

## Act relating to universities and university colleges.

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## **Part I. Joint provisions**

### **Chapter 1. Purpose and scope of the Act**

#### **Section 1-1. *Purpose of the Act***

The purpose of this Act is to make provisions for universities and university colleges to

- a) provide higher education at a high international level.
- b) conduct research and academic and artistic development work at a high international level.
- c) disseminate knowledge of the institution's activities and promote the understanding and application of scientific and artistic methods and results in public administration, cultural life and business and industry.

#### **Section 1-2. *The scope of the Act - universities and university colleges***

(1) The Act shall apply to universities and university colleges that provide educational provision accredited pursuant to this Act or that have been awarded accreditation, cf. section 3-1, as

- a) a university,
- b) a specialized university institution or
- c) a university college.

(2) The category to which an individual institution belongs shall be decided by the King on the basis of an academic assessment by the Norwegian Agency for Quality Assurance in Education (NOKUT).

(3) The King may on the basis of an academic assessment by NOKUT decide that certain of the provisions of the Act shall apply correspondingly to other institutions.

(4) On the recommendation of the board, the Ministry may decide that deviations may be made from the provisions of the Act and from regulations laid down pursuant to the Act in connection with time-limited educational or organizational experiments.

(5) The Act shall apply to universities and university colleges with activities in the Realm. The Act shall apply to Svalbard and Jan Mayen unless otherwise prescribed by the King. The King may lay down special provisions out of regard for the local conditions.

(6) The Act shall not apply to activities conducted outside the Realm. The King may nevertheless provide that such activities shall wholly or partly be made subject to the provisions of the Act.

(7) By agreement with a foreign state or international organization, the scope of the Act may be extended or restricted within specific areas of responsibility.

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**Section 1-3. *The institutions' activities***

Universities and university colleges shall promote the purpose of the Act by:

- a) providing higher education on the basis of the foremost within research, academic and artistic development work and empirical knowledge.
- b) conducting research and academic and artistic development work.
- c) efficiently managing resources provided and actively seeking provision of external resources.
- d) helping to disseminate the results of research and of academic and artistic development work.
- e) contributing to innovation and value creation on the basis of the results of research and academic and artistic development work.
- f) making provisions for participation in the public debate by the institution's staff and students.
- g) helping to ensure that Norwegian higher education and research participate in the front line of international research and development of higher education provision.
- h) cooperating with other universities, university colleges and corresponding institutions in other countries, local and regional civic and working life, public administration and international organizations.
- i) providing continuing and further education in the institution's field of operation.

**Section 1-4. *Special responsibilities of individual institutions***

- (1) Universities and university colleges have a special responsibility for fundamental research and research training in the fields in which they award doctorates.
- (2) The University of Bergen, the University of Oslo, the University of Tromsø and the Norwegian University of Science and Technology have a special national responsibility for building up, managing and maintaining museums with scientific collections and public exhibitions.
- (3) The Ministry may assign individual institutions a special national responsibility for research or teaching in specific fields. In the same way, the Ministry may assign individual institutions special national responsibility for building up, managing and maintaining research libraries, knowledge repositories and databases as well as museums with scientific collections and public exhibitions for specific fields.
- (4) The Ministry may, in consultation with the institution concerned, place the management of a common national responsibility at a specific institution without the institution's own governing body being made responsible for the academic activities involved.

**Section 1-5. *Academic and artistic freedom***

- (1) Universities or university colleges may not be instructed regarding
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a) the academic content of their teaching and the content of research or artistic or scientific development work.

b) individual appointments.

(2) Institutions subject to this Act shall be entitled to design their own academic and value-related bases within the frameworks laid down in or pursuant to statutes.

### **Section 1-6. *Quality assurance***

(1) Universities and university colleges shall have a satisfactory internal system for quality assurance. Student evaluation of courses shall be included in the system for quality assurance.

(2) The Ministry may in regulations issue further provisions specifying quality assurance system requirements.

## **Chapter 2. The Norwegian Agency for Quality Assurance in Education - NOKUT**

### **Section 2-1. *NOKUT's responsibilities and authority***

(1) NOKUT shall be a professionally autonomous state body which, by means of accreditation and evaluation, shall monitor the quality of Norwegian institutions that provide higher education and recognize qualifications awarded by institutions not subject to this Act. Accreditation and evaluation activities shall be designed in such a way that the institutions can benefit from them in the course of their quality assurance and development work.

(2) NOKUT's responsibilities are:

a) Evaluation of the institutions' systems for quality assurance.

b) Accreditation of institutions.

c) Accreditation of course provision.

d) Revision of previously granted accreditation.

e) Evaluations of significance to assessment of the quality of higher education. The Ministry may instruct NOKUT to conduct such evaluations.

f) General recognition of qualifications awarded by institutions not subject to this Act.

(3) The Ministry may not instruct NOKUT beyond what is authorized by statute or laid down in regulations issued by the Ministry, and may not set aside accreditations granted by NOKUT.

(4) All evaluations conducted by NOKUT are public, and NOKUT shall ensure that they are made known.

(5) NOKUT's decisions concerning private institutions may in regulations be exempted from the provisions concerning appeals laid down in chapter VI of the Public Administration Act.

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**Section 2-2. NOKUT's board**

- (1) NOKUT shall be governed by a board that shall have overall responsibility for NOKUT's activities and the decisions made by NOKUT.
- (2) The board shall be appointed by the King and shall consist of eight members. One member shall be a student. One member shall be appointed from among NOKUT's staff and shall have the right to vote in matters concerning the staff. Deputies shall be appointed, including personal deputies for the staff and student members. The Ministry shall appoint the chairman of the board.
- (3) The board's term of office shall be four years. Student members are appointed for two years.
- (4) Members of the board may not hold leading positions or office at institutions under the present Act.
- (5) The board shall appoint NOKUT's director for a fixed term of years. The fixed term shall be six years.

**Chapter 3. Academic decisions - accreditation**

**Section 3-1. Accreditation of course provision and institutions**

- (1) Accreditation is understood in the present Act to mean academic assessment of whether a higher education institution and the courses it provides fulfil a given set of standards. The accreditation shall be based on evaluation conducted by external experts appointed by NOKUT. Accreditation is a precondition for the provision by an institution of courses established pursuant to sections 3-2 and 3-3.
- (2) The Ministry may issue regulations concerning procedures and establishment of standards on which the accreditation shall be based.
- (3) If NOKUT finds that an institution no longer fulfils the requirements for accreditation, it shall be allowed a time limit to correct matters. If the requirements for accreditation are still not fulfilled, NOKUT shall withdraw the accreditation.

**Section 3-2. Degrees, professional training qualifications and titles**

- (1) The King decides which degree programmes and professional training courses an institution may offer, the length of time in which it should be possible to complete the course of study, and which title each degree or professional training qualification confers the right to. The Ministry may issue regulations concerning a national framework for qualifications and objectives for degree courses and professional training courses and concerning the institutions' right to award degrees and professional training qualifications in cooperation with other institutions. The Ministry may issue regulations concerning requirements regarding higher degrees and concerning the required amount of independent work in higher degrees.
  - (2) The Ministry may lay down national curriculum regulations for individual courses.
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(3) The Ministry may provide that specific disciplines of up to 20 credits shall form part of a degree programme.

