

## No. 85 from 2008

### Act on Public Higher Education Institutions

Entered into effect June 20, 2008. Amended by Act 50/2010 (entered into effect 12 June 2010)

#### CHAPTER I. Scope, etc.

##### Article 1 *Scope*

▪ This Act applies to the University of Iceland and the University of Akureyri which are run as public higher education institutions under the authority of the Minister of Education, Science and Culture. A public higher education institution is referred to as university in this Act.

▪ The [Minister]<sup>1)</sup> shall issue an announcement stating which universities operate on the basis of this Act.

<sup>1)</sup> Act 50/2010 Article 1

##### Article 2 *Independent higher education institution*

▪ A university is an independent higher education institution under the auspices of the [Minister]<sup>1)</sup> according to Articles 2 and 3 of the Higher Education Act no. 63/2006. It has autonomy regarding to its activities apart from provisions otherwise stipulated in Acts, regulations or other official edicts on the operation of higher education institutions.

<sup>1)</sup> Act 50/2010 Article 2

##### Article 3 *Role*

▪ [A university shall conduct teaching, research, search for knowledge and creation in the fields of science, technology development or arts. It imparts knowledge to the public and serves the society. A university may provide continuing education to those that have completed a degree within its accredited fields of study.

▪ The Minister may assign teaching and research responsibilities in specific fields of study to a particular university, indefinitely or for a predetermined period of time.

▪ The role of a university is further specified in the Higher Education Act no 63/2010.]<sup>1)</sup>

<sup>1)</sup> Act 50/2010 Article 3

#### CHAPTER II. Administrative and organisational structure

##### Article 4 *Administrative units and operating forms*

▪ The administrative units of a university are:

- schools and faculties, cf. Chapter IV of this Act,
- university institutions under the authority of the University Council, according to its decision,
- university institutions under the authority of schools or faculties according to the University Council decision,
- University institutions that operate on the basis of specific legislation.

▪ Rules laid down by the University Council may allow other terms to be used for schools and faculties, cf. paragraph 1, item a, and for universities to operate other administrative units.

##### Article 5 *The University Council and administration of universities*

▪ The administration of universities is entrusted to the University Council and the Rector. The University Council shall define the general policy on teaching and research and formulate the university's organisational structure. The University Council shall carry out general monitoring of all the university's activities, of individual schools and university institutions and is responsible for ensuring that the university operates according to law and official edicts.

▪ The University Council shall administer decisions regarding matters of the university and of particular schools and institutions which are connected to the university and come under the authority of the University Council or a school.

▪ The University Council is responsible for the implementation of cooperative agreements between the university and companies or other institutions. The University Council also manages companies, funds and all property belonging to the university.

▪ The University Council sets the rules and criteria for recruitment of personnel for the schools and university institutions, cf. Article 4, paragraph 1, items b and c.

▪ The University Council may delegate the decision making power which is entrusted to the Rector or other executives in particular matters, to other executive or administrative personnel, which shall be done in writing and announced especially.

▪ Should the University Council be assigned to treat a matter concerning one school in particular, the Council shall seek the opinion of its president before the matter is concluded. The University Council shall similarly seek the opinion of the director of a university institution that is not under the authority of a school.

##### Article 6 *University Council members*

▪ The Rector sits on the University Council and also the chairs the council.

▪ The University Council of a university with less than 5000 students shall be comprised of six members, besides the Rector, appointed for a two-year term:

- [Two representatives of the university community appointed by the university assembly]<sup>1)</sup>.
- One representative appointed by the general association of students of the university.
- [One representative appointed by the Minister]<sup>1)</sup>.
- Two representatives appointed by the newly appointed representatives of the University Council.

