

Based on Article 95 Item 3 of the Constitution, I shall pass:

**THE DECREE ON
PROMULGATION OF THE LAW
ON HIGHER EDUCATION**

I shall promulgate the Law on Higher Education, enacted by the Parliament of Montenegro of the 25th assembly, at the Second session of the Second regular (autumn) congregation in 2014, on the day of October 14th 2014.

Number: 01-1026/2

Podgorica, October 20th, 2014

Based on Article 82 Item 2 of the Constitution of Montenegro and Amendment IV Paragraph 1 to the Constitution of Montenegro, the Parliament of Montenegro of the 25th Congregation, at the Second assembly of the Second regular session in 2014, on October 14th 2014, shall pass:

**THE LAW ON
HIGHER EDUCATION**

I BASIC PROVISIONS

Subject of the Law

Article 1

This Law shall regulate the basis of higher education, conditions of activities performance, types of Study programmes, the organization principles of institutions performing the tasks, the rights and obligations of academic staff and students, quality provision, financing Higher Education, as well as

other issues significant to the performance of duties in Higher Education.

Aims of Higher Education

Article 2

The aims of Higher Education shall be:

- 1) Acquiring, improving and developing knowledge, scientific and research activities, the Arts and culture;
- 2) Transferring general, scientific and professional competences and skills through teaching and research;
- 3) The development of research-oriented Higher Education;
- 4) Providing opportunities for acquiring Higher Education over a lifetime;
- 5) Establishing and developing cooperation in the area of teaching, research, the Arts and culture;
- 6) Providing conditions for unrestricted access to Higher Education.

Public Interest

Article 3

Higher Education is an activity of public interest.

The Autonomy of Institutions

Article 4

Each Higher Education Institution shall be autonomous in performing its tasks, in accordance with the Law.

Code of Ethics

Article 5

The Code of Ethics of institutions shall define the basic and general principles of values grounded in ethical rights and obligations in Higher Education and shall protect the highest values of Higher Education through the enforcement of applicable norms which regulate academic relations within the University community.

Availability of Higher Education

Article 6

Higher education shall be available to all entities and shall not be directly or indirectly limited based on: gender, race, marital status, colour, language, religion, political or other choice of national, ethnic or other origin, property situation, disability or similar grounds, status or circumstances, in accordance with the particular law.

Quality Provision and Improvement

Article 7

Quality provision and improvement in Higher Education shall be implemented via accreditation, self-evaluation and reaccreditation.

Supervision

Article 8

Monitoring of the implementation of the provisions of this

law shall be performed by the body of the national government competent for education affairs (hereinafter: the Ministry) in accordance with the Law.

Inspection over the work of institutions of Higher Education shall be conducted by an authorised education inspectorate.

Usage of Gender Sensitive Discourse

Article 9

All expressions in the Law used for physical people in masculine shall be used to refer to both masculine and feminine people.

Meaning of Expressions

Article 10

Expressions used in the Law shall have meanings as follows:

- 1) **The European Space of Higher Education** encompasses Higher Education Institutions in countries which signed the Joint Declaration of European Higher Education Ministers in Bologna (1999);
- 2) **ECTS** is the European System of Credit Transfer;
- 3) **One ECTS credit** is related to 30 working hours of a student necessary for one or more of the following activities: contact lessons, studying, practice, preparation and elaboration of independent works,

passing colloquium and exams.

- 4) **A Study programme** is a basic unit for the classification of Higher Education with a defined structure and ECTS number which provides an individual with the learning outcomes needed for the acquirement of knowledge, skills and competences within the working area of the Higher Education level defined in the national framework of qualifications and diploma issuance;
- 5) **A Publicly valid Study programme** is an accredited Study programme;
- 6) **A Diploma supplement** is a public document attached to a certain diploma of a Higher Education Institution for the purposes of providing more detailed insight into the level, nature, content, system and Rules of Study and the achieved results during studies based on the basic model determined by the unique European Space of Higher Education.
- 7) **Lifelong learning** is a comprehensive learning activity throughout life aimed at improving knowledge, skills, and competences in regard with personal, civic, social perspectives and/or

employment perspectives. It encompasses learning in every life phase (from early youth to old age) and in all forms (formal and informal),

- 8) **A Lifelong learning programme** is part of a Study programme, i.e. a module, with defined the structure which provides learning outcomes for acquiring competences and certificate issuance for fulfilling related tasks in areas of work within Higher Education defined by the National framework of qualifications;
- 9) **Affirmative action** implies introducing special measures directed to the creation of conditions for equality and the protection of rights of people who are in an unequal education position whatsoever.
- 10) **A person i.e. a student with a disability** is a person who has a long-term physical, mental, intellectual, sensory or combined disability which with different barriers in Higher Education may hinder their full and effective participation on the grounds of equality with others;
- 11) **A foreigner** is a citizen of another country, a person without citizenship, an

asylum seeker and emigrant;

- 12) **An expert** is a person who has specific knowledge and skills within a certain area or subject in a scope which is relevant in the determination of facts, the solutions to problems and understanding situations.

II COUNCIL FOR HIGHER EDUCATION

Competences of the Council for Higher Education

Article 11

The tasks of Higher Education improvement and development shall be performed by the Council for Higher Education (hereinafter: the Council).

When performing tasks from Paragraph 1 of this Article, the Council shall:

- 1) Analyse situation and achievements in Higher Education and make professional proposals to the Ministry and Government of Montenegro (hereinafter: the Government);
- 2) Give opinions on the proposal of a development strategy of Higher Education;
- 3) Prescribe conditions and criteria for promotion to titles;
- 4) Give opinions on funding Public Institutions of Higher Education and students for each study year;
- 5) Give opinion on the number of students and funding students

within Study programmes of public interest in Private Institutions of Higher Education for each study year;

- 6) Conduct the accreditation procedure of a Study programme and issue a certificate on the accreditation of the Study programme;
- 7) Issue a certificate on the accreditation of the Higher Education Institution based on the accreditation report;
- 8) Propose measures for improving the quality of Higher Education based on recommendations from the report on accreditation and submit them to the Ministry and the Government;
- 9) Cooperate with Higher Education Institutions in the process of providing and improving quality;
- 10) Rank Higher Education Institutions according to the ranking methodology used in the European Space of Higher Education;
- 11) Perform other tasks prescribed by the Law.

Composition and Council Appointment

The Council is appointed and dismissed by the Government.

The Council has 13 members appointed for a period of four years.

Council members are appointed from among prominent experts within the areas of Higher Education, Science, the Arts, Students and the field of

agriculture, social actions and other relevant fields.

Notwithstanding Paragraph 2 of this Article, representatives of Students are appointed for a period of two years.

