a period of up to five years.

Teaching associate cannot independently carry out theoretical teaching, testing and grading of students.

More detailed conditions, method and procedure of electing associates shall be determined by statute of an institution.

## **Visiting Professor**

### **Article 76**

An institution may engage a person with academic title from other institution outside the territory of Montenegro as a visiting professor, without public competition, based on a decision of a competent body of the institution.

Rights and obligations between the visiting professor and institution shall be regulated by an agreement, in compliance with statute of the institution.

## **Professor Emeritus**

### **Article 77**

A university may award the title of professor emeritus to a retired full professor who became particularly prominent through their scientific or artistic work.

More detailed conditions and procedure for awarding the title of professor emeritus shall be determined by a general act of university.

## **Protection against Plagiarism**

### **Article 78**

An authorised work (professional, scientific or artistic) identified as plagiarism by a competent body shall be nullified, along with grades, awards, titles obtained by a person using plagiarism on the basis of such work.

An institution shall nullify all grades, awards, titles obtained by the person referred to in paragraph 1 of this Article at that institution, on the basis of such work.

The procedure of indentifying plagiarism shall be determined by statute of an institution, in compliance with a special law.

## VIII ORGANISATION OF STUDIES

### **Study Programmes**

#### Article 79

Studies at institutions shall be carried out on the basis of an accredited study programme.

Upon completion of a study programme a certain degree of education and qualifications shall be obtained, in compliance with law.

#### Article 80

Within the programme implemented, a higher education institution shall provide students with conditions for acquiring knowledge of at least one foreign language on a level of proficient user.

### **Types of Study Programmes**

#### Article 81

Institutions can carry out the following study programmes: undergraduate, postgraduate, doctoral and interdisciplinary.

Postgraduate study programmes include specialist and master studies.

Undergraduate and postgraduate study programmes can be accredited as academic and applied.

Doctoral study programmes can be accredited as academic.

Interdisciplinary study programmes are organised from at least two scientific areas.

A study programme must include practical lessons, as well as learning outcomes for a scientific area which the relevant study programme belongs to, or competences for performance of activities.

Programmes of undergraduate studies contain at least two elective modules.

### **European Credit Transfer System**

#### Article 82

Study programmes for the acquisition of education levels and higher education degrees must comply with the European Credit Transfer System (ECTS).

The volume of a study programme in one academic year shall be 60 (ECTS) credits.

Transfer of ECTS credits may be realised between different study programmes or institutions.

The criteria and conditions for transfer of ECTS credits shall be prescribed by a general act of an institution, or a contract between institutions.

## **Types of Diplomas**

### **Article 83**

Diplomas acquired at an institution include the following:

- 1) diploma of applied undergraduate studies obtained upon the completion of applied study programme, with the volume of at least 180 ECTS;
- 2) diploma of academic undergraduate studies obtained upon the completion of academic study programme, with the volume of at least 180 ECTS;
- 3) diploma of applied specialist studies, obtained upon the completion of applied specialist programme with the volume of at least 60 ECTS, and after obtaining a diploma of applied undergraduate studies;
- 4) diploma of academic specialist studies, obtained upon the completion of academic specialist programme with the volume of at least 60 ECTS, and after obtaining a diploma of academic undergraduate studies;
- 5) diploma of applied master studies, obtained upon the completion of applied master programme, with the volume up to 120 ECTS, and after obtaining a diploma of applied undergraduate, i.e. applied specialist studies and defending a master thesis; and
- 6) diploma of academic master studies, upon the completion of academic master programme, with the volume up to 120 ECTS, and after obtaining a diploma of academic undergraduate, i.e. academic specialist studies and defending a master thesis.

Diploma of academic doctoral studies can be obtained by a person having the title of master of sciences and a completed study programme of doctoral studies with the volume of 180 ECTS as well as defended doctoral dissertation.

