

# **Higher Education Institution Act No. 63/2006**

(Draft translation)

## **Chapter I**

### **Scope of the Act**

#### **Role of Higher Education Institutions.**

##### **Article 1**

This Act applies to educational institutions providing higher education leading to a degree and which have been accredited by the Ministry of Education, Science and Culture, cf. Article 3 of this Act.

##### **Article 2**

A Higher Education Institution is an independent educational institution which conducts teaching, research, preservation and search for knowledge, and creativity in the fields of science, education, technology or arts. The role of Higher Education Institutions is contributing to the creation and dissemination of knowledge and skills to students as well as to society in general. The Higher Education Institution shall aim at strengthening the infrastructure of Icelandic society and its position in an international context. Higher Education Institution is a centre of knowledge and a part of international education and science community.

Higher Education Institutions educate students through teaching and participation in scientific research to prepare them for jobs that require scientific methods, knowledge and skills. Education provided by Higher Education Institutions take into account the needs of society and can have an academic, as well as a vocational focus.

Higher Education Institutions are autonomous regarding their activities apart from provisions stipulated in laws and regulations or other public decisions based thereon. Higher Education Institutions shall establish an ethical code, incl. codes on academic independence of its personnel.

## **Chapter II**

### **Accreditation of Higher Education Institutions.**

##### **Article 3**

Higher Education Institutions may be run as state institutions, non-profit organisations, limited public companies or as other types of accepted legal entities. A state-owned university is an independent public institution under the auspices of the Ministry of Education, Science and Culture, unless its auspices is delegated to another Minister according to law.

The Minister of Education, Science and Culture grants accreditation to Higher Education Institutions qualify for the prerequisites of this Act.

The Minister of Education, Science and Culture issues rules regarding accreditation of HE's in accordance with internationally accepted criteria. The rules shall

stipulate the following requirements, which Higher Education Institutions must fulfil to qualify for accreditation The conditions concern the following:

- a. Role and objectives of Higher Education Institutions
- b. Administration and organisation
- c. Organisation of teaching and research
- d. Personnel qualifications requirements
- e. Admission requirements and student rights and duties
- f. Working conditions for teachers and students as well as their support structures
- g. Internal quality management system
- h. Description of study according to learning-outcomes
- i. Finances

The accreditation of Higher Education Institutions is limited to specific field of study.

A Higher Education Institution shall apply to the Minister of Education, Science and Culture for accreditation of new fields of study. Higher Education Institution may only operate in the fields of study covered by their accreditation.

The Minister of Education, Science and Culture appoints three independent individuals to a committee, which provides review for accreditation regarding particular fields of study.

A Higher Education Institution that wishes to discontinue a particular field of study shall report it to the Ministry of Education, Science and Culture. If neither teaching nor research has been carried out in a certified field of study, for two consecutive years, the accreditation for the field of study shall be withdrawn.

The accreditation of a Higher Education Institution provides a confirmation that the activities of the respective Higher Education Institution are consistent with the provisions of this Act and regulations issued under this Act. An accreditation does not incur a commitment on the authorities to contribute financially to the corresponding Higher Education Institution.

The Minister of Education, Science and Culture shall issue rules regarding translation of names of accredited Higher Education Institutions.

#### **Article 4**

If a Higher Education Institution, accredited under this Act, either fails to meet the provisions of this Act and rules and requirements based hereupon, or fails to meet the demands for teaching and research, the Minister of Education, Science and Culture may revoke the accreditation for particular fields of study or in full.

#### **Article 5**

The Minister of Education, Science and Culture issues a National Qualification Framework. The National Qualification Framework is a systematic description of degrees and diplomas, with emphasis general description of learning-outcomes and competencies which students have attained at each level of study. The criteria shall include the requirements which Higher Education Institutions are obliged to fulfil for every

education level. Higher Education Institutions are required to issue comparable learning-outcome descriptions, for every study programme. The National Qualification framework shall be issued in Icelandic and English.