Council members from among Students are proposed by the Student Parliaments of Higher Education Institutions.

Council Work

Article 13

Council work is public.

The Council for certain areas of its action can be formed by working bodies, commissions and independent expert groups.

The working bodies, commissions and expert groups from Paragraph 2 of this Article can appoint foreign experts from the list of experts, determined by the Ministry.

The Council shall publish its conclusions, recommendations, opinions and reports of bodies from Paragraph 2 of this Article on the web page of the Council.

A Council member shall not be a member of the Accreditation Commission.

Funds for the work of the Council shall be provided in the Budget of Montenegro.

Professional and administrative-technical tasks for the needs of the Council shall be performed by the Ministry.

The Council shall determine the organisation and manner of work in accordance with the Labour Rulebook.

III HIGHER EDUCATION INSTITUTIONS

Exercising the Right to Higher Education

Article 14

Higher Education rights shall be exercised by Higher Education Institutions (hereinafter: the Institutions) which are licenced, in accordance with the Law.

Types of Institutions

Article 15

The Institutions are: Universities, Faculties, Academies of Art and Three-year Academies.

The Institutions from Paragraph 1 of this Article shall be founded as a public or private institution.

The Institution shall become a legal entity by registering in the Central Registrar of Commercial Entities, unless otherwise prescribed by the Law.

Name of the Institution

Article 16

The name of the institution shall be defined by the founder, in accordance with the Law.

Freedom of the Institution

Article 17

The Institution shall be autonomous within the fields of teaching, research and artistic work, within its licence, in accordance with the Law.

Scientific research work at the institution shall be regulated by a special Law.

Rights of the Institution

Article 18

The Institution shall be entitled to:

- 1) Determine Study programmes to be implemented and subjects to be studied;
- 2) Independently develop and implement Study programmes;
- 3) Determine the methods of teaching and testing students;
- 4) Elect Management Bodies, determine their composition, scope of work and mandate;
- 5) Prescribe internal organization, in accordance with the Law and the Statute;
- 6) Elect academic staff;
- 7) Conclude contracts with other institutions in Montenegro and institutions at international level;
- 8) Award honorary titles, in accordance with its General Act;
- 9) Exercise property rights and dispose of funds, in accordance with the Law; and
- 10) Have other rights in accordance with the Law and the Statute of the Institution;

Inviolacy of Space

Article 19

The space of an Institution is inviolate, except in cases of the prevention of an upcoming criminal act, or an on-going criminal act, in cases of natural disaster, other accident or in other cases prescribed by the Law, with the approval of the Institutional Management Body.

Academic Freedoms and Protection

Article 20

The Institution shall guarantee to its academic staff freedom of thought, ideas, testing, and shall provide freedom of organizing and merging and protection of academic staff from discrimination whatsoever, in accordance with the special Law.

Freedom of Research

Article 21

Academic staff at the Institution shall be free to publish the results of their research, in accordance with the special Law and the Acts of the Institution.

Institution Foundation

Article 22

A Public Institution shall be founded by the State.

A Private Institution might be founded by a domestic and foreign legal or physical entity.

Conditions for Founding and Performing Activities

Article 23

The Institution may be founded to perform activities, if it has:

- 1) A Certificate on the accreditation of a Study programme;
- 2) Provided suitable facilities owned or leased (classrooms, laboratories, library, facilities for the activities of students besides lessons), teaching resources,

- equipment and other resources necessary for performing activities;
- 3) Provided conditions and unrestricted access for people with disability;
 - 4) Provided academic staff promoted to titles in accordance with the regulations of Montenegro, for the implementation of lessons for each study subject for every year of studies, out of which at least one third have concluded a Contract on Labour;
 - 5) Provided one half of associates out of total needed for carrying out lessons for each study subject at every year, who have concluded a Contract on Labour;
 - 6) Provided financial funds for the foundation and performance of activities; and
 - 7) Provided hygienic and technical conditions, in compliance with special regulations;

Further conditions related to Paragraph 1 Items 2 and 3 of this Article shall be prescribed by the Ministry.

Notwithstanding Paragraph 1 Item 4 of this article, it shall be considered that the Institution has academic staff within the areas of medicine for clinical subjects, which is in labour relations with a Health Institution as a Teaching Institutional Unit.

Content of the Foundation Act

Article 24

The Foundation Act shall contain:

- 1) The Name and seat, or else the name and residence of the Founder;
- 2) The Name and seat of the Institution;

- 3) Activities of the Institution;
- 4) Funds for the foundation and activities performance and the manner of funds provision;
- 5) Temporary organs of Administration and Management;
- 6) The deadline for Statute enactment; and
- 7) Other issues significant to the activities of the Institution.

Act Enforcement

Article 25

The Act on the Foundation and Cancellation of a Public Institution shall be enforced by the Government.

The Act on the Foundation and Cancellation of a Private Institution shall be enforced by the Founder.

Financial Guarantee

Article 26

The Founder of an institution shall, alongside evidence on meeting the conditions from Article 23 of this Law, submit evidence from the National Government organ which is authorised for financial affairs on the provision of the financial funds needed for Study programme implementation.

The Founder of a Private Institution shall, alongside evidence on meeting the conditions from Article 23 of this Law, submit a guarantee of a business bank on the term deposits needed for Study programme implementation for a one year period.

The needed funds for the implementation of the Study programmes from Paragraphs 1 and 2 of this Article, shall be

accounted based on the price costs of the education of students, for a specific Study programme and the number of students for which a licence is being requested.

Before the deadline of the financial guarantee from Paragraph 2 of this Article expires, the institution shall by the commencement of the next study year deliver to the Ministry the evidence on provided financial funds for activities for the following study year.

The Guarantee of a business bank from Paragraph 2 of this Article, shall be activated in cases where the Founder makes the decision to cease or cancel the operation of the Institution, or else the Study programme before education of students is finalised according to the Study programme, at the request of the National Government body authorised for financial affairs.

Funds from Paragraph 1, 2 and 4 of this Article shall be used only for the finalisation of the education of students.

Activities Performance outside the Seat

Article 27

The Institution may perform activities outside its seat.

The Decision on Activities Performance outside the Seat of a Public Institution shall be passed by the Government at the proposal made by the Management Body of an Institution.

The Decision on Activities Performance outside the Seat of a Private Institution shall be made by the Founder.

Study Program Accreditation

Article 28

The Institution shall file, at least six months before submitting the licence request, a request for Study programme accreditation to the Council.

In the procedure of Study programme accreditation, the quality of a Study programme is estimated as well as its accordance with professional needs and adopted standards; in addition, comparability with identical or similar Study programmes abroad is analysed.