▪ The University Council of a university with more than 5000 students shall be comprised of ten members, besides the Rector, appointed for a two-year term:

- [Three]<sup>1)</sup> representatives of the university community appointed by the university assembly.
- Two representatives appointed by the general association of students of the university.
- [Two representatives appointed by the Minister]<sup>1)</sup>.
- [Three]<sup>1)</sup> representatives appointed by the newly appointed representatives of the University Council.
- For each representative cf. paragraph 2, items 1, 2 and 3 and paragraph 3, items 1, 2 and 3, an alternate shall be appointed.

▪ [Two representatives, cf. paragraph 2, item 4, three representatives, cf. paragraph 3, item 4]<sup>1)</sup>, as well as one common alternate shall be appointed jointly by the Rector and other representatives cf. paragraph 2, items 1, 2 and 3 and paragraph 3, items 1, 2 and 3, upon their appointment to the University Council for a two year term. On appointing representatives cf. paragraph 2, items 3 and 4 and paragraph 3, items 3 and 4, it is important to ensure broad knowledge and experience for the university's benefit and support and the representatives may not be members of the staff or students of the university. With the appointment of representatives accounted for in this paragraph, the University Council is complete.

▪ The University Council may establish further rules on the selection of representatives of the university community and students. Reference shall be sought from the university assembly and the general association of students before establishing or changing such rules.

<sup>1)</sup> Act 50/2010 Article 4

### **Article 7 University Council meetings**

- Meetings of the University Council are held as needed. Should three of the University Council members request a meeting, the chair shall summon a meeting.
- The University Council is not legally constituted unless at least five of the University Council's members with the right to vote attend the meeting. The power of vote is decisive. In the case of an even vote, the vote of the chair shall decide.
- The Rector summons University Council meetings. The University Council sets rules for the preparation of meetings, meeting invitations, meeting orders, decision-making announcements and other arrangements concerning the organisation of the University Council which are not stipulated in this Act.

### **Article 8 University Rector**

- [The Minister]<sup>1)</sup> appoints a Rector for a five-year term according to the University Council's nomination. The University Council shall set rules for the Rector's appointment procedure. The University Council may decide whether to appoint a Rector by election or by advertising the post.
- The Rector is the chairman of the University Council. He is the head of administration of the university and its main representative towards individuals and institutions within, as well as outside, the university. He manages the university's operations and initiates the University Council's general policy making in all university matters. The Rector is responsible for administering and monitoring all university operations, including recruitments and finances of individual schools and institutions. He is responsible for devising all operational and financial plans and for their approval in the University Council. In between meetings of the University Council, the Rector holds the power of decision in all university matters.
- The Rector shall recruit a Dean for each school, cf. Article 12, and appoints his commission. The University Council may authorise the Rector to employ a Vice Rector, one or more.
- The Rector shall recruit personnel for the university's general administration and formulate its commission or job descriptions.

<sup>1)</sup> Act 50/2010 Article 5

## **CHAPTER III. University assembly**

### **Article 9 University assembly**

- The university assembly shall be the main discussion forum within the university community concerning development and progression of the university. The university assembly [outlines and puts forward]<sup>1)</sup> the university's general education and science strategy, at the Rector's initiative. The University Council may seek reference from the university assembly regarding all matters concerning the activities of the university or of its individual schools or institutions. The University Council may also entrust the university assembly with discussion concerning professional matters and academic policy making.
- The university assembly may infer an opinion on matters, which the assembly considers relevant to the circumstances of the university community.
- Decisions made by the University Council, Rector, school Deans or by Directors of university institutions, may not be appealed to the university assembly.

<sup>1)</sup> Act 50/2010 Article 6

### **Article 10 University assembly representatives**

- The Rector, Deans of schools and faculty heads have a seat in the university assembly. Teachers and specialist from the schools and the institutions of the university, as well as representatives from institutions that operate according to special legislation or that are specifically connected to the university, have also a seat in the university assembly. Schools

representatives shall be elected in a school meeting, cf. Article 14.