(4) An institution that has a right to award doctorates or corresponding degrees may in the same fields award honorary doctorates (doctor honoris causa) for important scientific or artistic contributions or outstanding work for the benefit of science or art.

(5) The Ministry may, by regulation or individual decision, prohibit the use of titles which give a false impression of being of the same nature as titles that are protected pursuant to the first or the fourth paragraph or which are misleadingly likely to be confused with them.

(6) The deliberate or negligent award or use of a title, alone or as part of another title, by someone not so entitled pursuant to the first or the fourth paragraph, or in contravention of a provision laid down in pursuance of the fifth paragraph, is punishable by fines.

### **Section 3-3.** *Academic authorities*

(1) Institutions accredited as universities have the authority to decide themselves which study programmes and disciplines the institution shall provide, and which shall form part of the basis of a degree or professional training course established pursuant to section 3-2.

(2) Institutions accredited as specialized university institutions or university colleges have the authority to decide themselves which study programmes and disciplines the institution shall provide, and which shall form part of the basis of lower degree studies or professional training courses established pursuant to section 3-2. In those fields where institutions have the right to award doctorates or corresponding degrees, they shall themselves decide which study programmes and disciplines the institution shall provide, and which shall form part of the basis of other degree studies or professional training courses established pursuant to section 3-2. In the case of fields in which the institutions do not have the right to award doctorates, such provisions shall be decided by the Ministry.

(3) The board approves the programme description for each study programme, including provisions concerning required courses, practice and the like and concerning forms of assessment.

(4) Authorities granted pursuant to the first and second paragraphs may be withdrawn by the Ministry if the institutions do not have a satisfactory internal system for quality assurance, cf. section 1-6.

### **Section 3-4.** *Credit and recognition of other qualifications*

(1) Qualifications awarded by an institution that is subject to this Act shall be granted the same number of credits for it by other such institutions. The institution concerned shall ensure that double credit is not awarded for the same academic content.

(2) On application by individuals, NOKUT shall decide whether qualifications awarded by foreign higher education institutions or Norwegian institution not subject

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to this Act shall be recognized as equivalent to accredited Norwegian higher education.

(3) Institutions accredited as universities, specialized university institutions or university colleges shall themselves decide applications from individuals for recognition of other higher education as academically equivalent to education provided by the institution. Recognition pursuant to this provision gives the right to use the title established for the education to which equivalence is granted.

(4) In special cases, recognition pursuant to the third paragraph may be granted wholly or partly on the basis of competence documented in other ways than by examinations. Applicants may be required to take tests to check the documented competence or to take supplementary tests.

(5) The Ministry may issue regulations concerning credit pursuant to the first paragraph and concerning procedures and right of appeal pursuant to the second and third paragraphs.

### **Section 3-5.** *Exemption from an examination or test*

Exemption from an examination or test shall be granted when it has been shown that a corresponding examination or test has been taken at the same or another institution. Such exemption may also be granted on the basis of another suitable examination or test. Documentation of prior learning (formal and non-formal) may also provide a basis for exemption. The Ministry may order the institutions to coordinate their practice. The board decides whether the faculty concerned or a special body at the institution shall decide on exemptions.

### **Section 3-6.** *Educational qualifications for entrance to higher education*

(1) The general basis for admission as a student (the general entrance requirement) is successful completion of the Norwegian upper secondary school and fulfilment of the requirements regarding subject combinations and hours of study laid down by the Ministry. The Ministry may stipulate that other suitable education or combinations of education and work experience shall constitute a general basis for admission. The institution shall consider whether applicants hold qualifications corresponding to the stipulated entrance requirements.

(2) The institutions may grant applicants who are 25 years of age or older in the admission year admission to specific courses if they on the basis of their prior learning (formal and non-formal) hold the necessary qualifications for the course concerned. The Ministry may issue further provisions concerning documentation, procedures and any coordination.

(3) The Ministry may in regulations provide that the institutions may in special cases make exceptions from the provision concerning general entrance requirements for applicants under 25 years of age.

(4) The Ministry may in regulations exempt particular courses or study programmes from the general entrance requirement.

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(5) The Ministry may in regulations impose special entrance requirements when this is required by the progress of the course of study.

(6) Those admitted to one institution under the present Act are entitled to admission to open courses of study at the others, provided the entrance requirement is the general entrance requirement and the applicant was not admitted pursuant to the second, third or fourth paragraph.

(7) The board may stipulate minimum academic requirements for admission to higher degree courses.

### **Section 3-7. Student admission**

(1) The Ministry may issue regulations concerning national coordination of admissions.

(2) The Ministry may issue regulations concerning consideration of appeals and ranking of applicants.

(3) There shall be a separate admission to higher degree courses.

(4) The Ministry may impose restriction of admissions when found necessary following a total assessment of educational provision in Norway.

(5) When necessary for capacity or resource reasons, the board itself may restrict admission to particular courses or parts of courses within the guidelines and objectives issued by the Ministry.

(6) If an institution finds that an applicant has submitted a false diploma or other false documents, other institutions subject to this Act may be informed. The Ministry issues specific provisions concerning information routines, etc.

(7) If an institution has recruited foreign students by means of external placement services, the institution is responsible for

a) ensuring that the students have received satisfactory information concerning the courses to which they have been admitted, including the course structure, the nominal duration of the course and academic prerequisites.

b) ensuring that the student has received satisfactory information concerning the educational institution, including information concerning the institution's various facilities for students.

c) being informed concerning the manner in which the student has been recruited and on what conditions the service has been provided to the student.

### **Section 3-8. Teaching**

(1) The academic year is normally 10 months. Teaching terms shall be decided by the board. A full academic year shall be equivalent to 60 credits.

(2) Lectures are as a general rule public. If the nature of the lectures so indicates or if fees are prescribed for the study programme or course concerned, the board may nevertheless decide that certain lectures shall only be open to the institution's students or certain groups of student.

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**Section 3-9. Examinations and marking**

(1) Universities and university colleges shall ensure that students' knowledge and skills are tested and assessed in a manner that is impartial and academically sound. Assessment shall also safeguard the academic standards of the course of study in question. An external evaluation shall be made of the assessment or assessment arrangements.

(2) The board shall appoint examiners for examinations, tests, assessments of assignments or other assessments the results of which are entered on the diploma or included in the mark given for the course of study in question. When assessing candidates' independent work in higher degree courses, each candidate shall be assessed by at least two examiners, of whom at least one shall be external.

(3) The oral parts of examinations and tests shall be public unless regard for the examination or test arrangements indicates otherwise. The board may make exceptions to the rule concerning public examinations in particular cases at the request of the examination candidate concerned when particularly weighty reasons so indicate.

(4) Marks shall be made known within three weeks unless for special reasons more time is required. The board may itself make exceptions in respect of specific examinations and may in temporary regulations pursuant to the seventh paragraph set a longer time limit when it is not possible to provide the number of qualified examiners required to complete the marking within three weeks. The board may itself in a regulation pursuant to the seventh paragraph set a longer time limit for dissertations and similar large written works.

(5) Re-marking pursuant to sections 5-2 and 5-3 shall be carried out by at least two new examiners, of whom at least one shall be external. Marks may be changed in the appellant's favour and disfavour. If the final mark is set on the basis of both a written and an oral test and an appeal against a mark for the written part of the examination is upheld, a new oral test shall be held to determine the final mark.