The Study programme accreditation shall be issued for a period of three years at the most.

Notwithstanding Paragraph 3 of this Article, accreditation for Study programmes lasting longer than three years shall be issued for a duration period as long as the Study programme lasts.

The accreditation procedure of Study programmes, and the content and form of the Accreditation certificate shall be prescribed by the Ministry, at the proposal of the Council.

Licencing

Article 29

The Institution shall submit a licencing request to the Ministry, at least six months before the performance of activities commences.

Together with the licencing request, the Founder shall submit the Act on Foundation and evidence on meeting the conditions from Article 23 of this Law.

The licencing request shall be submitted by the Institution when: making status changes;

changing seat or facilities; performing activities outside the seat or introducing new Study programmes.

Commencement of the Performance of Activities

Article 30

The Institution shall be allowed to perform activities and to enrol students when the Ministry determines that the Institution meets the conditions prescribed by the Law and when it enacts the decision on licencing.

The licence determines the following: the type of an Institution, the accredited Study programmes, the maximum number of students who can enrol in specific Study programmes, the education levels and diplomas acquired at the Institution.

The licencing decision, from Paragraph 1 of this Article, shall be passed by the Ministry and it shall be published in the "Official Gazette of Montenegro".

The Decision from Paragraph 3 of this Article is finally in administrative proceedings.

Registrar

Article 31

After getting a licensing decision, the Institution shall be registered in the Registrar of Higher Education governed by the Ministry.

The licencing procedure and the manner of keeping records from Paragraph 1 of this Article shall be prescribed by Ministry regulation.

Restriction of Work

Article 32

When an authorised inspection determines that the Institution does not meet conditions for carrying out its activities or does not perform duties in accordance with the Law, or does not submit the financial guarantee from Article 26 Paragraph 4 of this Law, it shall temporarily restrict the work of the Institution and define the deadline by when both the Institution and the Founder shall remove the determined shortcomings.

If within the deadline from Paragraph 1 of this Article, the shortcomings are not remedied, the Ministry shall restrict the performance of the activities of the Institution and inform the Founder about the restriction.

The Institution and the Founder, in cases when activities are restricted from Paragraph 2 of this Article, shall provide students with a continuation of their education at another suitable Institution.

Status Alterations

Article 33

An Institution may alter status.

The decision on the status alteration of an Institution shall be made by the Founder.

Status alterations of an Institution shall not be made during the study year.

The provisions of this Law are applied to status alterations of an Institution, which regulate the foundation and the performing of activities of the Institution.

Study Programme Elimination

Article 34

The decision on the elimination of a Study programme at an Institution shall be

made by the Managing Body of the Institution with the consent of the Founder.

In cases of Study programme elimination, the Institution shall provide for students to finish their current studies in a period determined by the Act on Study Programme Elimination.

The decision from Paragraph 1 of this Article shall be delivered to the Ministry for the purposes of recording changes in the Registrar of Higher Education Institutions.

Institution Elimination

Article 35

An Institution shall be eliminated, in cases when:

- 1) There is no need for its existence;
- 2) It does not meet the prescribed conditions for performing duties; and
- 3) It does not perform the activities for which it had been founded.

In cases of restriction, the Institution shall define the study year when it ceases to enrol students in the first year of studies.

In cases of restriction, the Founder shall provide for current students to finish studies within a period defined by the Act on Institution Elimination.

The Founder shall deliver the restriction decision to the Ministry in order to enter the changes in the Registrar of Higher Education Institutions.

The Statute of the Institution

Article 36

The Institution Statute shall closely regulate:

- 1) Institution organisation;
- 2) The Organs of the Institution and the manner of work;
- 3) Acquiring a diploma in academic and applied studies;
- 4) Performing research, scientific and artistic work;
- 5) The manner of exercising the rights and obligations of employees and students;
- 6) The manner of the enactment of the Code of Ethics of academic staff;
- 7) Financial control;
- 8) Records; and
- 9) Other issues significant to performing the duties of the Institution;

The Statute of an Institution shall be passed by the Management Body of the Institution.

The Statute of a Public Institution receives consent from the Government.

Protection of Name

Article 37

The Name of an Institution from Article 15 of this Law shall be used only by the Institution which is licenced and recorded in the Registrar of Higher Education Institutions.

University

Article 38

A University is an autonomous Institution which during the performance of its duties shall encompass education, scientific research and artistic work, as individual parts of the Higher Education process.

The University shall provide for the development of Higher Education, science, professions and the Arts, creative competences and the preparation for a student's performance of professional activities, as well as the promotion of human rights and freedoms, civic and national rights and the achievement of the highest standards of teaching and learning.

Scientific research or artistic work shall be performed and organised in accordance with the specific Law and General University Act.

University Organisation

Article 39

An Institution may have University status if it implements at least five Study programmes within Undergraduate studies, out of which at least one Study programme is implemented at both Undergraduate and Postgraduate level.

The Study programmes from Paragraph 1 of this Article shall cover at least three out of the seven following areas: Natural Science, Technical Technological Science, Medical Science, Social Science, Humanist Science, Agricultural Science and Interdisciplinary Studies.

A University carries out its activities through: Faculties, Academies of Art, Institutes and Three-year Academies, as well as through Organisational units.

A University shall have the characteristics of a legal entity.

Each Organisation unit of the State University shall not have the characteristics of a legal entity.

The State University may transfer certain authorisations for accession to legal exchange to the Organisation units from Paragraph 3 of this Article, in accordance with the University Statute.

The Organisation unit of a Private University may have the characteristics of a legal entity.

The classification of areas from Paragraph 2 of this Article shall be prescribed by the Ministry and the National Government body competent for the business of science.

Other Forms of Organisation of Studies

Article 40

A Public Institution may, with the consent of the Government, organise studies in cooperation with a domestic or foreign Higher Education Institution.

A Private Institution may organise studies in cooperation with a domestic or foreign Higher Education Institution.

In the organisation of studies from Paragraphs 1 and 2 of this Article, the Institution is entitled to implement programmes of Dual or Joint diplomas.

IV QUALITY PROVISION

Self-evaluation and Quality Assessment

Article 41

An Institution shall conduct procedures of self-evaluation of the quality of Study programmes, and teaching and working conditions at the end of every study year, in accordance with the Institution Statute.

Within the self-evaluation procedure, students are surveyed at all levels, at least twice a year, regarding Study programmes, lessons, conditions and the work of academic staff.

The survey results of students are published on the web page of the Institution.

Reports on the self-evaluation of the Institution shall be adopted by the Institution Governing Body.

The Institution shall deliver a Self-evaluation Report to the Ministry and the Council.