- The university assembly shall also include, for a two-year term, two representatives from the Association of University Teachers who are elected in a written poll from among its members who do not hold the commission of president, and two representatives from the university administrative personnel elected in a written poll. In addition, there shall be one student representative in the university assembly against every five other representatives of the university, who shall be elected in a special poll for a [two-year]<sup>1)</sup> term.
- The University Council shall set further rules<sup>2)</sup> regarding the number of representatives in the university assembly as well as regarding their selection. The rules shall also stipulate the election and seating of representatives of other institutions and associations in the university assembly than those enumerated in paragraph 1 and their right to vote.
- The Rector shall summon the university assembly and chair it or delegate the chair. A university assembly shall be held at least once a year. Should 2/3rds of the university assembly representatives request a meeting, the Rector is obliged to summon the assembly.

<sup>1)</sup> Act 50/2010 Article 7 and <sup>2)</sup> Rules 894/2008

## **CHAPTER IV. Schools and institutions**

### **Article 11 Schools and institutions**

- Schools are the main units of a university and faculties their basic units. The University Council shall decide on the role, boundaries and division of tasks between schools and set rules stipulating their organisation. Each school is divided into faculties according to a recommendation submitted to the University Council by the school. Before making any fundamental changes to the organisation of a school, reference shall be sought from the university assembly.
- Each school shall conduct teaching, research and administration. Schools shall be autonomous regarding their professional and administrative matters within limits determined by the University Council. Faculties are professionally responsible for university teaching and research.
- Schools and faculties may operate special university institutions, cf. Article 4, paragraph 1, item c, and research laboratories that are established according to the Council decision and further rules set by the University Council.

### **Article 12 School Deans and Faculty Heads**

- A Dean manages daily school operations. The Rector recruits a Dean for each school after advertising the post. The Rector may assign the post of Dean to a member of the university personnel. The duration of the recruitment shall be according University Council rules. The Rector shall appoint the Deans' commission.
- Under the mandate of the University Council and Rector, the Dean takes the initiative in setting the policy for the school, monitors school activities and administration and recruits its personnel. The Dean is responsible for the school finances and quality requirements towards the Rector and University Council cf. Article 5. The Dean shall select Heads of Faculties for a two-year term according to recommendation by the faculty meeting. The University Council shall set rules for selection of Head of Faculties.

### **Article 13 School council**

- The Dean and Heads of Faculties comprise the school council. One or more student representatives, selected by students according to rules set by the University Council, shall also sit on the school council. The school council shall address common issues of the school, including the faculties' decisions on courses offered. [The University Council may decide that representatives of certain fields of studies that jointly form a

faculty have a seat on the council. Further, the University Council may decide that a representative of a public research institution that collaborates closely in teaching and training of students may sit on the council]<sup>1)</sup>.

▪ The University Council shall set further rules regarding school operations, their administration, their division into faculties, the role of the Heads of Faculties and on school and faculty meetings.

<sup>1)</sup> Act 50/2010 Article 8

#### **Article 14 School meetings**

▪ A school meeting, directed by the Dean under the mandate of the Rector, shall be a forum for discussion about the schools internal affairs. The University Council can seek school meeting reference regarding anything concerning the activities of the school as well as of the faculties operated within it.

▪ The school meeting may infer an opinion in matters which the meeting considers relevant for the school. Inferences by the school meeting shall be presented to the University Council, Rector, directors of university institutions and others, which they may concern.

▪ Decisions made by the University Council, Rector, Deans of schools or by Directors of university institutions, may not be appealed to the school meeting. The same applies to meetings held within university institutions, cf. Article 4, paragraph 1, items b and c.

### **CHAPTER V. University personnel**

#### **Article 15 Professional titles**

▪ The professional titles of university teachers shall be professor, associate professor, assistant professor and adjunct lecturer. The University Council may issue further provisions about those, as well as other professional titles, which it decides to use.

▪ University teachers shall conduct and be responsible for teaching that leads to an accredited degree.

▪ University teachers and specialists shall carry out independent scientific research.

▪ Directors of university institutions shall carry out university teaching and independent scientific research if the institution regulations demand so.