(6) The mark awarded following an examination, test, assessment of an assignment or other assessment shall either be pass/fail or be based on a graded scale of six marks from A to F, where A to E indicate a pass and F indicates a fail.

(7) The board itself issues regulations governing the taking and arrangement of examinations and tests, including the conditions for resitting an examination or test and for permission to retake a practice period, and provisions concerning registration and the conditions for registration for examinations. In the case of courses for which national curriculum regulations have been established pursuant to section 3-2, second paragraph, the regulations must be based on any general provisions concerning examinations and assessment contained in the curriculum regulations. The board may delegate the issue of supplementary provisions concerning special circumstances relating to particular examinations to a faculty or department.

**Section 3-10. The right to sit examinations**

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- (1) Anyone who satisfies the entrance requirements, cf. section 3-6, and other requirements for taking the examination in a given study programme or course of study is entitled to take the examination. This also applies to students who have not been admitted to the study programme or course of study.
- (2) Permission to register for an examination pursuant to this section may be refused if the candidate has not attended required courses or completed required practice.
- (3) The board issues regulations concerning permission to sit examinations, and may stipulate a separate final date for registration for such examinations without having been admitted as a student.
- (4) The board may decide that examination candidates who have not been admitted as students on the course concerned shall pay a fee to cover the extra expenses incurred by the institution in holding examinations for this group of candidates or any fees prescribed for the course or study programme. The Ministry may issue regulations concerning fees pursuant to this provision.

### **Section 3-11. Diplomas**

- (1) The institution shall issue a diploma for a completed course. At the same time, a Diploma Supplement shall be issued. NOKUT may issue guidelines for the content of the Diploma Supplement.
- (2) A person who has not completed a course shall on request be provided with transcripts of the marks he or she obtained in examinations or tests passed.
- (3) In the case of candidates who sit examinations pursuant to section 3-10, first paragraph, second sentence, it shall be indicated on the diploma or transcript of marks if the candidate's knowledge and skills have been assessed in a different way than those of students admitted to the course.
- (4) It shall be indicated on the diploma if the education has been provided in cooperation with other institutions, cf. section 3-2, first paragraph.
- (5) The institution shall grant authorization to health personnel, in so far as this is provided in regulations issued pursuant to the Act of 2 July 1999 No. 64 relating to health personnel.

## **Chapter 4. The students' rights and obligations**

### **Section 4-1. Student bodies**

- (1) The students attending universities and university colleges may establish a student body to safeguard the interests of students and present their views to the board of the institution. Students at individual faculties or departments may similarly establish student bodies there.
  - (2) Elections to bodies as mentioned in the first paragraph shall be by ballot among the students unless unanimously decided otherwise by a general meeting. A decision to adopt a voting system other than ballot shall only apply to the immediately subsequent election.
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(3) Institutions shall provide conditions in which student bodies are able to perform their functions in a satisfactory manner. The extent of such arrangements shall be specified in an agreement between the institution and the highest student body.

(4) Student bodies shall be heard on all questions concerning students at the level in question.

#### **Section 4-2. Study contract**

Between the institution and students admitted to courses of 60 credits or more, a study contract shall be prepared. The study contract shall contain provisions concerning the institution's responsibility and obligations to the student and the student's obligations to the institution and fellow students. The Ministry may issue regulations concerning the content of the study contract.

#### **Section 4-3. Learning environment**

(1) The board has overall responsibility for the students' learning environment. In cooperation with student welfare organizations, the board shall seek to provide suitable conditions for a good studying environment and to enhance student welfare at the educational institution.

(2) The board is responsible for ensuring that the learning environment at the institution, including the physical and mental working environment, is fully satisfactory on the basis of an overall assessment of considerations regarding the health, safety and welfare of the students. The design of the physical working environment shall as far as possible and reasonable, ensure

- a) that premises, access roads, staircases, etc. are dimensioned and equipped for the activities that take place there.
- b) that the premises have satisfactory lighting and acoustics and sound indoor climate and air quality.
- c) that the premises are properly maintained and are clean and tidy.
- d) that the premises are equipped so as to avoid detrimental physical strain for the students.
- e) that activities are planned so as to prevent injuries and accidents.
- f) that technical installations and equipment are provided with protective devices and are maintained so as to protect students from danger to life and health.
- g) that premises, access roads, sanitary facilities and technical installations are designed in such a way as to enable persons with disabilities to study at the institution.
- h) that the learning environment is well adapted for students of both sexes.
- i) that the learning environment is designed according to the principles of universal design.

The Ministry may in regulations lay down further provisions concerning requirements regarding the learning environment.

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(3) At the institution there shall be a learning environment committee to assist in ensuring implementation of the provisions laid down in the first and second paragraph. The committee shall take part in the planning of measures relating to the learning environment and closely follow developments in matters concerning the safety and welfare of the students. The board may also assign other duties to the committee. The learning environment committee shall be kept informed of complaints concerning the learning environment that the institution receives from students. The learning environment committee may submit opinions concerning such matters. The learning environment committee shall be informed of instructions and other individual decisions issued by the Norwegian Labour Inspection Authority. The learning environment committee reports directly to the board and shall submit a report each year concerning the institution's work on the learning environment. The students and the institution shall each have an equal number of representatives on the committee. The committee shall elect a chairman each year alternately from among the institution's and the students' representatives.

(4) The institution's work on the learning environment shall be documented and be included as part of the institution's internal systems for quality assurance pursuant to section 1-6.

(5) The institution shall, to the extent possible and reasonable, adapt study provisions for students with special needs. This adaptation must not result in a reduction of the academic requirements of the individual courses.

(6) The Norwegian Labour Inspection Authority supervises compliance with the requirements laid down in the second paragraph. The provisions of chapter XIII of the Working Environment Act concerning supervision and coercive measures, etc. shall apply correspondingly in so far as they are applicable. The Ministry may issue regulations containing supplementary provisions concerning supervision and coercive measures in order to promote compliance with this section.

#### **Section 4-4.** *The students' representation in the institution's bodies*

(1) The students shall have at least 20 per cent of the representatives on all collegiate bodies that are given decision-making powers. In cases where this constitutes no more than one member, the students shall have the right to an additional student representative with the right to speak and to submit proposals.

(2) The provision of the first paragraph may be departed from if the delegating body unanimously decides otherwise.

#### **Section 4-5.** *Right to parental leave*

(1) A student who gives birth to a child during her course shall be granted the right to leave from the course during pregnancy and for care of the child. The student shall have the right to resume her studies at a level corresponding to that attained prior to the leave. The provisions of sections 31 and 32 of the Working Environment Act shall apply in so far as they are appropriate.

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(2) Universities and university colleges shall make provisions to enable students on leave pursuant to the first paragraph to resume their studies as rapidly as possible following their leave.

**Section 4-6.** *Obligation of students to observe secrecy*

A student who in connection with his or her studies becomes acquainted with anyone's personal circumstances is obliged to observe secrecy according to the rules that apply to professional practitioners in the vocation concerned. The institution shall draw up a declaration of secrecy which must be signed by the students to whom this applies.