### **Chapter III**

#### **Study programmes and degrees.**

##### **Article 6**

Teaching in Higher Education Institutions shall be organised in courses, which are evaluated in standardised course credits (European Credit Transfer System). A full study programme shall normally consist of 60 credits per study year and reflect all student work during that time. Study at Higher Education Institution shall conclude with a degree or other final diploma, which is awarded when a student has successfully completed examinations in all courses and satisfactorily completed all assigned projects. On graduation, students shall receive a Diploma Supplement.

##### **Article 7**

Higher Education Institutions determine the conduct of teaching, research, study and assessment.

Higher Education Institutions decide which programmes of study they offer within their certified fields of study. Following are certified degrees and diplomas, which Higher Education Institutions shall use as their frame of reference:

- a. Diploma, equivalent to at least 30-120 standardised course credits
- b. Bachelor's degree, equivalent to at least 180-240 standardised course credits
- c. Master's degree or Candidatus degree, equivalent to at least 90-120 standardised course credits in addition to a Bachelor's degree or its equivalence
- d. Doctorate degree, equivalent to at least 180 standardised course credits in addition to the required number of course credits for a Master's or a Candidatus degree.

The Minister of Education, Science and Culture can, under special circumstances, authorise exemption for Higher Education Institution's from the number of course credits according to the second paragraph. Higher Education Institutions can decide that a study programme involving practicum shall qualify for course credits at the abovementioned levels.

Higher Education Institutions shall apply for permission to the Minister of Education, Science and Culture before offering studies leading to a Doctorate degree. The Higher Education Institution must demonstrate that they fulfil the appropriate demands and requirements specified in regulations respecting Doctorate studies. The Minister of Education, Science and Culture appoints three independent experts, to a committee which reviews the qualification of Higher Education Institutions to provide Doctorate degrees.

The Minister of Education, Science and Culture may grant Higher Education Institutions a permission to provide a Doctorate degree which is not based on standardised course credits.

#### **Article 8**

Higher Education Institutions shall regularly and publicly account for how they ensure that the studies offered fulfil the qualification framework for higher education and degrees according to Article 5.

On preparing and organising new study programmes, a Higher Education Institution shall publish information on how the study meets the requirements and demands stated in the qualification framework for higher education and degrees.

#### **Article 9**

Higher Education Institutions operating under this Act shall agree on mutual recognition of courses. They shall cooperate in order to make the best use of available human and material resources, and contribute in a pragmatic way to a more diverse higher education. Higher Education Institutions are authorised to grant degrees according the Article 7 in cooperation with other Higher Education Institutions on a national and international basis.

#### **Article 10**

Higher Education Institutions are authorized to evaluate studies from other Higher Education Institutions, for course credits. Higher Education Institutions furthermore, have a permission to evaluate, for course credits, studies carried out in other educational or research institutions, on the condition that they guarantee that the study in question meets with comparable demands for quality and organisation of study as those made on the basis of this Act.

### **Chapter IV Quality control of teaching and research.**

#### **Article 11**

The objectives of quality control of teaching and research in Higher Education Institutions are:

- a. To ensure that the requirements for accreditation of Higher Education Institutions are met
- b. To ensure that the qualification framework for higher education and degrees is fulfilled
- c. To improve the quality of teaching and research in an efficient way
- d. To encourage increased responsibility of Higher Education Institutions for their own activities

- e. To ensure competitiveness of Higher Education Institutions at international level

Quality control of teaching and research is carried out both by an internal evaluation of Higher Education Institutions and by regular external evaluation. The Minister of Education, Science and Culture lays down rules on quality control of teaching and research.

### **Article 12**

Higher Education Institution carries out systematic quality control of teaching and research on the basis of an internal evaluation. The internal evaluation of Higher Education Institutions and its individual units shall be carried out regularly and deal with policy and objectives, study content, teaching, teaching methods, assessment, research, research effectiveness, working conditions, administration and external relations. Active participation of staff and students, in the internal quality control process of Higher Education Institutions shall be ensured as appropriate.