▪ The University Council shall set further rules regarding professional titles and duties of individuals recruited for academic positions according to provisions of this Chapter as well as regarding their occupational leaves.

#### **Article 16 Evaluation committees**

▪ Universities shall establish an evaluation committee to assess the merit of individuals who apply for academic positions or are offered such a position. Those that obtain an academic position at a university or a university institution shall have completed a masters' degree at least or have equivalent knowledge and experience according to the evaluation committee. They shall also be established in the relevant scientific field.

▪ A school or institution may require that applicants for academic positions hold a doctorate in the relevant scientific field.

▪ Further provisions on the appointment, organisation and results of the evaluation committee shall be cf. Article 18 of the Higher Education Act and rules which the University Council sets with reference from the university assembly. These rules shall ensure that applications are treated in a professional and unbiased manner. The arrangement of permanent evaluation committees within the university may be adopted.

#### **Article 17 Professional appointments**

▪ [A university Rector grants academic positions of indeterminate duration at universities as well as professional advancement of academic employees. A Dean of school, entrusted by the Rector, grants temporary academic positions at a school and institutions that pertain to a school. A Director, entrusted by the Rector, appoints academic positions at institutions that pertain to the University Council. Decisions regarding professional appointments shall be made on the basis of a recommendation according to University Council rules<sup>1)</sup>, which also limit the mandate of the Dean and Directors. Upon granting a position, an employment contract shall be made.]<sup>2)</sup>

▪ Before granting an academic position at a university, the vacant post shall be advertised. However, a university Rector may, according to school proposition and with the University Council's consent, offer the position to a scientist without advertising the position. A university may also deviate from the obligation of advertising when the position is based on specific temporary grants, when the position is connected to particular temporary projects, when the position is held by students during their graduate research studies and when the position is connected through a cooperation agreement to a particular job outside the university.

▪ In the case of professional advancement, transfer or shift between professional titles based on University Council rules, the position is not advertised.

▪ An employment contract for an academic position may be indefinite or for a predetermined period for up to five years. Under special circumstances, temporary recruitment may be prolonged for up to two years, thus exceeding the five year limit.

<sup>1)</sup> Rules 263/2010 <sup>2)</sup> Act 50/2010 Article 9

### **CHAPTER VI. Students**

#### **Article 18 Enrollment**

▪ The Rector and the Deans under his mandate are responsible for the enrolment of students to universities.

▪ Students enrolling in studies leading to a first cycle university degree at universities must have completed matriculation examination from upper secondary school or equivalent examination. Universities may admit students who have not completed matriculation examination or other equivalent examination if they possess the experience, knowledge and skills that are equivalent to the university's preparation requirements for studies at higher education level.

▪ The University Council shall set further rules for the following, according to the university's recommendations as relevant:

- a. specific requirements in addition to matriculation examination for particular undergraduate study programmes in the first cycle,
- b. admission requirements for particular graduate study programmes in the second cycle,
- c. entrance examinations or assessments examinations used in particular study programmes,
- d. assessment of the experience, knowledge and skills of students who have not completed formal education at upper secondary level.

▪ Rules that limit the number of students admitted into individual study programmes shall be presented for each academic year. These rules shall take into account the university's requirements for providing instruction in the relevant study programme. The University Council may set rules limiting the number of students admitted into individual study programmes, whenever conditions prevent the admission of all applicants.

### **Article 19** *Students' rights and duties*

- The University Council shall issue rules, after consulting with the University Students' Association, stipulating students' rights and duties including rules for students' right of appeal within the university.
- Students shall avoid any actions in their studies or in their manner, within or outside of the university, that may dishonour them or damage their reputation or that may disgrace their studies or their university.
- Should a student be found guilty of behaviour, cf. paragraph 2 or which goes against this Act or rules based on this Act, the Dean of the school where the student is registered shall treat the case. Taking into account the gravity of the offence, the Dean may reprimand the student or suspend him from his studies, temporarily or for good. Before deciding on suspension the student shall be given a chance to express his opinion on the matter. The student has the right to appeal a Dean's decision to a board of appeal according to the Higher Education Act. The appeal defers the execution of the Dean's decision.
- The Rector may after a reasonable amount of time permit a student who has been suspended for good, to enrol again for studies at the university, if circumstances have changed. A student may appeal the Rector's denial for enrolment to the board of appeal.