**Section 4-7.** *Annulment of examinations or tests*

(1) The board itself or the board's appeals committee, cf. section 5-1, may annul an examination or test or recognition of a course if the student

a) by using a false diploma or by other dishonest means, has gained admission to the examination or test or to attend the course concerned, or

b) has attempted to cheat or wilfully or through gross negligence has cheated in the course of or prior to the final assessment of the examination or test concerned, or while taking the course in question.

(2) The board itself or the institution's appeals committee, cf. section 5-1, may annul credit for or recognition of a course or exemption from an examination or test if the student obtained it by using a false diploma or by other dishonest means.

(3) Annulment decisions pursuant to the first and second paragraph may be appealed to the Ministry or to a special appeals body appointed by the Ministry, cf. section 5-1, seventh paragraph.

(4) The right to annulment has no time limit.

(5) An annulment decision entails an obligation to return any diplomas or mark transcripts to the institution. If such diploma or mark transcript is not returned to the institution at the proper time, the institution may obtain the assistance of an enforcement officer (namsmann) to secure its return, pursuant to the provisions laid down in Chapter 13 of the Enforcement Act.

(6) If the diploma can form the basis of authorization for the exercise of a profession or trade, the institution shall notify the authority concerned of the annulment.

(7) Other institutions under the present Act may be informed of the annulment of an examination or test. The Ministry issues specific provisions concerning information routines, etc.

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**Section 4-8. Exclusion**

(1) A student who despite written warning by the board repeatedly behaves in a manner which seriously disturbs the work of fellow students or other activities at the institution may be excluded by the board itself or the institution's appeals committee, cf. section 5-1, from specific parts of the institution for up to one year. If a student after receiving a written warning from the board continues not to respect such exclusion, the board itself or the institution's appeals committee, cf. section 5-1, may exclude him or her from attending courses for up to one year.

(2) A student who has behaved in such a seriously censurable manner as to endanger the life or health of patients, clients, children attending a day care institution, pupils or others with whom the student comes into contact in connection with clinical or practical training or who in relation to such persons commits serious breaches of the obligation to observe secrecy or behaves with gross indecency, may, if the board itself or the institution's appeals committee, cf. section 5-1, so decides, be excluded from attending courses for up to three years. The institution shall inform the Norwegian Directorate for Health and Social Welfare of any exclusion pursuant to this provision of students attending courses that may result in a right of authorization pursuant to section 48, first paragraph, of the Health Personnel Act.

(3) A student who has behaved as described in section 4-7, first or second paragraph, if the board itself or the institution's appeals committee so decides, cf. section 5-1, may be excluded from the institution and deprived of the right to sit examinations at institutions under this Act for up to one year. The Ministry issues specific provisions concerning information routines, etc.

(4) A decision to exclude a student requires a majority of at least two-thirds. The student may appeal against such a decision pursuant to the provisions laid down in the Public Administration Act. The Ministry or a special appeals body appointed by the Ministry is the appeals body.

(5) The student is entitled to seek the assistance of a lawyer or other spokesman from the date the question of exclusion is raised or from the date of any written warning pursuant to the first paragraph. The cost of such assistance shall be met by the institution.

**Section 4-9. Exclusion owing to criminal offences - certificate of good conduct**

(1) In the case of studies during which students come into contact with patients, clients, children attending day care institutions, pupils or other persons as part of their clinical or practical training, students may on admission to or during the course be required to submit certificates of good conduct issued by the police.

(2) The certificate of good conduct shall show whether the holder has been charged or indicted with or convicted of sexual violations, serious crimes of violence, or criminal offences relating to the possession and use or sale of narcotic substances or drugs. If special provisions have been laid down concerning certificates of good conduct in respect of certain types of occupation, they shall apply correspondingly to students taking part in practical or clinical training.

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- (3) A person convicted on grounds which imply that she or he must be regarded as unfit for work with patients, clients, children attending day care institutions, pupils or others may be excluded from practical or clinical training if participation in it must be regarded as unwarrantable because of the contact the student would have with such persons in that connection.
- (4) A person charged or indicted with a criminal offence, cf. the eighth paragraph, may be excluded from practical or clinical training until a final judgment has been pronounced or the case has been dropped if this is necessary having regard to the safety or the treatment environment of patients, clients, children attending day care institutions, pupils or others with whom the student will come into contact in that connection.
- (5) Having obtained the opinion of the institution's board or the institution's appeals committee, a national committee appointed by the Ministry shall decide whether or not to exclude the student from participation in clinical or practical training. Section 42 of the Public Administration Act applies correspondingly. The committee shall have five members. The chairperson must have the qualifications required of a judge of the Court of Appeal (lagdommer) and two of the members shall be nominated by the student organizations.
- (6) The Ministry or a special appeals body appointed by the Ministry, cf. section 5-1, seventh paragraph, is the appeals body for decisions made by the committee.
- (7) The student is entitled to seek the assistance of a lawyer or other spokesman from the date the question of exclusion from clinical training or practical training is raised in the national board. The cost of such assistance shall be met by the institution.
- (8) The King issues regulations concerning which courses of study are to be covered by the first paragraph, concerning which criminal offences may result in exclusion and concerning administrative procedure.

**Section 4-10. *Exclusion following aptitude assessment***

- (1) The King may provide that, in respect of certain courses, the institution shall assess whether individual students are suitable for the profession concerned. Aptitude assessments shall be carried out continuously throughout courses.
- (2) The diploma certifying completion of the course shall only be awarded to students assessed as being suitable for the profession.
- (3) On the recommendation of a special aptitude committee, the board itself or the institution's appeals committee, cf. section 5-1, may decide that a student is unsuitable for the profession. Students found unsuitable for the profession may be excluded from the course.
- (4) The decision to exclude a student on grounds of unsuitability requires a majority of at least two-thirds. The decision may be appealed by the student pursuant to the provisions laid down in the Public Administration Act. The Ministry or a special appeals body appointed by the Ministry, cf. section 5-1, seventh paragraph, is the appeals body.
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(5) The student is entitled to representation by a lawyer or other spokesman from the date the case is brought before the aptitude committee. The cost of such assistance shall be met by the institution.

(6) The Ministry issues regulations concerning aptitude assessment in respect of individual courses.

**Section 4-11.** *Review of exclusion decisions by a court of law*

(1) Students may have a decision concerning exclusion or aptitude assessment reviewed by the district court of the jurisdiction in which the institution's head office is located. Such proceedings must be instituted within three months following the final decision.

(2) No arbitration proceedings are conducted. The institution meets all the costs of the case including the plaintiff's lawyer's fees.

(3) The court may review every aspect of the decision.

## **Chapter 5. Appeals**

**Section 5-1.** *Appeals committee and special national appeals body*

(1) Universities and university colleges shall establish an appeals committee to deal with appeals against individual decisions and, according to the decision of the board, other appeals cases brought by the students.

(2) The appeals committee shall have five members with personal deputies. The Chairman and the Chairman's deputy shall satisfy the statutory qualification requirements for judges of the Court of Appeal (lagdommere). The Chairman and the Chairman's deputy shall not be members of the institution's staff. Two members shall be students.

(3) Representatives for the institution's owner and members of the institution's board may not be members of the appeals committee.

(4) The appeals committee has a quorum when the Chairman and three other members are present.