Notwithstanding paragraph 2 of this Article, a diploma of academic doctoral studies can be obtained by a person who has completed undergraduate academic studies with the volume of 300 ECTS, study programme of doctoral studies with the volume of 180 ECTS as well as defended doctoral dissertation.

Diploma referred to in paragraphs 2 and 3 of this Article is obtained at university.

## **IX RULES OF STUDYING**

### **Academic Year and Organisation of Teaching**

#### **Article 84**

An institution shall carry out lectures within an academic year which, as a rule, begins on 1 September, in compliance with the academic calendar.

Lectures can be carried out in two semesters during an academic year, each of which shall last for 15 weeks.

Lectures concerning individual courses shall be carried out within one semester, in compliance with a study programme.

### **Distance Learning**

## Article 85

Lectures may also be organised as distance learning, whereas exams are held at premises of an institution.

Conditions and manner of organising lectures and taking exams, referred to in paragraph 1 of this Article shall be prescribed by the Ministry, following the prior opinion of the Council.

## **Organisation of Studies**

### Article 86

An institution shall organise lectures and other forms of teaching for all students, except in case of distance learning, in compliance with educational programme for achieving learning outcomes.

Practical knowledge, skills and competences can be acquired in laboratories of an institution or through on-the-job training for the purpose of undisturbed inclusion at labour market.

An institution shall determine the manner and time of organising all forms of teaching referred to in paragraph 1 of this Article by its general act.

At the beginning of an academic year an institution shall duly inform students on the manner, time and place of holding lectures, knowledge assessment and exams, results of exams and other matters relevant for organisation of studies.

## **Rules of Studies**

### Article 87

On the occasion of enrolment to an institution a student shall opt for a certain study programme.

A study programme determines courses for an individual year of studying.

By taking exams from the courses, referred to in paragraph 2 of this Article, a student shall obtain a certain number of ECTS credits in compliance with a study programme.

A student who does not pass an elective course, may take the same course again or choose a different elective course.

Rules of studying shall be determined in more detail by a general act of an institution.

## **Changing the Manner of Student Financing**

### Article 88

A student financed from the budget of Montenegro who has obtained at least 40 ECTS credits in an academic year enrolled for the first time is entitled to be financed from the budget in the next academic year as well.

A student financed from the budget of Montenegro who has obtained less than 40 ECTS credits in an academic year enrolled for the first time can continue studies with the status of self-financing student.

A self-financing student who passes all exams, i.e. obtains 60 ECTS credits, in compliance with a study programme for a certain year of studying, can be financed from the



budget of Montenegro in the following year, provided that they are ranked within the total number of students whose studies are financed from the budget in a manner and according to the procedure determined by a general act of the institution.

## **Grading System**

### Article 89

A student shall take an exam upon completion of lectures from that study course in a manner determined by a study programme, in compliance with statute of the institution.

The success of students to master a course and overcome all forms of knowledge assessment before the exam shall be valued and expressed in points.

Total number of points a student can earn through all pre-exam forms of knowledge assessment, or study results amounts to at least 50 points, in compliance with the rules of studying.

On the basis of all pre-exam forms of knowledge assessment, or learning outcomes and by taking exams, a student can earn a maximum of 100 points, in compliance with the rules of studying.

Students' performance on exam and other forms of knowledge assessment shall be expressed in letter grades, specifically: A, B, C, D, E and F.

Grade F is an insufficient grade.

Letter grades referred to in paragraph 5 of this Article are equivalent to numerical grades, specifically:

- 1) A (excellent) is equivalent to grade 10
- 2) B (very good) is equivalent to grade 9
- 3) C (good) is equivalent to grade 8
- 4) D (satisfactory) is equivalent to grade 7
- 5) E (sufficient) is equivalent to grade 6.

Average grade during the studies is determined as quotient of the sum of numerical grades multiplied by ECTS points for each course, and the total number of obtained ECTS points.

## **Exams**

### Article 90

An exam is public.

A student shall take an exam in premises of an institution.