## **CHAPTER VII. Teaching, examinations and degrees**

### **Article 20** *Teaching and teaching methods*

- The University Council shall issue rules regarding the length of the academic year and its division into semesters. Lectures, exercises and courses in university faculties are intended for registered students but a teacher may give others the opportunity to attend such instruction unless otherwise stated by the Dean.
- Teaching shall be organised in courses that are evaluated in course credits, cf. the Higher Education Act. The University Council shall set general rules for the evaluation of courses for course credits.
- Universities shall set general rules regarding teaching and teaching methods, which the University Council shall confirm.

### **Article 21** *Examinations and their organisation*

- The University Council shall set rules regarding examination arrangements, including the recognition of foreign examinations, entrance and preliminary examinations, grading and other related matters. Each university decides on its examination arrangements insofar as they are not stipulated in University Council rules provisions.
- The administrative unit of each [university]<sup>1)</sup> shall take care of the organisation and implementation of examinations.
- A student is entitled to clarifications from the teacher regarding the assessment of his written examination if he so wishes, within 15 days from getting the grade. If a student who has failed an examination does not accept the teacher's assessment after that he can turn to the relevant Dean. A moderator shall then be appointed for each case. Both a teacher and a student majority can, if they think it is necessary, request the appointment of a moderator for individual examinations.
- The University Council rules may stipulate the required study progress and maximum duration of study.
- A faculty may evaluate studies that the student has completed outside the faculty, as part of his studies at the faculty as long as the studies fulfil comparable quality and educational requirements that are made on the basis of this Act and the Higher Education Act.

<sup>1)</sup> Act 50/2010 Article 10

### **Article 22** *Degrees*

- The Higher Education Act shall apply to degrees which universities are allowed to grant, notwithstanding Article 23 of this Act. The University Council may issue further rules concerning degrees on the basis of the Act.

### **Article 23** *Doctorates*

- Universities are entitled to grant an Honorary Doctorate degree. An Honorary Doctorate degree shall not be granted unless by School Council recommendation and with the University Council's consent.
- Universities are entitled to grant a Doctorate degree following a doctoral dissertation defence and the University Council shall set general rules regarding the defence of doctoral dissertations.

#### **[Article 23 a. Continuing education**

- Universities are entitled to offer continuing education in their respective accredited fields of study to university graduates, according to the Higher Education Act no. 63/2006.
- In this act the term continuing education is defined as:
  - a. courses for university graduates in their profession
  - b. Additional interdisciplinary studies for university graduates, that lead to a degree cf. Article 22]<sup>1)</sup>

<sup>1)</sup> Act 50/2010 Article 11

## **CHAPTER VIII. Financial matters**

### **Article 24** *Financing*

- Each university is allocated an independent budget out of the state treasury. The Minister of Education, Science and Culture shall propose the financial contribution for each university regarding their expenses for teaching, research and other projects.
- Universities may generate income in addition to their budget allocation cf. paragraph 1, with:
  - a. registration fees, which students pay when they register for their studies, up to 45.000 ISK for each student on an annual basis; fees according to this item shall not generate more income for the university than the sum of the university's expenses concerning student registration, and student services that do not count as expenses related to teaching and research activities,
  - b. fees intended to cover the issue of certificates, the design, implementation and revision of assessment examinations, entrance examinations, repetition examinations and distance education examinations,
  - c. fees for services considered to be an addition to the services that a university is obliged to provide,
  - d. fees for services provided by the university on the basis of an agreement with the Ministry of Education, Science and Culture cf. Article 21, paragraph 2, item d of the Higher Education Act.
  - e. [fees for providing continuing education cf. Article 23 a.]<sup>1)</sup>
  - f. [fees for lifelong learning for the public.]<sup>1)</sup>
- Universities may increase the registration fee by 15% for those who wish to register outside of the announced registration period, cf. paragraph 2, item a.
- The University Council shall set further rules regarding fee collection and allocation according to this Article. The University Council's rules may stipulate reduced registration fee for low-income students due to invalidism or disabilities, cf. Article 2 of Act no. 59/1992 on the Affairs of People with Disabilities. Such rules may be measured against certain income limits and whether the reduction is in the form of fixed amount of money or a proportion of the registration fee. The University Council rules also permit to allocate a part of the registration fee income to the students' association.