(5) Decisions by the appeals committee are final.

(6) The Ministry may issue regulations concerning appeals procedures.

(7) The Ministry may establish a special national appeals body to deal with appeals against individual decisions in specific areas.

**Section 5-2.** *Complaints against procedural errors in connection with examinations*

(1) A candidate who has taken an examination or test may complain of procedural errors within three weeks of the date when he or she became or should have become aware of the circumstance on which the complaint is based. Such complaints are ruled on by the board itself or the institution's appeals committee.

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(2) If an error was committed which may have affected the student's performance or its assessment, the mark shall be rescinded. If the error can be corrected by re-marking the papers submitted, they shall be re-marked. Otherwise a new examination or test shall be held with new examiners. The mark awarded in a second assessment pursuant to the present section may be appealed against pursuant to the provisions laid down in section 5-3.

(3) If a request for explanation of or an appeal against a mark has been submitted, the time limit for an appeal pursuant to this section is reckoned from the date when the student receives the explanation or when the appeal is finally ruled on.

(4) If the board or the board's appeals committee finds that formal errors were committed and that this can reasonably be supposed to have affected the performance of one or more candidates or the assessment of that performance, the decision may be taken to carry out a new assessment or to hold a new examination or test.

### **Section 5-3. Complaints regarding marks awarded - right to explanation**

(1) A student is entitled to an explanation of the marks awarded for his or her performance. At oral examinations or assessments of practical skills, a request for such an explanation must be made immediately on notification of the mark. Requests for explanations of other assessments must be submitted within one week after the candidate learns of the mark, but never more than three weeks after the announcement of the mark.

(2) Explanations shall normally be given within two weeks after the candidate requests them. They shall state the general principles on which the assessment was based and explain the assessment of the candidate's performance. Explanations may be given orally or in writing at the examiner's discretion.

(3) If written guidelines for assessments have been issued, they shall be available to students after the marks have been decided.

(4) A student may appeal in writing against a mark awarded for his or her performance within three weeks of the announcement of the examination results. The performance shall then be reassessed. In the event of a request for an explanation of a mark or a complaint of procedural errors in the question-setting, the examination procedure or the assessment procedure, the time limit for appeals pursuant to this section is reckoned from the date when the student receives the explanation or when the appeal is finally ruled on. In connection with the use of continuous assessment, the institution may decide whether the student shall submit an appeal following the assessment of a separate examination, assignment or other assessment or whether an appeal shall be submitted on announcement of the result of assessment of the study programme, discipline, or module.

(5) Appeals may not be lodged against marks awarded for oral performance and assessment of practical training or the like which, owing to the nature of the test cannot be reviewed. The results of preliminary examinations (forprøver) may only be appealed against when the examination is failed.

(6) Marks awarded following re-marking pursuant to this section may not be appealed against.

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## **Chapter 6. Appointments**

### **Section 6-1. General**

In connection with appointments, etc. at institutions subject to this Act, the ordinary provisions of the Working Environment Act and the Civil Service Act and special provisions pursuant to the Act shall apply.

### **Section 6-2. Gender equality**

Universities and university colleges shall make active, targeted and systematic efforts to ensure gender equality in all categories of employment at the institution.

### **Section 6-3. Advertisement of and appointments to academic posts**

(1) Appointments to academic posts are made by the board or, when so decided by the board, by a subordinate body or by one or more appointments committees. The board shall itself decide the composition of such appointments committees. Unless the board unanimously decides otherwise, the students shall be represented in the appointing body.

(2) The appointing body shall itself advertise academic posts. If one sex is clearly under-represented in the category of post in the subject area in question, applications from members of that sex shall be specifically invited.

(3) Appointments to academic posts are made on the basis of recommendation. Recommendation is made on the basis of expert assessments in relation to the description of the post given in the advertisement and the post specification. The appointing body may decide that in addition an interview, a trial lecture or other tests shall be conducted. The appointing body may in special cases decide that the requirement regarding expert assessment may be departed from in the case of academic posts that are not doctoral or professorial posts. When an expert assessment is conducted, both sexes shall be represented among the experts. When the appointment is made, importance shall be attached to gender equality considerations. In respect of posts for which teaching qualifications are required, the extent to which applicants are so qualified shall be given separate consideration. The board issues specific rules concerning assessment, but cf. the sixth paragraph.

(4) When special grounds so indicate, the board may itself make academic appointments without prior advertisement of the vacancy. Such appointments may not be made if more than one member of the board objects to this.

(5) The board shall itself decide which body is to issue the recommendation and issues specific rules concerning recommendations, etc.

(6) The Ministry may issue regulations concerning procedures and criteria for appointment or promotion to academic posts.

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**Section 6-4. *Appointment for a fixed term of years***

(1) Appointment for a fixed term of years may be used for:

- a) Rector
- b) Director
- c) Prorector
- d) heads of faculties and departments
- e) academic posts when the appointee is to take part in a project
- f) post-doctoral posts
- g) research fellowships
- h) research assistants
- i) residents (spesialistkandidater)
- j) academic posts where competence in creative or performing arts is an essential element of the competence requirements

(2) The fixed term of years pursuant to the first paragraph (a), (c) and (d) shall be four years. No-one may be employed pursuant to (a) and (c) for a continuous fixed term of more than eight years or for more than twelve years pursuant to (d). When special grounds so indicate, the Ministry, on the recommendation of the board, may establish a fixed term other than four years.

(3) The fixed term of years for employees as referred to in the first paragraph, (e) and (j), may be from four to six years. No-one may be employed pursuant to this provision for a continuous term of more than twelve years.

(4) In posts pursuant to the first paragraph (f) to (i), the Ministry may issue regulations concerning duration, the scope and content of the work and the right to renew the appointment.

**Section 6-5. *Temporary academic appointments***

(1) If there are no applicants to a permanent academic post at a university or college who, according to established conditions or expert assessment, are clearly qualified for permanent employment, and it is regarded as being unlikely that an application will be received from a qualified applicant if the post is readvertised, an applicant may be employed for a limited period when:

- a) the possibility of temporary employment has been mentioned in the announcement of the vacancy and
- b) the applicant concerned, in the view of the appointing authority, would be able to acquire the necessary qualifications during the period of employment.

The period of employment shall be stipulated by the appointing authority, and shall not exceed three years. The period of employment may however be extended by a period equivalent to the time required for a proper evaluation of the qualifications of the holder of the post, but not in excess of six months. The period of employment may not be further extended, and the person concerned shall not be given a new temporary

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appointment in the post. On expiry of the period of employment, the holder of the post is entitled to be considered for permanent employment in the post before the post is readvertised.

(2) If it has not been possible to obtain applicants who satisfy the qualification requirements for the appointment pursuant to the first paragraph and, owing to the teaching situation, it is absolutely necessary to make an appointment, a temporary appointment may be made for a maximum period of three years and six months in a lower post for which the applicant concerned satisfies the qualification requirements.

(3) Leave that the applicant concerned is entitled to pursuant to statute or collective pay agreement shall not be included when calculating the appointment period pursuant to this section.

**Section 6-6.** *Special provisions for certain types of additional post*

A temporary appointment may be made of up to 20 per cent of an academic post. The Ministry may issue regulations concerning the duration and conditions for termination of employment.