Notwithstanding paragraph 2 of this Article, an exam can be taken outside the premises of an institution only if it concerns an exam of a study course whose character demands it.

A student shall take an exam immediately after completion of lectures from the relevant course.

A student with a disability is entitled to take an exam in a manner adjusted to their educational needs in compliance with statute of an institution.

A student may take only one mid-term or final exam in one day, and not more than two mid-terms or final exams in a week.

## **Examination Term**

### **Article 91**

Examination terms shall take place in January and June.

Examination terms referred to in paragraph 1 of this Article shall have two set examination dates.

A student who does not pass an exam at the first examination date is entitled to take it at the second examination date of the same examination term.

A student is entitled to take exams for courses that he/she has not passed in terms referred to in paragraph 1 of this Article, in an additional term before the beginning of the next academic year.

Dates for organisation of exams referred to in paragraphs 1, 2 and 3 shall be determined by academic calendar for an academic year passed by an institution in compliance with its statute.

## **Objection**

### **Article 92**

A student is entitled to file to the managing body an objection with regard to a grade, if they consider that the exam had not been conducted in compliance with law and general act of institution, within 48 hours from obtaining the grade.

The managing body shall form a Commission to determine, in accordance with the request from the objection, whether the grade was shaped contrary to regulation, to review and grade the written or other work again, or test the student, within three days.

The grade given by the Commission referred to in paragraph 2 of this Article shall be final.

If a student requests an exemption of a course teacher, that teacher cannot be a member of Commission referred to in paragraph 2 of this Article.

## **X STUDENTS**

## **Enrolment to Undergraduate Studies**

### **Article 93**

A person who has obtained a proper level education required for attaining IV-1 sub-level of National Qualifications Framework is entitled to enrolment to undergraduate academic and applied studies.

Enrolment to studies referred to in paragraph 1 of this Article shall be conducted on the basis of:

- 1) general performance concerning the completion of individual grades for attaining IV-1 sub-level of National Qualifications Framework;
- 2) results achieved at external graduation, or professional exam;
- 3) performance from two subjects of third and fourth grade relevant for continuance of education; and
- 4) “Luča” diploma awarded for excellent study performance.

For enrolment to certain study programmes, an admission exam may be introduced.

For persons with disabilities the principle of affirmative action shall be conducted on the occasion of enrolment to a study programme.

High-school graduation, or professional exam referred to in paragraph 2 item 2 of this Article shall be valued with at least 15% of total number of points acquired on enrolment by valuating all criteria referred to in paragraphs 2 and 3 of this Article.

Notwithstanding paragraph 1 of this Article, on professional-artistic study programmes of undergraduate studies of faculties and art academies, a candidate without completed secondary school can be enrolled provided that they pass admission exam in compliance with this Law.

More detailed conditions and criteria, method and procedure of enrolment to first year of undergraduate academic and applied studies shall be prescribed by the Ministry, following the prior opinion of the Council.

### **Enrolment to Specialist Studies**

#### **Article 94**

Enrolment to specialist academic and applied studies shall be done on a competitive basis, according to results achieved at undergraduate academic or applied studies, in the volume of at least 180 ECTS, in compliance with this Law and statute of an institution.

Notwithstanding paragraph 1 of this Article for persons with disabilities, the principle of affirmative action shall be applied.

### **Enrolment to Master Studies**

#### **Article 95**

Enrolment to master academic and applied studies shall be done on a competitive basis in compliance with results achieved on undergraduate academic and applied studies, with the volume of 240 ECTS or on specialist studies, in compliance with this Law and statute of an institution.

### **Enrolment to Doctoral Studies**

#### **Article 96**

Enrolment to doctoral studies shall be done on a competitive basis, according to the results achieved on master academic studies, in compliance with this Law and statute of an institution.