The forms and criteria on self-evaluation for Study programmes, teaching equipment, the qualifications of academic staff, the ways of conducting lessons, the enrolment of students, the percentage passing exams, the percentage of graduating students and the survey content shall be closely determined by the Council.

Institution Reaccreditation

Article 42

In the procedure of reaccreditation, the Institutional Evaluation shall be conducted by a foreign Accreditation Agency for Quality Provision.

After conducting a public call, the decision on the engagement of the agency from Paragraph 1 of this Article shall be made by the Ministry with the previously given opinion of the Council.

The foreign Accreditation Agency shall evaluate the Institution based on basic standards or standards defined by the Council, in accordance with the evaluation standards

applied in the European Space of Higher Education.

In the reaccreditation procedure, the Institution shall prepare a report on self-evaluation for the longest period of five years.

Based on the Self-evaluation Report and the conducted evaluation procedure, the Agency from Paragraph 1 of this Article shall prepare the Report on Reaccreditation.

The Report on Reaccreditation from Paragraph 1 of this Article shall be delivered to the Institution, the Ministry and the Council.

Based on a positive report of the foreign Accreditation Agency on Reaccreditation, the Council shall issue certificate on reaccreditation of an institution.

Template of the certificate from paragraph 7 of this Article shall be determined by the Ministry.

Evaluation costs are covered by the institution.

If the institution does not obtain the licence on reaccreditation, the licence shall be valid for a year the most, with no possibility to enrol students in that year.

If, after the deadline from Paragraph 10 of this Article expires, reaccreditation is not acquired, the licence shall be revoked.

The Act on Licence Revocation shall be final.

Exemption

Article 43

A Licenced Institution within the period of valid accreditation, or else reaccreditation

may implement changes to a Study programme at Undergraduate studies up to at most 30 ECTS credits without conducting a new accreditation and licence procedure.

Labour Market Analysis

Article 44

The Institution shall at least once every five years carry out an analysis of the labour market by surveying graduated students, employers' associations, commercial entities and entrepreneurs on the applicability of the acquired knowledge, skills and competences which are necessary for the labour market.

The results of the survey from Paragraph 1 of this Article shall be considered during the preparation of the Report on Self-evaluation and Reaccreditation and shall be posted on the Institution web page.

V MANAGEMENT AND GOVERNANCE

The Management Body of the University

Article 45

The Management Body of the University shall be the Management Board.

The Management Board shall determine University policy.

The Management Body of the State University

Article 46

The Management Board of the State University has 15 members and it is comprised of the following representatives: academic staff, other employees, students and representatives of the Founder.

The representatives of the Founder on the Management Board of the State University comprise 1/3 of total number of members of the Management Board.

The representatives of the students on the Management Board of the State University are elected by the Student Parliament in accordance with their Rules.

The Management Board is appointed for a period of four years, except for the representatives of students who are appointed for two years.

The competence, manner of appointment and dismissal, as well as the manner of work and decision-making of the Management Board are closely regulated by the Statute of the State University.

The Management Body of a Private University

Article 47

The Management Board of a Private University shall be elected by the founder.

The Body of Management from Paragraph 1 of this Article shall also be composed of student members.

Authorisations, the number, composition, mandate duration, ways of appointment and dismissal, manners of work and decision making of the Management Board as well as the period for which the Board is appointed shall be determined by the Founder, in compliance with the Institution Statute.

The Management Body of an Institution not being a University

Article 48

The Management Body of an Institution not being a University shall be determined by the Institution Statute.

The Management Body from Paragraph 1 of this Article shall include representatives of academic staff, other employees and students.

The competences, number, composition, mandate duration, ways of appointment and dismissal, as well as the ways of work and decision-making of the Management Body of an Institution from Paragraph 1 of this Article shall be determined by the Institution Statute.

THE GOVERNANCE BODY OF A UNIVERSITY

Article 49

The Governance Body of a University is the Rector.

The Rector shall be accountable for operations at the University, as well as for governing within the policy determined by the Management Board of the University.

Each University may have Vice Rectors.

Rector Election at the State University

Article 50

The Rector of the State University is elected for a three year period based on a public competition and on a delivered development programme for the University.

The Rector of the State University is elected by the Management Board from among the Full Professors of the State University.

The same person may be elected twice consecutively.

The manner and procedure of the election of the Rector, or Vice Rector, their authorisations, the mandate duration of a Vice Rector and other issues are regulated by the State University Statute.

The Election of the Rector of a Private University

Article 51

The Rector of a Private University is elected by the Founder, in accordance with its Statute.

The manner of the election of the Rector, or Vice Rector of a Private University, their authorisations, mandate duration and other issues shall be regulated by the Statute of the Private University.

The Governance Body of the Organisational Units of the State University

Article 52

The Governance Body of each Organisational unit of the State University is the Dean, or else the Director, who is appointed by the University Management Board in accordance with the Statute.

The ways of election of the Dean, or else the Director, their authorisations, mandate duration and other issues shall be regulated by the State University Statute.

The Governance Body of an Institution not being a University

Article 53

The Governance Body of an Institution not being a University shall be determined by the Statute.

The ways of election of the Governance Body, its authorisations, mandate duration and other issues shall be regulated by the Institutional Statute.

The Professional Body of a University

Article 54

The Professional Body of a University is the Senate.

The Senate is composed of: the Rector, the Vice Rectors, academic staff representatives and representatives of students, in accordance with the University Statute.

Out of the total number of Senate members, at least 50% of members must be from among the Full Professors of the University.

The authorisations, number, composition, mandate duration, manner of appointment and dismissal, as well as way of working and decision making of the Senate shall be determined by the University Statute.

The Professional Body of an Institution not being a University

Article 55

The Professional Body of an Institution not being a University is the Institutional Commission.

The Commission is comprised of academic staff and representatives of students, in compliance with the Institutional Statute;

The further composition, authorisations, mandate duration, manner of work and decision making shall be regulated by the Institutional Statute.

The Professional Body of the Organisational Unit of the State University

Article 56

The Professional Body of each Organisational unit of the State University is the Committee.

The Committee from Paragraph 1 of this Article is comprised of: the Dean, the Vice Deans, people with academic titles, representatives of associates and students, in compliance with the State University Statute.

The authorisation, mandate duration, manner of work and decision making of the Committee shall be regulated by the Statute of the State University.

VI FINANCING

Sources of Financing

Article 57

An Institution may be financed from:

- 1) Founder's resources;
- 2) Scholarship fees and other fees paid by students;
- 3) Intellectual and other services;
- 4) Donations, gifts and legacies;
- 5) Property income (lease);
- 6) Projects and contracts with international, national or private entities for the purposes of the promotion of lectures, research and consultancy activity; and
- 7) Other sources in accordance with the Law.

