In accordance with the Article 24, chapter 1, section 18, regarding the Article 54 chapter 1,section 3 and the Article 55 of the Statute of the University of Montenegro, the Governing Board of the University in the procedure about initiative about rector’s supersedence at the meeting held 3 October 2017, made decision that

Professor, Radmila Vojvodic, was discharged from the rector duty for not performing her tasks regulated by the Law and Statute of the University of Montenegro. Furthermore, she acted contrary to the Law and the Statute and she caused huge damage to the University, referring to the Article 54, chapter 1, section 3 of the Statute of the University.

The decision is final.

Interpretation

The Governing Board of the University of Montenegro, as the body that administers the University, in the framework of its legal jurisdictions, at the meetings held 13 and 14 June, 7, 18, 26 July and 18 August 2017 discussed the proposal about admission in High Medical School at the Faculty of Medicine.

A rector is, in accordance with the Article 49 chapter 1 of the High Education Law and the Article 41 chapter 2 of the Statute of the UOM, responsible for the work at the University and duties which are in the field of business politics established by the Governing Board of the University of Montenegro; and in accordance with the Article 41 chapter 3 section 2 of the Statute a rector is obliged to carry out decisions by the Governing Board and the Senate of the University.

In addition to the Article 50 of the High Education Law a rector is elected by the Governing Board (…), whereas election of pro-rectors, their duties, the duration of rector’s term and other questions are regulated by the Statute.

In accordance with the Article 24, chapter 1 section 18 of the Statute of the UOM, the Governing Board elects a rector and discharges of a rector’s duty.

In accordance with the Article 65 of the High Education Law, the Government determines the number of the students that will be funded by the State, in accordance with the regulated number stated in the license; and gives permission for admission.

In accordance with the Article 98 of the High Education Law and the Article 24 chapter 1 section 15 of the Statute of the UOM, the Governing Board of the University of Montenegro announces contest for admission at the University in accordance with the license of the institution and agreement with the establisher.

In accordance with the Article 79 of the Law, all studies based on the accredited program have to be realized.

In accordance with the Article 27 chapter 2 of the High Education Law, the Government has right to decide about the change of position of any public institutions.

The Government decided not to give permission to the Governing Board to change the headquarters of High Medical School on 8 June 2017 (no 07-1682). Since then the Ministry of Education and the Ministry of Health in cooperation with the University of Montenegro and the Faculty of Medicine are obliged to improve conditions and quality of practice in High Medical School in Berane.

In accordance with the Article 30 of the High Education Law, the Ministry of Education provides the license, which is the legal confirmation that institution can run its activities and perform the admission.

In addition to this, the Governing Board made a decision about contest for admission at the High Medical School Berane at the Faculty of Medicine at the meeting held on 18 August 2017. That decision was based on the following facts:

The study program High Medical School of the Faculty of Medicine got accreditation from the Higher Education Council (Decision no 02-1-35/2017 12 May 2017).

Ministry of Education made decision no 060-84/2017 on 3 July that 70 students will be able to enroll at the study program of High Medical School Berane(total 180 ECTS) at the Faculty of Medicine Podgorica.

The Government made a decision (No 07-2114) on 6 July 2017 about definite number of the students that will be funded by the state in 2017/18 academic year, changing the number of the students at the Faculty of Medicine and in the line titled NUMBER OF STUDENTS- 70 students were added.

The Governing Board of the University of Montenegro made a decision (no 02-406/1) on 7 July 2017 about the content of the announcement for the contest about admission for 2017/2018 in the first admission deadline.

Administration for Inspection Affairs-The Sector for Education and Sport Inspection issued the following command: ”University of Montenegro must correct all irregularities done during the procedure of announcement of the contest for academic 2017/18 year. The University has to announce the contest for 70 students who will enroll the first year of study program High Medical School Berane of the Faculty of Medicine Podgorica. “They ordered rector professor Radmila Vojvodic to complete that task.

The members of the Governing Board asked for an urgent meeting of the Governing Board in order to solve that problem about admission in High Medical School Berane in accordance with the decision made by the Government on 6 July 2017.

The Student Parliament delivered decision to the Governing Board (No 01-339) from 4 August 2017, regarding proposals about status and admission of junior students at the Faculty of Medicine, High Medical School with its headquarters in Berane.

In accordance with the Law, the Statute and other general acts of the University of Montenegro, Faculty of Medicine has to realize theoretical and practical teaching at study program High Medical School.

Five members of the Governing Board-representatives of the founder proposed the initiative for supersedence of rector Radmila Vojvodic on 26 September 2017. It was claimed that rector of the UOM, Professor Radmila Vojvodic, expressed negativity towards the policy of the Government in her announcements and at the meetings of the Senate and the Governing Board. Professor Radmila Vojvodic did not perform her duties as a rector and she disrespected the decisions made by the Government on 7 July. She proposed to the Governing Board and the Senate to follow the decision about enrolment, even though that was contrary to the High Education Law and the Statute. Rector, Radmila Vojvodic, confronted the Government and the Governing Board directly in her announcements as the whole Montenegrin publicity could see that.

The representatives of the Student Parliament pointed out to the rector’s announcements in media which damaged the reputation of the University. They considered that all public announcements could completely damage the reputation of the Faculty of Medicine and the students who have studied there. (A write-up delivered to the Governing Board no 01-341 7 August 2017).

In accordance with the Article 54 chapter 1 section 3 of the Statute of the UOM, a rector can be discharged of a duty before the term is over if duties regulated by the law are not performed or if the jurisdiction has been crossed and damage to the University has been caused.