**Section 6-7.** *Exclusive right to use of certain occupational titles*

(1) The title Professor may only be applied to posts at the highest academic or artistic level at universities and university colleges accredited as institutions or for individual courses pursuant to this Act. The Ministry may decide that other titles of academic posts shall be given corresponding protection.

(2) Provided that NOKUT confirms that an institution that does not fall within the scope of this Act provides higher education and carries out research or artistic development work at a corresponding level in one or more fields, the Ministry may decide that the title Professor and other protected titles may be used at such an institution. Assessment of qualifications shall in all important respects be the same as at institutions subject to this Act.

(3) A person who has held a post with a title protected pursuant to the first paragraph for at least ten years or who after a shorter period of service retires from such a post is entitled to use the title.

(4) A person who is dismissed from his or her post or deprived of it by court judgment is not entitled to use a protected title.

(5) The deliberate or negligent award or use of a protected title, alone or as part of another title, by someone not so entitled is punishable by fines.

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## **Chapter 7. Miscellaneous provisions**

### **Section 7-1. Fees**

- (1) State universities and university colleges may not claim fees from students for ordinary courses leading to a degree or for professional training courses. The Ministry may in special cases, on application, approve exceptions from this provision.
- (2) Private universities and university colleges shall ensure that the state operating grant and fees from the students are used to the benefit of the students. Institutions that receive state support may not give financial dividends or in any other manner transfer profit to the owner or close associates of the owner.
- (3) The Ministry may issue regulations concerning the right of universities and university colleges to claim fees from students and to claim other expenses associated with the courses.

### **Section 7-2. Protection of the names of universities and university colleges**

- (1) The King shall decide the names of state universities and university colleges. Private universities and university colleges shall themselves decide their names. The names of universities and university colleges shall reflect the institutional categories to which the institutions belong. The name of the institution shall be registered in the Central Coordinating Register of Legal Entities.
- (2) Only institutions accredited as specialized university institutions or universities may use such designations. The designation university college may only be used by institutions accredited as university colleges or accredited to provide individual courses pursuant to this Act.
- (3) The Ministry may, by regulation or individual decision, prohibit the use of institutional designations or names that give a false impression of holding such recognition or that are likely to be confused with designations referred to in the second paragraph.
- (4) The Ministry may on application grant dispensation for established composite designations that are not likely to be confused with the designations referred to in the second paragraph. The Ministry shall decide what designations shall be used by the institutions in other languages.
- (5) The deliberate or negligent use of a protected institutional designation in breach of the provisions of this section is punishable by fines.

### **Section 7-3. Licence to practise as a state authorized translator**

- (1) The Ministry issues licences to practise as a state authorized translator. The Ministry may issue regulations concerning the conditions attached to such licences. The title State Authorized Translator may be used only by persons who have been granted a licence pursuant to this provision.
  - (2) The deliberate or negligent award or use of a title, alone or as part of another title, by someone not so entitled is punishable by fines.
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**Section 7-4.** *Staff of scientific collections*

A person holding a post at a scientific collection must not without the consent of the board keep private collections of the same or a similar kind or trade in or exchange items belonging to such a collection on his or her own account.

**Section 7-5.** *Basic material for almanacs*

The University of Oslo shall prepare the basic astronomical information necessary for the publication of almanacs and calendars in Norway.

**Section 7-6.** *Relation to other legislation*

(1) The provisions concerning duty of confidentiality of sections 13 to 13e of the Public Administration Act shall apply to universities and university colleges.

(2) Decisions concerning recognition and credit of education pursuant to section 3-4, exemption from an examination or test pursuant to section 3-5, admission of students pursuant to sections 3-6 and 3-7, the right to sit an examination pursuant to section 3-10, annulment of examinations or tests pursuant to section 4-7 and exclusion pursuant to sections 4-8 to 4-10 are regarded as individual decisions pursuant to the Public Administration Act. The same applies to decisions in cases concerning appeals against procedural errors in connection with examinations pursuant to section 5-2.

(3) Universities and university colleges shall be regarded as public bodies pursuant to section 21 of the Gender Equality Act.

## **Part II. Private universities and university colleges**

### **Chapter 8. Miscellaneous provisions - private institutions**

**Section 8-1.** *The institution's management - the board*

(1) Private universities and university colleges subject to this Act shall be governed by a board as the highest governing body.

(2) The board shall have representatives from the students and staff. The board shall be composed of at least five members. If the board has more than ten members, the groups representing students and staff shall each have at least two members. The requirements laid down in section 21 of the Gender Equality Act, cf. section 7-6, third paragraph, concerning representation of both sexes shall be fulfilled within each electoral body (valgkrets).

(3) There shall be the greatest possible degree of transparency concerning the work of the board.

**Section 8-2.** *Delegation of authority*

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(1) All decisions taken at private universities and university colleges by persons or bodies other than the board shall be taken with authority delegated by the board and at the responsibility of the board.

(2) The board may delegate its decision-making powers to other persons or bodies at the institution in so far as it does not follow from the present Act that the decision must be taken by the board itself or that other special restrictions apply to the right to delegate authority.

### **Section 8-3. *State support***

(1) Private universities and university colleges that satisfy the requirements set out in this Act may on application to the King be declared entitled to state support to cover operating costs of courses accredited by NOKUT.

(2) The boards of private universities and university colleges shall each year present an annual financial statement and report on the results of its activities, and propose a budget for the coming year.

(3) The Ministry supervises private universities and university colleges that receive state support. The Ministry may in regulations issue further provisions concerning annual accounts and supervision.

## **Part III. State universities and university colleges**

### **Chapter 9. The board**

#### **Section 9-1. *Responsibility for the institution's activities***

(1) The board is the highest governing body of an institution. It is responsible for maintaining a high standard of academic activity and for ensuring that the institution is run efficiently and in accordance with the statutes, regulations and rules that apply and the guidelines and objectives laid down by the authorities.

(2) All decisions taken at the institution by persons or bodies other than the board shall be taken with authority delegated by the board and at the responsibility of the board. The board may delegate its decision-making powers to other persons or bodies at the institution in so far as it does not follow from the present Act that the decision must be taken by the board itself or that other special restrictions apply to the right to delegate authority.

#### **Section 9-2. *The boards responsibilities***

(1) The board shall draw up the strategy for the institution's educational, research and other academic activities and lay plans for its academic development in accordance with the objectives established by the authorities for the sector and the institution.

(2) The board shall establish requirements regarding objectives and results and holds responsibility for ensuring that the financial resources and property of the institution

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are utilized in accordance with the relevant provisions issued by the superior authority and with the conditions attached to allocations of funds or other binding decisions.

(3) The board shall supervise the day-to-day management of activities. The board shall issue instructions for the institution's day-to-day management.

(4) The board shall itself decide the internal organization of activities at all levels. Such organization must ensure that the views of the students and staff are heard.

(5) Pursuant to specific guidelines issued by the Ministry, the board shall each year present an annual financial statement and report on the results of its activities, and propose a budget for the coming year.

(6) There shall be the greatest possible degree of transparency concerning the work of the board.