### **Lifelong Learning**

#### **Article 97**

Institutions may carry out special programmes of specialisation in the area of higher education for the purpose of lifelong learning with the aim of acquiring professional qualification or a part of professional qualification, in compliance with law and special regulations of an institution.

Special programme of specialisation referred to in paragraph 1 of this Article shall not be considered a study programme.

Programmes referred to in paragraph 1 of this Article shall be accredited by the Council, except for the programmes adopted by competent authorities in compliance with law, and can be carried out at licensed institutions, in compliance with a special law.

Institution referred to in paragraph 1 of this Article, shall issue a credential to a person completing the specialisation programme.

Assessment of knowledge, skills and competences of persons completing the special programs shall be done in compliance with Law.

### **Competition for Enrolment**

#### Article 98

Competition for enrolment to studies shall be announced by an institution, in compliance with its license and statute.

Competition for enrolment to studies at a public institution shall be announced by the governing body, in compliance with its licence, with previous consent of the founder.

### **Number of Students for Enrolment**

#### Article 99

An institution shall determine the number of students for enrolment to study programmes it organises, which cannot exceed the number determined by the license.

In case the number of qualified candidates for enrolment is larger than the number of publicly financed places at any study programme, candidates may be enrolled to tuition fee-paying places, on the basis of criteria referred to in paragraph 93 of this Law, up to the number determined in the competition.

Notwithstanding paragraph 2 of this Article, if a candidate is a person with a disability, the principle of affirmative action shall be applied.

### **Enrolment of Foreign Citizens**

#### Article 100

A foreigner is entitled to be enrolled into study programmes in Montenegro, under the same conditions as Montenegrin citizens, in compliance with this Law and statute of an institution.

### **Student Status**

#### Article 101

The status of a student shall be obtained by enrolment to an adequate study programme at an institution.

### **Agreement on Studying**

#### Article 102

A student and an institution shall conclude an agreement on studying, closely defining their reciprocal rights and obligations.

In addition to the agreement on studying, students shall also sign statements with regard to meeting the principles of academic ethics.

Contents of the agreement for public institutions referred to in paragraph 1 of this Article shall be determined by the Ministry and published on its website.

Agreement referred to in paragraph 1 of this Article shall include the obligation of an institution to provide continuance and completion of education in case of discontinuing the work of an institution or a study programme.

## **Rights of Students**

### **Article 103**

A student is entitled to:

- 1) a high-quality education and objective grading;
- 2) remark on quality of lectures and academic staff;
- 3) appeal in case of violation of their right determined by a general act of an institution;
- 4) dormancy of rights and obligations during pregnancy, parental leave, longer illness and in other justified cases in compliance with statute of an institution;
- 5) attend lectures, seminars and other forms of teaching;
- 6) use libraries, computer rooms and other services an institution provides for students;
- 7) elect others and be elected into bodies of an institution, in accordance with this Law and statute of the institution;
- 8) representation of at least 20% in relation to a total number of members in professional bodies and managing bodies;
- 9) exercise rights from the area of student standard;
- 10) equality and protection against discrimination; and
- 11) exercise other rights in compliance with this Law and statute of an institution.

The manner in which rights referred to in paragraph 1 of this Article are exercised shall be regulated in more detail by statute of an institution.

## **Obligations of Students**

### **Article 104**

A student shall:

- 1) respect the study regime and duly complete student obligations;
- 2) respect general acts passed by an institution;
- 3) participate in academic activities of an institution;
- 4) respect rights of the employed and other students.

## **Protection of Student Rights**

### **Article 105**

A student is entitled to challenge before a competent court any decision of an institution, which violates their right laid down by law, statute or other act.

### **Cessation of Student Status**

#### **Article 106**

Student status shall cease by:

- 1) acquiring a diploma of an appropriate level of education;
- 2) withdrawal;
- 3) expulsion from an institution.

Circumstances under which students may be withdrawn or expelled, as well as the appeal procedures shall be regulated by statute of an institution.