The Responsibility of the Governance Body

Article 58

The Governance Body shall be responsible for the lawful and dedicated allocation of funds provided in accordance with the Law.

Audit

Article 59

Institution business shall include an independent internal and external financial audit.

The manner of conducting this internal financial control shall be regulated by the Institution Statute.

Independent Audit

Article 60

The Government may, while conducting external checks, appoint an independent authorised auditor for the purposes of financial situation analysis of any Institution receiving funds from the Budget of Montenegro.

The Governance Body of the Institution shall provide cooperation during the financial checks mentioned in Paragraph 1 of this Article.

Refund

Article 61

The Government shall request a refund from any Institution receiving funds from the Budget of Montenegro, in cases when analysis of an independent and authorised auditor determines the illegal and non-dedicated allocation of funds.

Authorisations of Public Institution

Article 62

A Public Institution may invest funds into education or research purposes, with Government consent, under conditions as follows:

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

Temporary Financing

Article 63

If a Public Institution does not get an accreditation certificate in accordance with the Law, the Founder may provide funds for financing the Institution, for a period of one year at the most without the possibility of enrolling students in that year.

Norms and Standards for Financing

Article 64

The Founder shall provide funds to Public Institution for:

- 1) Financial costs, current costs and investment maintenance;
- 2) Salaries of employees in accordance with the Law, the Collective Agreement and Organisation Act and job descriptions;
- 3) Equipment and library funds;
- 4) Performing scientific research, or else artistic work, having the function of increasing the quality of lectures;
- 5) The scientific and professional improvement of employees;
- 6) Databases and the Information System;

- 7) The work of the Student Parliament and activities outside of lectures for students;
- 8) Establishing equal conditions of studying for all students (unrestricted access, residence and work);
- 9) Other intentions in accordance with the Law;

The Government, with the previously delivered opinion of the Council, shall determine the level of funds for financing Public Institutions and students at those Institutions for every study year.

The level of funds from Paragraph 1 of this Article shall be determined based on the norms and standards for financing Public Institutions adopted by the Government.

Definition of Number of Students

Article 65

The Government shall define the number of students who shall be budget financed for a specific Study programme, in accordance with the number prescribed by the Public Institution licence.

The decision from Paragraph 1 of this Article shall be made by the Government, at the proposal of the Governance Body of the Public Institution, in the procedure of giving consent to the call for the enrolment of students in Study programmes.

Generating Incomes of Public Institution on the Market

Article 66

The activities of Public Institution are, by rules, non-profit.

A Public Institution may, in accordance with the Law, promote and use education and research activities on the market for the purposes of generating incomes for Higher Education goals and achievements, which is used for improvement lectures and scientific research activities, in accordance with its Financial Plan.

Each Public Institution shall primarily get the consent of the Government, when that activity includes or might include the usage of the right to any sort of significant intellectual property, in any literary, artistic or scientific papers, scientific discoveries, projects, inventions, good or services which are, wholly or partially, directly or indirectly, provided for from the funds of the Budget of Montenegro.

Special Conditions of Financing

Article 67

The Government may prescribe specific conditions for the usage of funds awarded to Public Institution for teaching and research, related to:

- 1) The acquisition, usage and disposal of plots, buildings and equipment;
- 2) The amount and usage of scholarship fees and other payments prescribed to students;

- 3) The transfer of funds allocated for Study programmes.

Financing Students at Private Institutions

Article 68

Funds for financing students at Private Institutions on Study programmes of public interest and which are not implemented by any Public Institution may be provided from the Budget of Montenegro.

The criteria for defining Study programmes of public interest at Private Institutions and which are not implemented by any Public Institution shall be prescribed by the Government, with the previously submitted opinion of the Council.

Based on the criteria from Paragraph 2 of this Article, the Government shall pass a decision on Study programmes of public interest at Private Institutions and which are not implemented at any Public Institution for each study year.

The Government, based on Paragraph 3 from this Article, together with the opinion of the Council, shall determine the number of students and the amount of funds for financing students on Study programmes of public interest at Private Institutions and which are not implemented at any Public Institution for each study year.

The amount of funds from Paragraph 4 of this Article shall be determined based on the norms and

standards for financing Study programmes of public interest at Private Institutions and which are not implemented at any Public Institution, adopted by the Government.

Conditions for the Usage of Funds

Article 69

The Government, for funds allocated to a Private Institution, shall prescribe specific conditions for their usage and requires from the Private Institution the submission of a budget proposed for performing their actions for the following fiscal year.

The Private Institution shall be responsible for the lawful and dedicated usage of funds allocated by the Government and it shall provide the Government with financial books and records.

Scholarship Fee Definition

Article 70

The amount of scholarship fees paid by students at Institutions shall be determined by the Institution Governance Body.

Notwithstanding Paragraph 1 from this Article, the amount of scholarship fees paid by students at Public Institutions shall be determined by the Governance Body, with the consent of the Ministry.

The amount of scholarship fees from Paragraphs 1 and 2 of this Article

may be determined at different levels depending on the costs of implementation of each Study programme.

Students with disabilities are exempted from paying scholarship fees.

VII ACADEMIC STAFF

Academic Staff

Article 71

Academic personnel, in terms of this Law, are entities with academic titles and associates who directly implement Study programmes at an Institution.

Academic Titles

Academic titles, in terms of this Law, are:

- 1) Full Professor;
- 2) Associate Professor;
- 3) Assistant Professor;
- 4) Professors and Lecturers at an Academy;

Entities from Paragraph 1 of this Article are promoted by the University Senate, based on one competition, for a period of five years, except for Full Professors who are elected for an indefinite period.

Promotion to a higher title is carried out after the period of the lower title expires.

The procedure of promotion to titles from Paragraph 1 of this Article must be finished within six months from

the day of the announcement of the competition.

Conditions for Promotion to a Title

Article 73

Any promotion to a title from Article 72 Paragraph 1 may be made for person who holds a Doctorate and has tested pedagogic competences.

Promotion to a title for Artistic and their suitable subjects at a Faculty or Academy of Arts, Applied Arts, Music, Drama and Architecture may be made for a person with a Higher Education, acknowledged art works and tested pedagogic competences.

Academic staff from Article 72 of this Law, in addition to the conditions from Paragraphs 1 and 2 of this Article, must meet the conditions for promotion for the scientific/artistic discipline accordingly, which must be internationally comparable.

The conditions and criteria for promotion to a title shall be prescribed by the Council.

The Promotion Procedure

Article 74

The promotion procedure, as well as other issues in this regard shall be regulated by the University Statute.