<sup>1)</sup> Act 50/2010 Article 12

#### **Article 25** *Service agreements*

▪ The University Council may enter into agreements with students, their associations or organisations, alumni associations, individuals, their associations and companies or public institutions, to carry out service on behalf of a university, on the condition that provisions of Article 30 of the Government Financial Reporting are fulfilled.

### **CHAPTER IX. Miscellaneous provisions**

#### **Article 26** *Other tasks and activities*

▪ Upon consent by the [Minister]<sup>1)</sup>, a university may become partner in a shareholding company, a non-profit organisation or a limited liability company as long as their operations conform to the objectives of the university and the membership serves its interests. The University Council manages the university's shares in such companies and may provide a school, institution or other parties a mandate for its management.

▪ A university may establish and operate special funds for research and development. The [Minister]<sup>1)</sup> and the University Council shall confirm a charter stipulating their management. The charter shall be issued in the B-section of the Law and Ministerial Gazette.

▪ A university may enter into an agreement with other institutions and companies, involved in university related activities, regarding teaching, research and recruitment of teachers and other personnel.

<sup>1)</sup> Act 50/2010 Article 13

#### **Article 27** *Annual assembly*

▪ Universities shall organise an open annual assembly where the university finances and the main aspects of its operational plan are presented.

#### **Article 28** *Issuing of rules and course catalogue*

▪ Rules established by the University Council on the basis of this Act shall be issued in the B section of the Law and Ministerial Gazette.

▪ Each school shall write and issue a course catalogue. A complete course catalogue for the entire university shall be issued once a year.

### **CHAPTER X. Entry into force, etc.**

#### **Article 29** *Entry into force*

▪ This Act shall enter into force immediately.

▪ ...

#### **Temporary Provisions**

▪ Notwithstanding Article 1 of this Act, it shall apply to the Iceland University of Education until 1 July 2008, according to the Act on the Merger of Iceland University of Education and the University of Iceland, no. 37/2007.

▪ Upon entry into force of this Act, all personnel of the University of Akureyri and the University of Iceland that have been appointed or recruited on the basis of Act no. 41/1999 and Act no. 40/1999 shall keep their positions and occupational Provisions of rules established by the University Councils of the Iceland rights.

▪ University Council appointment, according to this Act, shall be completed by 1 October 2008. Upon such arrangement, the mandate of the University Councils of the University of Iceland and the University of Akureyri shall be repealed.

▪ University of Education, the University of Akureyri and the University of Iceland on the basis of current legislation for the relevant universities shall remain valid with later changes, insofar as they do not go against this Act, until the University Councils have established new legislation according to provisions of this Act.

▪ Upon entry into force of this Act, the schools of the University of Iceland shall be the School of Social Sciences, the School of Health Sciences, the School of Humanities, the

School of Engineering and Natural Sciences and the School of Education. The faculties of the University of Akureyri will be the Faculty of Law and Social Sciences, the Faculty of Health Sciences, the Faculty of Education and the Faculty of Business and Science. Before the end of 2008, universities that come under this Act shall have adapted their operation to the provisions of this Act on schools cf. Article 4, paragraph 2.

▪ The Act on Agricultural Education no. 57/1999 shall be revised before the end of 2009.