### **Expulsion of Student**

#### **Article 107**

A student may be expelled from an institution, for not longer than two academic years, by senate, or other professional body, in compliance with statute of the institution.

An appeal against the decision referred to in paragraph 1 of this Article, shall be filed to the governing body of institution.

The decision of the body referred to in paragraph 2 of this Article shall be final.

### **Student Standard**

#### **Article 108**

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

### **Rights Pertaining to Student Standard**

#### **Article 109**

A student is entitled to:

- 1) dormitory room and board;
- 2) students loan;
- 3) scholarships for best students;
- 4) transport allowance concerning suburban and intercity traffic;
- 5) health care in compliance with special law;
- 6) establish sport associations in accordance with law.

The criteria, manner, conditions and the amount of fee for exercising rights referred to in paragraphs 1, 2, 3 and 4 of this Article shall be prescribed by the Ministry.

### **Student Dormitory**

#### **Article 110**

Room and board for students shall be organised in student dormitories as well as pupil and student dormitories (hereinafter: student dormitory).

Provisions of the General Law on Education shall duly apply to matters of founding, organisation, internal organisation and work, status changes, principles of management and

governance, financing, presentation, and other issues of importance for the functioning of students' dormitory.

### **Student Organisations**

#### **Article 111**

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

### **Student Parliament**

#### **Article 112**

Student 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.

Student Parliament shall be formed within an institution, and it shall be made up of students' representatives.

Competence, manner of appointment as well as organisation of work of Student Parliament shall regulated by statute of the Student Parliament.

### **Financial Assistance to Student Organisations**

#### **Article 113**

An institution may provide financial assistance for the establishment and work of student organisations, including assets for investment and current expenditures related to premises and equipment.

## **XI RECORDS AND PUBLIC CREDENTIALS**

### **Records**

#### **Article 114**

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

Register of students and records of issued diplomas shall be permanently kept.

Records referred to in paragraph 1 of this Article shall be kept in paper and electronic form.

Personal data entered into records referred to in paragraph 1 of this Article shall be collected, processed, kept and used for the needs of institution and the Ministry, in compliance with law.

All forms of collecting, keeping, processing, publishing and using data referred to in paragraph 4 of this Article shall be implemented in compliance with law regulating personal data protection.

### **Public Credentials**

## Article 115

On the basis of data from the records, an institution shall issue public credentials.

Public credentials, pertaining to this Law, shall comprise the following: academic transcript (Index), diploma and diploma supplement, study confirmation, certificate of the exams passed and certificate of completion.

Method of keeping register of students, records and the contents of public credentials shall be prescribed by the Ministry.

## **Nullity of Public Credential**

### Article 116

Public credentials shall be declared null if:

- 1) they were issued by a non-licensed institution;
- 2) they were signed by an unauthorized person;
- 3) a holder of a public credential did not meet all exam obligations in a study programme in a manner and according to the procedure determined by law, secondary legislation and a study programme.

The procedure of declaring public credentials null shall be conducted by the Ministry.

Decision on annulment of public credentials shall be final in the administrative procedure and shall be published in the Official Gazette of Montenegro.

## XII PENAL PROVISIONS

### **Penalties for Offenses**

#### Article 117

A legal entity - an institution shall be fined in the amount of 2,000 euro to 20,000 euro if:

- 1) it begins to operate and conducts activities without meeting the prescribed requirements, i.e. does not have a decision on licensing (Article 30 paragraph 1);
- 2) it does not allow students who have not completed a programme to finish the studies in case a study programme is discontinued (Article 34 paragraph 2);
- 3) it does not allow students who have not completed a programme to finish the studies in case an institution is closed down (Article 35 paragraph 3);
- 4) applies statute, to which the Government has not given its consent (Article 36 paragraph 3);
- 5) invests resources in education or research purposes without the consent of the Government (Article 62);
- 6) without obtaining the consent of the Government provides funds from the budget of Montenegro when that activity involves or might involve the use of rights of any more significant intellectual property, in any literary, artistic or scientific works, scientific discoveries, projects, inventions, goods or services (Article 66 paragraph 3);
- 7) charges tuition fee higher than the tuition fee to which the Ministry has given consent (Article 70 paragraph 3)