Higher Education Institutions shall publish information pertaining to their internal quality management.

### **Article 13**

The Minister of Education, Science and Culture determines the time for conducting an external evaluation of teaching and research and sets the agenda for such evaluation for three years. In addition, the Minister of Education, Science and Culture may decide to conduct a special evaluation of a Higher Education Institution or its specific units upon the Minister's discretion.

The external evaluation can involve a Higher Education Institution or individual fields of study or science, faculties, study programmes or other specified elements of a Higher Education Institutions operation. The external evaluation can also involve several institutions simultaneously.

An external evaluation shall be carried out in consultation with the respective Higher Education Institution and Higher Education Institutions shall provide the assistance and information required for the evaluation. Evaluation reports, produced on the basis of this Act, shall be published together with a statement regarding how the respective university intends to react to the evaluation results.

### **Article 14**

The Minister of Education, Science and Culture can delegate the administration of an external evaluation of teaching and research to a committee, an institution, a company or other relevant agent, national or international.

Implementation of an external evaluation shall be assigned to an independent agent. The evaluation process shall involve both domestic and foreign experts, as well as a student representative.

**Chapter V**  
**Administration of Higher Education Institutions.**

**Article 15**

The administration of Higher Education Institutions is entrusted to the senate and a president according to further provisions in special legislation, charter, statutes or other Higher Education Institutions treaties. The senate is the supreme decision-making body within each Higher Education Institution unless clearly stated otherwise in this Act, special legislation, charter, statutes or Higher Education Institution treaties.

Apart from that, the administration of Higher Education Institutions shall be carried out according to special legislation, charter, statutes or Higher Education Institution treaties.

**Article 16**

Each Higher Education Institution shall organise a general forum at least annually. The assembly is a forum for discussion on professional matters within and for academic policy making. The senate decides further on the role and organisation of the assembly. The senate shall ensure the rightful representation of teachers, students and other personnel at the assembly. The president directs the assembly.

**Chapter VI**  
**Personnel**

**Article 17**

The titles of Higher Education Institution teachers shall be professor, associate professor, assistant professor and adjunct lecturer. The senate can issue further provisions about those, as well as other titles, which it decides to make use of.

**Article 18**

Higher Education Institutions shall establish an evaluation committee to assess the merit of professors, associate professors, assistant professors and (scientist) specialists. Those that bear titles according to Article 17, shall have completed a master's degree at least or have equivalent knowledge and experience as reviewed by the evaluation committee. Furthermore, they shall have demonstrated sufficient achievement in their work to enjoy recognition in the respective field of study.

Only those, who have completed a master's degree or equivalent, can be appointed to an evaluation committee, and the chairman of the evaluation committee shall have similar qualifications, or higher, than those being reviewed, if possible. The evaluation committee shall contain at least one representative from outside the Higher Education Institution in question.

Further provisions on evaluation committees, qualifications to teachers, their competence and duties, are stated in special legislation, statutes, charters or treaties of Higher Education Institutions.

## **Chapter VII Students.**

### **Article 19**

Students enrolling in Higher Education Institution must have completed matriculation examination from an upper secondary school or equivalent final examination. Higher Education Institutions can accept students who possess equivalent level of maturity and knowledge as assessed by the respective Higher Education Institution. It must be ensured that Higher Education Institution admission requirements and study standards correspond to those demanded in certified Higher Education Institution within similar fields in other countries.

Higher Education Institutions may set specific admission requirements, such as requiring students who meet with the demands stipulated in paragraph 1, to pass an entrance examination or an assessment examination.

Higher Education Institutions can, with the consent of the Ministry of Education, Science and Culture, offer preliminary study programme for individuals who do not meet with admission requirements.

The senate issues a regulation about students' rights and duties, including rules for appeals within the institution after consulting the students' association.