While conducting the procedure, international experts may be engaged, in accordance with the University Statute.

Associates

Article 75

Associate may be:

- A student of Master's studies who has finished Undergraduate or Specialist studies with at least an average grade B (8, 50);
- A person who has acquired the scientific title of Doctor of Science;

A person from Paragraph 1 of this Article shall be elected, based on a public competition which is called by an Institution in accordance with its Statute.

The contract with Associates from Paragraph 1 Indent 1 of this Article is concluded for a period of one year, but for no longer than four years.

The contract with Associates from Paragraph 1 Indent 2 of this Article shall be concluded for a period of three years, but for no longer than seven years.

The contract with an Associate who got promoted to the scientific title of Doctor of Science shall be concluded for a period of up to five years.

An associate in lectures shall not independently teach theoretical lessons, nor organise examinations or the grading of students.

Further conditions, including the manner and procedure of Associate selection shall be determined by the Institution Statute.

Visiting Professors

Article 76

An Institution may, without public competition, based on a decision made by an authorised Institution Body, engage a person with an academic title from another Institution outside the territory of Montenegro as a Visiting Professor.

The rights and obligations between the Visiting Professor and the Institution are regulated by a contract, in accordance with the Institution Statute.

Professors Emeritus

Article 77

A University may award the title of Professor Emeritus to a retired Full Professor who is especially prominent thanks to his/her scientific or artistic work.

Further conditions and the procedure for awarding the title of Professor Emeritus shall be determined by University Act.

Protection from Plagiarism

Article 78

An authorised work (professional, scientific or artistic) which is determined as showing evidence of plagiarism by an authorised body shall be considered null and void, along with

the grades, titles and promotions acquired by the entity using plagiarism for those achievements.

An Institution shall proclaim null and void all grades, awards, promotions and titles acquired by a person from Paragraph 1 of this Article at that Institution, based on such plagiarised work.

The procedure of the determination of plagiarism shall be regulated by the Statute of the Institution, in accordance with the special Law.

VIII ORGANISATION OF STUDIES

Study Programmes

Article 79

Studies at Institutions are implemented based on accredited Study programmes.

After the completion of a Study programme, a specific level of education and qualifications is acquired, in accordance with the Law.

Article 80

A Higher Education Institution, within the programme framework being implemented, shall provide students with the conditions for acquiring knowledge of a minimum one foreign language to an advanced level.

Types of Study Programmes

Article 81

The Study programmes which may be implemented at Institutions are as follows: Undergraduate, Postgraduate, Doctoral and Interdisciplinary.

Postgraduate Study programmes are considered to be Specialisation and Master studies.

Undergraduate and Postgraduate Study programmes may be accredited as academic and applied.

Doctoral Study programmes may be accredited as academic.

Interdisciplinary Study programmes are organised from at least two areas of science.

Each Study programme shall contain practical lectures, as well as learning outcomes for the area of science encompassed by the Study programme, or else the competences for performing the activity.

Programmes of Undergraduate studies shall contain at least two optional modules.

The European Credit Transfer System

Article 82

Study programmes for acquiring a level of knowledge and Higher Education diplomas shall be accorded with the European Credit Transfer System (ECTS).

The scope of a Study programme implemented in one study year is 60 (ECTS) credits.

The transfer of ECTS credits may be implemented between different Study programmes or Institutions.

The criteria and conditions for ECTS credit transfer shall be prescribed by a General Act of an Institution, or else by a contract between Institutions.

Types of Diplomas

Article 83

Diplomas acquired at Institution may be:

- 1) A Diploma of applied Undergraduate studies after completing an applied Study programme, with at least 180 ECTS;
- 2) A Diploma of academic Undergraduate studies, after completing an academic Study programme, with at least 180 ECTS;
- 3) A Diploma of applied Specialist studies, after completing an applied Specialist programme, with at least 60 ECTS, and after acquiring a diploma of applied Undergraduate studies;
- 4) A Diploma of academic Specialist studies, after completing an academic Specialist programme, with at least 60 ECTS, after acquiring a diploma of academic Undergraduate studies;
- 5) A Diploma of applied Master's studies, after completing an applied Master's programme, with up to 120 ECTS, and after acquiring a diploma of applied Undergraduate studies, or else applied Specialist studies and the defence of a Master's thesis;

- 6) A Diploma of academic Master's studies, after completing an academic Master's programme, with up to 120 ECTS, and after acquiring a diploma of academic Undergraduate studies, or else academic Specialist studies and the defence of a Master's thesis.

A Diploma of academic Doctoral studies may be acquired by a person with the title of Master of Science and a completed Study programme of Doctoral studies with 180 ECTS and a defended Doctoral thesis.

Notwithstanding Paragraph 2 of this Article, a diploma of academic Doctoral studies may be acquired by a person who has completed Undergraduate studies with 300 ECTS, a completed Study programme of Doctoral studies with 180 ECTS and the defence of a Doctoral thesis.

The diploma from Paragraph 2 and 3 of this Article shall be acquired at the University.

IX RULES OF STUDYING

The Study Year and the Organisation of Lectures

Article 84

The Institution implements lectures during a study year which, according to the rule, starts on September 1st, in accordance with the Academic Calendar.

Lectures in a study year may be implemented in two semesters each lasting 15 weeks.

Lectures in subjects are implemented individually during one semester, in accordance with the Study programme.

Distance Learning

Article 85

Lectures may be organised through distance learning, and passing exams is to be implemented at the Facilities of the Institution.

The conditions and way of organising the lectures and passing the exams, mentioned in Paragraph 1 of this Article, shall be prescribed by the Ministry, with the prior opinion of the Council.

The Organisation of Studies

Article 86

Each Institution shall organise lessons for all students as well as other forms of lectures, except for distance learning, in accordance with the education programme for the achievement of learning outcomes.

Practical knowledge, skills and competences may be acquired in the laboratories of the Institution or by practice made at an employer for free inclusion in the labour market.

The means and time of the organisation of all forms of lectures from Paragraph 1 of this Article shall be regulated at the Institution by a General Act.

At the beginning of a study year, the Institution shall adequately inform students about the means, time and place of lectures, tests and exams, the results of exams and other issues significant to the organisation of studies.

The Rules of Study

Article 87

When enrolling in the Institution, a student opts for a specific Study programme.

The Study programme defines the subjects for each study year.

On passing subject exams, from Paragraph 2 of this Article, each student gets a certain number of ECTS credits in accordance with the Study programme.

Any student, who does not pass an optional subject, may opt again for the same or another optional subject.

The Rules of Study are more closely defined by a General Act of the Institution.