### **Section 9-3. *Composition of the board***

(1) The board shall have eleven members and consist of the chairman, three members elected from among the academic staff, one member elected from among the technical and administrative staff, two members elected from among the students and four external members. If the Rector has been elected pursuant to section 10-1, the Rector shall be chairman of the board. If the Rector has been employed pursuant to section 10-4, the Rector shall be replaced by one member elected from among the academic staff and the Ministry shall appoint one of the external members as chairman of the board.

(2) The board may itself establish a different composition of the board than that specified in the first paragraph. Such a decision must have the support of at least two-thirds of the members of the board. The academic staff, the technical and administrative staff, the students and external members shall all be satisfactorily represented on the board. None of these groups shall alone have a majority. Section 4-4, first paragraph, shall apply correspondingly.

(3) The board may itself decide that the board shall have a majority of external members. Such a decision must have the support of at least two-thirds of the members of the board. The academic staff, the technical and administrative staff and the students shall all be satisfactorily represented on the board. Section 4-4, first paragraph, shall apply correspondingly.

(4) Board members and the Rector are entitled to reasonable remuneration for functioning as such, pursuant to rules laid down by the board. The Ministry may provide guidelines for remuneration of the board members and the chairman.

(5) The Ministry may in special cases establish a different composition of the board than that specified in the first paragraph or established pursuant to the second or third paragraph.

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**Section 9-4. Election and appointment of the board**

(1) Board members who are employees of the institution and their deputies are elected for four years. The election is held separately for the two groups: academic staff and technical and administrative staff.

(2) If the temporary academic staff constitutes more than 25 per cent of the academic staff of the institution, this group shall elect one of the board members from among the academic staff. A separate election shall be held for this group. Such a board member shall be elected for one year.

(3) Board members from the student group and their deputies shall be elected for one year.

(4) A board member shall remain in office until a new board member is elected even if the period of service has expired. Where special circumstances are present, a board member has the right to resign before expiry of the period of service. The board and the group that has elected the board member shall be given reasonable notice.

(5) External board members, including the chairman, and their deputies are proposed by the board of the institution. In the case of Sámi allsákvla (the Sami University College), proposals are made by the university college board and by Sámediggi (the Sami parliament). In the case of the university colleges of the arts, proposals are made by the board of the university college and by the Norwegian Council for Cultural Affairs. The Ministry independently appoints external members and their deputies for four years.

(6) The board may itself decide that the holders of certain posts shall not be eligible for election to the institution's board.

(7) No-one may be re-elected as a board member who will have served in the position for a continuous period of eight years at the beginning of the new electoral period.

(8) The requirements of section 21 of the Gender Equality Act concerning representation of both sexes shall be satisfied within each electoral body (valgkrets).

(9) The board shall itself issue specific rules concerning the elections.

**Section 9-5. Obligation to accept and act in positions of trust**

(1) A member of staff who is elected to the board or to another position of trust at the institution, is obliged to accept the position. A person who has served in a position of trust is entitled to be excused re-election to that position for as long as he or she has served in it. A deputy member who has attended meetings as a member for at least half an electoral period may demand to be excused election as a member for the next period.

(2) The holder of a position of trust shall retire when he or she ceases to be eligible.

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**Section 9-6. Board meetings**

- (1) The board shall deal with matters in meetings unless the chairman finds that a matter may be submitted in writing or be dealt with in another satisfactory manner.
- (2) The chairman of the board shall ensure that the board meets as often as is required. Any member of the board and the Rector or Director may demand that a meeting of the board be convened. Reasonable notice must be given of meetings.
- (3) A member of the board is obliged to attend meetings except in the event of valid grounds for absence.
- (4) A member of the board is obliged to participate in the proceedings and to vote. Blank ballots are not permitted except at elections.
- (5) Unless the board in individual cases decides otherwise, an employed Rector or Director has a right and duty to attend and speak at board meetings.
- (6) Meetings of the board shall be open. The board may decide that a meeting shall be held in camera or that particular matters shall be dealt with in camera. The decision referred to in the second sentence is taken in camera.
- (7) Board meetings shall be chaired by the chairman or, in the absence of the chairman, by a person nominated by the board.
- (8) The board shall keep minutes of its meetings.

**Section 9-7. Quorum and majorities**

- (1) The board has a quorum when over half of the members are present and vote.
- (2) Unless otherwise provided in the present Act, resolutions are adopted by simple majority of the votes cast. In tied votes other than in elections, the Chairman has the casting vote. Tied votes in elections are decided by lot.
- (3) Votes on other matters than elections and appointments are by show of hands. Votes at elections and in connection with appointments shall be by written ballot if one of the members present so requests.

**Section 9-8. Right to dismiss the board**

If the board through its dispositions jeopardizes the further activities of the institution, the King in Council may dismiss the board and appoint a temporary board until a new board is elected and appointed.

**Chapter 10. Rector. Director**

**Section 10-1. The Rector**

Unless the board has adopted a resolution pursuant to section 10-4, the following provisions concerning the Rector shall apply:

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a) The Rector is the chairman of the board. On behalf of the board, the Rector has overall responsibility for and manages and supervises the institution's activities. The Rector, and in the absence of the Rector the Prorector, is entitled to attend meetings of all the institution's boards, councils and committees.

b) The Rector decides matters which may not be postponed until the board is able to convene. The Rector may also be authorized to deal with current business which ought to be settled before the next regular board meeting and which is not considered important enough for an extraordinary meeting to be called. In matters concerning dismissal or suspension, the Rector may only order temporary suspension from service pending the board's consideration of such matters.

### **Section 10-2. *Election of the Rector***

(1) Unless the board has adopted a resolution pursuant to section 10-4, the Rector shall be elected. Both the institution's staff and external candidates are eligible for election as Rector. The board may provide further rules concerning nomination of external candidates.

(2) The electoral period is normally four years. No one may be re-elected Rector or Prorector who will have served in the position for a continuous period of eight years at the beginning of the new electoral period.

(3) The person elected as Rector is appointed for a fixed term unless he or she is already a permanent employee of the institution.

(4) When counted, votes shall be weighted according to a distribution key decided by the board within the following limits:

a) academic staff 51–71 per cent

b) technical and administrative staff 5–25 per cent

c) students 15–30 per cent.

If the election takes place in a special electoral body (særskilt valgforsamling), this shall have a corresponding composition.

(5) The board itself may issue further rules concerning the election.

### **Section 10-3. *The institution's Director***

(1) Unless the board has adopted a resolution pursuant to section 10-4, each institution shall have a Director.

(2) Subject to the limits laid down by the board, the Director is the overall head of the institution's administration.

(3) The Director serves as secretary to the board and shall, in consultation with the Rector, prepare and make recommendations concerning matters that come before the board. The Director is also, in person or through a subordinate, the secretary of the institution's other governing bodies.

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(4) The Director is responsible for implementing the resolutions adopted by the institution's governing bodies and for the utilization of resources and property in accordance with the resolutions adopted by the board.

(5) The Director is responsible for ensuring that the overall management of funds and assets accords with the Ministry's general provision concerning financial management and the conditions on which allocations are made. The Director prepares budget proposals and annual financial statements and submits them to the board, and keeps the Rector and the board informed at all times of how the accounts stand in relation to the budget and of other matters with a significant bearing on the activities of the institution.