### **Article 20**

The Minister of Education, Science and Culture appoints a board of appeal to deal with Higher Education Institution students' complaints. The three-person board is appointed for two years at a time; one representative is appointed by the rector's conference, one representative is jointly appointed by student unions, and one is appointed without nomination and shall be the chairman of the board. All the representatives must fulfil the general requirements made by law to be appointed a district court judge. Alternate representatives are appointed in the same way.

Appeals to the board fall under VII. chapter of the administrative procedures act. An appeal can thus not be made to the board unless the higher education institution has issued a final decision on the rights and duties of the student involved. The student is however permitted to appeal to the board the procedure used by institution in handling of written complaint is according to law and good administrative procedure, and the board will comment on the issue.

The rulings of the board of appeal are final at that administrative level and can not be appealed to the Minister.

The Minister of Education, Science and Culture is authorised to formulate further rules for the procedure of the board of appeal.

## **Chapter VIII Finances.**

### **Article 21**

The Minister of Education, Science and Culture is authorised to negotiate agreements for the duration 3-5 years at a time regarding financial contribution for teaching and research in Higher Education Institutions accredited by the Ministry under this Act. Such agreements are a prerequisite for a financial contribution to the corresponding Higher Education Institution.

The agreement shall stipulate the following:

- a. Terms laid out by the Ministry of Education, Science and Culture regarding financial contribution to Higher Education Institutions.
- b. A definition of the kind of teaching and research which is paid for by the state treasury.
- c. Main operational emphases of the Higher Education Institution and the common objectives of the agreeing parties.
- d. Financial contribution and payments from the state treasury for studies defined as continuing education and lifelong learning

The Minister is authorised to set special provisions regarding payments from the state treasury to Higher Education Institutions, allocated to the studies of individuals with domicile outside the European Economic Area (EEA).

### **Article 22**

The Minister of Education, Science and Culture lays down rules regarding financial contribution to Higher Education Institutions. The rules shall stipulate the studies and research covered by the financial contribution, relevance of subjects, scope of research and other elements which serve as frame of reference for the financial contribution.

Provisions regarding authorisation to collect fees in state Higher Education Institutions under the auspices of the Ministry of Education, Science and Culture, shall be stipulated in special laws concerning each institution.

### **Article 23**

Higher Education Institution: s receiving financial contribution from the state treasury shall summon an open annual meeting where the Higher Education Institution finances and the main aspects of its operational plan are presented.

## **Chapter IX Miscellaneous provisions.**

### **Article 24**

The Ministry of Education, Science and Culture keeps a record of the degrees offered in Higher Education Institutions certified by the Ministry. Higher Education Institutions shall publish a course catalogue for each academic year, with an overview and information on all courses providing credible course and all degrees offered by the Higher Education Institution.

#### **Article 25**

Higher Education Institutions shall keep records of the study process of their students, both current and former students. All information or data necessary for the purpose of public statistical work and statistical reports shall be provided by the institution upon request.

#### **Article 26**

Rectors of Higher Education Institutions, certified by the Ministry of Education, Science and Culture, form a special rectors conference of Higher Education Institution's. They meet regularly and discuss matter regarding operation and interests of the institutions. The conference provides an opinion in matters referred to it by the Minister of Education, Science and Culture or by individual Higher Education Institution's. The conference constitutes its operational rules which shall be confirmed by the Minister of Education, Science and Culture.

### **Chapter X Commencement, etc.**

#### **Article 27**

This Act shall enter into force 1 July 2006.

Ministry of Education, Science and Culture, 13<sup>th</sup> of June 2006

Þorgerður Katrín Gunnarsdóttir  
Minister of Education, Science and Culture

Guðmundur Árnason  
Permanent Secretary

#### **Preliminary provisions.**

Higher Education Institutions operating according to a permit issued by the Minister for Education, Science and Culture according to the Higher Education Act, No. 136/1997, as well as the University of Iceland, the University of Akureyri and the University of Education, which operate according to specialised legislative Acts, shall within two years of the entry into force of this Act, have attained accreditation according to Article 3, covered by the fields of study to which their activities extend.