Changes in the Way of Financing Students

Article 88

A student financed by the Budget of Montenegro having at least 40 ECTS credits in the first enrolled study year shall be entitled to be financed by the budget in the next year as well.

A student financed by the Budget of Montenegro having less than 40 ECTS credits in the first enrolled study year may continue their studies as a self-financed student.

A self-financed student who passes all the exams, i.e. has 60 ECTS, in accordance with the Study programme for a specific year of studying, may be financed from the Budget of Montenegro in the next year if the ranking is made within the total number of students who are financed from the Budget in a way and procedure determined by the Institutional General Act.

Grading

Article 89

A student passes the exam after completing lectures from the study subject in the way prescribed by the Study programme, in accordance with the Institutional Statute.

The success of students in passing exams and in all forms of pre-exam tests is evaluated and marked in grades.

The total number of points achieved by a student through all the pre-exam forms of tests, or else the learning outcomes is at least 50 points, in accordance with the Rules of Study.

Based on pre-exam forms of testing, or else on learning outcomes and by passing the exams a student may have 100 points at most, in accordance with the Rules of Study.

The success of students in the exam and in other forms of tests is marked in letter grades as follows: A, B, C, D, E and F.

Grade F is an insufficient grade.

The letter grades from Paragraph 5 of this Article are equivalent to numeral grades as follows:

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

The average grade during studies is defined as the quotient of the total of the numerical grade and the ECTS points for each subject and of the total number of ECTS credits.

Exams

Article 90

Every exam is public.

A student passes the exam in the facilities of the Institution.

Notwithstanding Paragraph 2 of this Article, the exam may be passed outside of the facilities of the Institution only in cases when the study subject has the relevant character.

A student passes the exam directly after finishing lectures in the subject.

A student with disability is entitled to take the exam in a way adapted to his/her educational needs in accordance with the Statute of the Institution.

A student may pass only one colloquium or final exam during one day, and no more than two colloquium or final exams each week.

Examination Deadlines

Article 91

The examination deadlines are in January and in June.

The examination deadlines from Paragraph 1 of this Article have two exam terms.

A student who does not pass the exam before the first examination deadline from Paragraph 1 of this Article, is entitled to pass exams in an additional deadline before the beginning of the next study year.

The terms for the organisation of exams from Paragraphs 1, 2 and 3 of this Article are defined by the Academic Calendar for a study year adopted by the Institution, in accordance with the Statute.

Complaints

Article 92

A student is entitled to file a complaint on their grade to the Management Body if he/she considers that the exam was not conducted in compliance with the Law and the General Act of the Institution within 48 hours of receiving the grade.

The Management Body shall, on receipt of a complaint, within three days, from a Commission which will determine whether the grade is formed according to the regulations or not, review it and reassess written or other papers or it will orally examine the student.

The grade of the Commission from Paragraph 2 of this Article is final.

If a student requires the absence of the subject lecturer, the lecturer shall not be a Commission member of the Commission defined under Paragraph 2 of this Article.

X STUDENTS

Enrolment in Undergraduate Studies

Article 93

The right to enrol in Undergraduate academic and applied studies is given to a person who has acquired an adequate level of education, being IV-1, the sublevel of the National Framework of Qualifications.

Enrolment in the studies from Paragraph 1 of this Article is conducted based on:

- 1) The general results at the end of the grade separately for acquiring the IV-1 sublevel of the National Framework of Qualifications;
- 2) The results achieved in an external final exam, or a vocational exam.

- 3) Achievements in two subjects of the third and fourth grade significant for educational continuation;
- 4) A "Luca" diploma.

For enrolment in certain Study programmes, there may be an enrolment examination.

For people with disabilities the principle of affirmative action is implemented while enrolling in a Study programme.

The final high school exam, or the vocational test from Paragraph 2 Point 2 of this Article is evaluated as at least 15% out of the total number points gained during enrolment by the evaluation of all the criteria from Paragraphs 2 and 3 of this Article.

Notwithstanding Paragraph 1 of this Article, professional or artistic Study programmes at Undergraduate level at Faculties and Academies of Arts may be enrolled in by a candidate who has not finished high school if he/she passes the exam in accordance with the Law.

Further conditions and criteria, and the means and procedure of enrolment in the first year of Undergraduate academic and applied studies shall be prescribed by the Ministry, with the prior opinion of the Council.

Enrolment in Specialist Studies

Article 94

Enrolment in Specialist academic and applied studies is performed competitively, in accordance with the results achieved at Undergraduate academic or applied studies, with at least 180 ECTS, in accordance with the Law and the Statute of the Institution.

Notwithstanding Paragraph 1 of this Article, for people with disabilities the principle of affirmative action is implemented.

Enrolment in Master's Studies

Article 95

Enrolment in Master's academic and applied studies is performed competitively according to the results achieved at Undergraduate academic and applied studies, with at least 240 ECTS or in Specialist studies, in compliance with the Law and the Statute of the Institution.

Enrolment in Doctoral Studies

Article 96

Enrolment in Doctoral studies is performed competitively, according to the results achieved at Master's academic studies, in accordance with the Law and the Statute of the Institution.

Lifetime Learning

Article 97

Institutions may implement special programmes of professional improvement within the Higher Education area for the needs of lifetime learning, for purposes of gaining a professional qualification or part of a professional qualification, in accordance with the Law and the special regulations of an Institution.

A Special programme of professional improvement, mentioned in Paragraph 1 of this Article shall not be considered as a Study programme.

Programmes from Paragraph 1 of this Article shall be accredited by the Council, except

for programmes adopted by authorised bodies in accordance with the Law, and may be implemented in licenced Institutions, in accordance with the special Law.

A person who completes a programme of professional improvement shall get a confirmation document issued by the Institution from Paragraph 1 of this Article.

Testing the knowledge, skills and competences of a person who completes a special program is conducted in accordance with the Law.

The Enrolment Competition

Article 98

The competition for enrolment in studies is called by an Institution, in accordance with its licence and the Statute.

The competition for enrolment in studies at a Public Institution is announced by the Management Body, in accordance with the licence, with the prior consent of the Founder.

The Number of Students for Enrolment

Article 99

Each Institution confirms the number of students being enrolled in the Study programmes which are organised, which shall not be higher than the number allowed by the licence.

In cases when the number of qualified candidates for enrolment is higher than the number of publicly financed vacancies for any Study programme, candidates may be enrolled by paying scholarship fees, based on the criteria from Article 93 of this Law, up to the number defined by the competition.

Notwithstanding Paragraph 2 of this Article, if the candidate is a person with a disability, the principle of affirmative action is implemented.

The Enrolment of Foreign Citizens

Article 100

A foreign is entitled to enrol in Study programs in Montenegro under equal conditions to those of a Montenegrin citizen, in accordance with this Law and the Statute of the Institution.