- 8) elects to academic titles persons who do not meet the requirements for being elected into an academic titles referred to in Article 73 paragraphs 1, 2 and 3 of this Law;
- 9) elects as teaching associates persons who do not meet the requirements prescribed by Article 75 paragraphs 1, 2, 3, 4 and 5 of this Law;
- 10) issues diplomas to persons who do not meet the requirements prescribed by Article 83 of this Law;
- 11) admits students to undergraduate studies who do not meet the requirements prescribed by Article 93 of this Law;
- 12) admits more students than stipulated in the license (Article 99 paragraph 1);
- 13) does not conclude with a student an agreement on studying (Article 102 paragraph 1);
- 14) does not keep register of students, records on issued diplomas and diploma supplements and records on exams (Article 114 paragraph 1);
- 15) does not issue public credentials on the basis of data from the records (Article 115 paragraph 1).

For the offence referred to in paragraph 1 of this Article, the managing body and a responsible person of an institution shall be fined in the amount of 200 euro to 2,000 euro.

### **XIII TRANSITIONAL AND FINAL PROVISIONS**

#### **Time Limit for Adopting Secondary Legislation**

##### **Article 118**

Regulations for the implementation of this Law shall be passed not later than one year from the day of entry into force of this Law.

Regulations valid prior to entry into force of this Law shall apply until the regulations defined hereof are adopted, unless they are contrary to this law.

#### **Harmonisation of Institutions' Acts**

##### **Article 119**

Institutions shall harmonize their organisation, work and general acts with this Law within six months from the day of entry into force of this Law.

Until the general acts referred to in paragraph 1 of this Article are adopted, the existing general acts shall apply, unless they are contrary to this Law.

#### **Initiated Procedure of Accreditation and Licensing**

##### **Article 120**

The procedure of accreditation and licensing of institutions, or study programmes initiated before the day of entry into force of this Law shall be completed according to regulations in force when it was initiated.

#### **Time Frame for Amending the License**

##### **Article 121**

For study programmes at the University of Montenegro for which the license does not prescribe the number of students to be admitted to the first year of studies until the day of entry into force of this Law, the procedure of licence amending shall be conducted up to 30 April 2015, for the purpose of determining the number of students to be admitted.

### **Time Frame for Harmonisation of Study Programmes**

#### **Article 122**

Institutions shall harmonise their study programmes with article 81 paragraph 6 of this Law, within one year from the day of entry into force of this Law.

### **Status of Teachers and Associates**

#### **Article 123**

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

Election procedures of teachers and associates initiated prior to entry into force of this Law shall be completed in accordance with this Law.

### **Status of Higher Education Council**

#### **Article 124**

Higher Education Council appointed until the day of entry into force of this Law shall continue working until the expiry of period it is appointed to.

### **Status of Governing Board**

#### **Article 125**

Governing Board of the University of Montenegro appointed until the day of entry into force of this Law shall continue its work until the expiry of time period for which it was appointed.

### **Repeal**

#### **Article 126**

Law on Higher Education (Official Gazette of the Republic of Montenegro, 60/30 and Official Gazette of Montenegro, 47/40, 47/11 and 48/13) and Article 24 of the Law on Amendments to the Law Prescribing Fines for Violations (Official Gazette of Montenegro 40/11) shall be repealed on the day of entry into force of this Law.

#### **Article 127**

Article 81 shall apply as of 1 January 2018.

### **Entry into Force**

#### **Article 128**

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

Number: 26-1/14-2/25

EPA 563 XXV

Podgorica, 14 October 2014

**The 25<sup>th</sup> Parliament of Montenegro**

The Speaker

**Ranko Krivokapić, m.p.**