(6) If the board, Rector or Director is uncertain as to whether a decision by the board is in accordance with rules or conditions for allocations, etc., the issue in doubt shall be resolved by the Ministry.

(7) The Director has general powers to authorize payments and is authorized to issue binding documents concerning the institution's property, cf. section 12-3, unless otherwise provided in legislation or in the document of title concerned.

#### **Section 10-4. *Employment of the Rector***

(1) The board may decide that the Rector shall be employed for a fixed term of years. Such a decision must have the support of at least two-thirds of the members of the board. The post of Rector shall be advertised and the appointment made by the board itself. The appointment procedure must ensure that the Rector has academic and administrative legitimacy and that the opinions of the students and staff are heard. The board shall decide whether recommendations shall be made and in such case by whom.

(2) An employed Rector shall be responsible for day-to-day management of the institution's academic and administrative activities in accordance with the guidelines and instructions laid down by the board.

(3) An employed Rector serves as secretary to the board and shall, in consultation with the chairman of the board, prepare and make recommendations concerning matters that come before the board. An employed Rector is entitled to attend meetings of all the institution's boards, councils and committees.

(4) An employed Rector is responsible for implementing the academic and administrative resolutions adopted by the board, and for the utilization of resources and property in accordance with the resolutions adopted by the board.

(5) An employed Rector shall, on the board's behalf ensure that the overall management of funds and assets accords with the Ministry's general provision concerning financial management and the conditions on which allocations are made.

(6) An employed Rector prepares budget proposals and annual financial statements and submits them to the board, and keeps the board informed at all times of how the accounts stand in relation to the budget and of other matters with a significant bearing on the activities of the institution.

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**Section 10-5.** *The Rector's resignation*

- (1) If the Rector resigns before expiry of his term of office, a new Rector shall be employed or elected.
- (2) If the institution has a Prorector, the board may itself decide that the Prorector shall assume the duties of the Rector if the Rector is absent or resigns during the final year of office.

**Chapter 11. Appointments**

**Section 11-1.** *Special appointment provisions for state universities and university colleges*

- (1) The board appoints heads of faculty and a head of administration if the board decides to establish such posts.
- (2) The board may decide that heads of faculty shall appoint heads of department if such appointments shall be made.
- (3) Appointment of the Prorector and of heads of faculties and departments shall be made on the basis of recommendation by a selection committee. The board itself shall decide the composition of the selection committee and lay down further rules concerning selection, etc. Unless the board unanimously decides otherwise, the students shall be represented on the selection committee.
- (4) When special grounds so indicate, the board may make the appointment itself without prior advertisement of the vacancy.
- (5) Appointments to technical and administrative posts are made by appointments committees appointed pursuant to the provisions of the Civil Service Act. The board decides whether the institution shall have one or more such appointments committees.
- (6) If the board appoints a head of administration, this shall be done on the basis of the recommendation of the Director or of the Rector if the Rector has responsibility for day-to-day management of the institution.

**Section 11-2.** *Rules of appointment procedure*

When the board makes appointments, section 4 (5), third sentence, and section 5 (3) of the Civil Service Act do not apply. When appointments are made by another body, cases pursuant to these provisions shall be brought before the board itself for decision. Requests pursuant to section 5 (3) of the Civil Service Act must be made at the meeting at which the appointment is dealt with.

**Section 11-3.** *Summary discharge, notice, suspension and disciplinary measures*

- (1) The appointing body itself decides cases pursuant to section 17 (3) of the Civil Service Act concerning summary discharge, notice, suspension or disciplinary measures.
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(2) Section 18 (2) of the Civil Service Act does not apply to the treatment of matters by the board. When decisions are to be taken by other bodies than the board, matters pursuant to section 18 (2) of the Civil Service Act may be brought before the board itself for decision. The request that this be done must be made at the meeting at which the decision was to be taken.

(3) Appeals against decisions concerning summary discharge, notice, suspension or disciplinary measures are ruled on by the Ministry when such decisions have been taken by the board, and otherwise by the board itself.

## **Chapter 12. Various provisions**

### **Section 12-1. *External matters***

(1) The board shall represent the institution in relation to the public authorities.

(2) The Rector is the institution's legal representative and spokesman in relation to the public authorities and the general public. In individual cases, the Rector may appoint a representative in his or her place.

### **Section 12-2. *The parties***

(1) The State, represented by the Ministry, is a party in legal actions concerning the business of the institution unless the contrary follows from the second paragraph.

(2) The State, represented by the institution, is a party when the matter in dispute originates in an individual decision taken by the institution pursuant to the Public Administration Act and the decision may not be appealed to the Ministry or to another body outside the institution.

(3) The Ministry may decide that the State represented by the institution shall be a party also in other cases concerning the institution.

### **Section 12-3. *Property management***

(1) The board of an institution managing its own property may itself dispose of real property with the consent of the Ministry or according to general rules issued by the Ministry.

(2) The Ministry may issue rules concerning the renting and letting of real property.

### **Section 12-4. *Cooperation and participation in other activities***

(1) Subject to general guidelines laid down by the Ministry, an institution may establish or participate in self-owning operations or in companies provided such participation is relevant to the institution's academic activities and beneficial to society. The institution must not limit its independence in academic matters and may not delegate its day-to-day teaching and research.

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(2) The Ministry shall receive annual reports on the institution's participation in such cooperation and on its importance to the other activities of the institution. The Ministry may order the institution to withdraw from such cooperation if this is considered necessary out of regard for the primary responsibilities of the institution.

## **Part IV. Miscellaneous provisions**

### **Chapter 13. Final provisions**

#### **Section 13-1. *Entry into force***

The Act shall enter into force on such date as is decided by the King.

#### **Section 13-2. *Transitional provisions***

The King may issue further transitional provisions.

#### **Section 13-3. *Amendments to other Acts***

With effect from the entry into force of the present Act the following amendments are made to other Acts:

The following amendments shall be made to the Act of 28 June 1996 No. 54 relating to student welfare organizations:

Section 1, first paragraph, shall read as follows:

This Act shall apply to institutions subject to the Act of 1 April 2005 No. 15 relating to universities and university colleges.

Section 2, third paragraph, shall read as follows:

For private institutions subject to the Act of 1 April 2005 No. 15 relating to universities and university colleges, the Ministry may grant exceptions from the requirement regarding affiliation to a student welfare organization when the institution has other satisfactory welfare arrangements.

The following amendments shall be made to the Act of 20 June 2003 No. 56 relating to technical courses at the post-secondary level (fagskoleutdanning):

Section 2, second paragraph, shall read as follows:

Recognition shall be conducted by the Norwegian Agency for Quality Assurance in Education (NOKUT), cf. chapter 2 of the Act of 1 April 2005 No. 15 relating to universities and university colleges.

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Section 7, fourth paragraph, shall read as follows:

Recognition decisions taken by NOKUT in relation to providers of technical courses at the post-secondary level (fagskoleutdanning) may in regulations be excepted from the provisions concerning appeals in chapter VI of the Public Administration Act.

**Section 13-4.** *Repeal of earlier Acts*

With effect from the entry into force of the present Act, the following Acts are repealed:

Act of 12 May 1995 No. 22 relating to universities and university colleges

Act No. 53 of 11 July 1986 relating to state grants to private institutions of higher education and to the right of such institutions to hold examinations.

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