The Article 55 of the UOM defines:

The initiative for supersedence of rector can be proposed by: the Senate or five members of the Governing Board.

The initiative is submitted with written interpretation.

The initiative is delivered to the rector for the response.

The Senate gives opinion about the initiative. In case of unscheduled meeting in reasonable time, the Governing Board will make decision without the opinion of the Senate.

In the case that the Senate or the Governing Board reject the initiative, a new one cannot be proposed within 6 months.

The Governing Board delivered the initiative to the rector and the Senate at the meeting held 27-28 September 2017, in accordance with the Article 55 chapter 3 and 4 of the Statute of the UOM.

The Governing Board considered the initiative, rector’s interpretation and her explanation about the meeting which was cancelled due to lack of quorum at the meeting held 3 October 2017.

Explanation No 02-475/2-1 from 29 September 2017, rector claims: that it was not true that she did not perform the tasks regulated by the Law and the Statute, or that she acted contrary to the Law and the Statute. She did not cross jurisdictions and she did not cause any damage to the University. All those things were just nonsense with the political background. The Government violated the autonomy of the University and that the decision made on 1 June 2017 was contrary to the legal accredited program in Podgorica. Accusation about admission of 70 students in the period of 1 June to 6 July at the study program High Medical School were not founded, since the announcement about the contest was not rector’s jurisdiction. The University of Montenegro made an appeal to the Administrative court for annulment of the license for High Medical School Berane on 18 July 2017, because the University had never asked for the license. She respected all principles of the Statute and she kept the publicity informed and her announcements were in accordance with the ethic codex and the basic human right-freedom of speech. She followed decisions made by the Senate, and finally she carried out the decision made by the Governing Board on 18 August 2017, regarding admission of the students at the accredited program High Medical School-Berane at the Faculty of Medicine, forming the group of experts ( Goran Nikolic Ph.D. dean of the Faculty of Medicine, senator Ranko Lazovic, Ph.D. and director of the Centar for the study and quality control Aleksandar Vujovic Ph.D.) with the aim to prepare details for realization of teaching, respecting the accredited program and decisions made by the Senate about the organization of teaching at the Faculty of Medicine and Clinical Center).

The Governing Board got write-up from the rector no 02-475/3-1 from 2 October 2017 in which she informs the Governing Board that the meeting scheduled for 2 October was not held due to lack of quorum and that the new one is scheduled for 6 October, which implies reasonable period of time in accordance with the Article 55 chapter 4 of the Statute of UOM, and that without the opinion of the Senate, the Governing Board cannot make any decision.

In discussion with the members of the Governing Board, none presented any new facts that would require further explanations.

After discussion was over, the Governing Board confirmed that all requirements were fulfilled: the initiative was submitted by authorized members ( five members of the Governing Board), initiative was submitted with the written interpretation, the initiative is delivered to the rector and the Senate for the response). Thus, there are the only requirements that have to be fulfilled for the supersedence of a rector. In reasonable time implies that the author defined this term as a standard and that in every special case demands decision about duration. In this special case, the scheduled meeting for 2 October 2017 was reasonable time, and the meeting that was not held cannot be obstruction for further decisions. However, the Governing Board valuates the opinion of the Senate, even though the opinion was expressed through the cancelled meeting. Senators had opportunity to express their opinion, but they did not use the chance. On the other hand, if the author of the law considered that the opinion of the Senate was mandatory, he would have given a different role to the Senate in the procedure of election of a rector and the procedure of rector’s supersedence. Because of this, it was defined that the Senate gives only opinion when initiative is proposed by the Governing Board. That means that the Governing Board appreciates the opinion of the Senate, but this opinion is not mandatory and it cannot prevent Governing Board from performing its duties about election and supersedence of a rector. Any other interpretation would imply that the Senate has power over the Governing Board and it would be contrary to the Statute.

After the complete analysis of the facts, it has to be said that the members of the Governing Board are not elected only by the Senate, but also by the representatives of establishers, representatives of employees, representatives of the students and all member are equal, so none has right to delegate their representatives in the Governing Board and make requirements about certain decisions.

All presented facts prove that rector professor Radmila Vojvodic did not carry out her duties and that she acted contrary to the interests of the Governing Board and founders. She crossed her jurisdictions and she expressed negativity in her public announcement towards the Government and Governing Board. Therefore, she caused huge damage to the University and she damaged the reputation of the University. The representatives of the Student Parliament of the University of Montenegro came to this conclusion. Rector’s explanation about the initiative, represents continuation of her negativity towards the Government and Governing Board, regarding the problematic admission to the High Medical School.

The Governing Board took all these facts and proofs into consideration and accepted the initiative proposed by the five members of the Governing Board- representatives of the founders from 26 September 2017. The Governing Board decided that all necessary requirements for application of the Article 54 chapter 1 section 3 of the Statute of the University of Montenegro were fulfilled and with a majority (12 of 15 presented) voted for supersedance of rector, professor Radmila Vojvodic was discharged of a duty. This decision was supported by: 5 members-representatives of the founder, three members- representatives of academic staff, three members- representatives of students and one member-representative of employees at the University of Montenegro. Three members-representatives of academic staff were against.

LEGAL ADVICE: This decision is final and it is possible to make an appeal against it or start a court case. Your notice of appeal must be filed withing15 days from the date of this notice.

Number: 02-475/4

Podgorica, 3 October 2017

The Governing Board of the University of Montenegro

PRESIDENT

Dusko Bjelica Ph. D.