Student Status

Article 101

Student status shall be acquired by enrolment in a suitable Study programme at an Institution.

Contract on Studying

Article 102

The student and the Institution conclude a contract on studying, which more closely defines their mutual rights and obligations.

With the contract on studying, students sign statements on respecting the principles of academic ethics.

The content of the contract for Public Institutions from Paragraph 1 of this Article shall be prescribed by the Ministry and is published in its webpage.

The contract from Paragraph 1 of this Article contains an obligation of the Institution in terms of providing the continuation and finalisation of education in cases where the

Institution or Study programme ceases to operate.

The Rights of Students

Article 103

Each student is entitled to:

- 1) A quality education and impartial grading;
- 2) A declaration on the quality of the work of academic staff;
- 3) Complain in cases of the violation of his/her rights determined by the General Act of the Institution;
- 4) The suspension of right and obligations during pregnancy, parental absence, longer sickness and in other justified cases in accordance with the Statute of the Institution;
- 5) Attend lectures, seminars and other kinds of teaching;
- 6) Use libraries, computer facilities and other services provided by the Institution;
- 7) Chose and to be chosen in Institutional Bodies, in accordance with this Law and the Statute of the Institution;
- 8) A level of presence of at least 20% in relation to the total number of members of Professional Organs and Management Bodies;
- 9) Exercise rights within the area of Student Standards;
- 10) Equality and protection from discrimination;
- 11) Exercise other rights in accordance with the Law and the Statute of the Institution;

The manner of exercising the rights from Paragraph 1 of this Article shall be regulated by the Institution Statute.

The Obligations of Students

Article 104

A student shall:

- 1) Follow the regime of studies and regularly fulfil their student obligations;
- 2) Follow the General Acts adopted by an Institution;
- 3) Participate in the academic activities of the Institution;
- 4) Respect the rights of employees and other students.

The Protection of the Rights of Students

Article 105

A student is entitled to dispute every decision of the Institution which violates his/her rights as determined by the Law, the Statute or other Act, before a competent court.

The Cessation of Student Status

Article 106

Student status ceases:

- 1) By gaining a diploma of a suitable educational level;
- 2) Leaving the Institution;
- 3) Exclusion from the Institution.

Conditions under which a student may leave or be excluded, as well as actions after a complaint are regulated by the Institutional Statute.

The Exclusion of Students

Article 107

A student may be excluded from an Institution, for two study years the longest, by the Senate, or other professional body, in accordance with the Institutional Statute.

An appeal against the decision from Paragraph 1 of this Article is directed to the Management Body of the institution.

The decision of the Body mentioned in Paragraph 2 of this Article is final.

Student Standards

Article 108

Rights from the area of Student standards are personal and non-transferrable.

Rights from Student Standards

Article 109

Student is entitled to:

- 1) Accommodation and food in a Student dorm;
- 2) A Student loan;
- 3) Scholarships for the best students;
- 4) Travel within and between towns on public transport ;
- 5) Health protection in accordance with the special Law;
- 6) The foundation of sports associations in accordance with the Law.

The criteria, ways, conditions and level of funding for exercising the rights from Paragraph 1 Points 1, 2, 3 and 4 of this Article shall be prescribed by the Ministry.

Student Dorms

Article 110

Accommodation and food of students are organised in dorms, or else dorms for students and scholars (hereinafter: Student dorms).

The provisions of the General Law on Education are applied to the foundation, internal organisation and work, status changes, forms of management and governance, financing, representation and advocating and other issues significant to the operation of Student dorms.

Student Organisations

Article 111

The Statute of an Institution shall prescribe establishing one or more organisations which represent students and contribute to the fulfilment of the social, cultural and academic needs and the needs of physical recreation of students.

Student Parliament

Article 112

The Student Parliament is the institutional form of organising students, which is autonomous in its work and authorised to represent and protect the rights and interests of students.

The competence, way of election, as well as the organisation of the work of the Student Parliament shall be prescribed by the Statute of Student Parliament.

Financial Aid to Student Organisations

Article 113

An Institution may give financial aid for the foundation and operation of student organisations, including funds for investment and current costs for facilities and equipment.

XI RECORDS AND PUBLIC DOCUMENTS

Records

Article 114

The Institution keeps: a register of students, records on issued diplomas and diploma supplements and records on exams.

The register of students and records on issued diplomas is kept permanently.

The records from Paragraph 1 of this Article are made in written and electronic form.

Personal data registered in the records from Paragraph 1 of this Article are collected, processed, kept and used for the needs of the Institution and the Ministry, in accordance with the Law.

All kinds of collecting, keeping, processing, publishing and using of the data from Paragraph 4 of this Article is conducted in accordance with the Law prescribing the protection of personal data.

Public Documents

Article 115

Based on data from records, the Institution gives public documentation.

Public documents, in terms of this Law, are: the student index, the diploma and the diploma supplement, confirmation of study, the statement on passed exams and the certificate on completed studies.

The way of keeping the register, records and content of public documents are prescribed by the Ministry.

Public Documents Null and Void

Article 116

Public documents are null and void if:

- 1) They are issued by an unlicensed Institution;
- 2) They are signed by an unauthorised person;
- 3) The holder of a public document has not fulfilled all the examination obligations of a Study programme in the manner and according to the procedure determined by the Law, Sub Law Act and Study programme.

The procedure of declaring public documents null and void is conducted by the Ministry.

The decision on making a public documentation null and void is final in administrative proceedings and is published in the "Official Gazette of Montenegro".

XII PENALTY PROVISIONS

Infringement Penalties

Article 117

A penalty in the amount from 2,000 to 20,000 euros shall be incurred by a legal entity-institution, if it:

- 1) Starts to work and performs duties without meeting the prescribed conditions, or else without a decision on licencing (Article 30 Paragraph 1);
- 2) In the case of the cancellation of a Study programme, does not provide for the

finalisation of studies to the students (Article 34 Paragraph 2);

- 3) In the case of the cancellation of the Institution does not provide for the finalisation of studies to the students (Article 35 Paragraph 3);
- 4) Complies with a Statute not being given consent by the Government;
- 5) Invests funds into educational or research purposes without the consent of the Government;
- 6) Without prior consent made by the Government, provides funds from the Budget of Montenegro when that activity includes or could include the exploitation of rights of any kind of intellectual property, in any literary, artistic or scientific papers, scientific discoveries, projects, inventions, goods or services (Article 66 Paragraph 3);
- 7) Charges scholarship fees higher than the scholarship fees approved by the Ministry;
- 8) Performs title promotion for candidates who do not meet the conditions for promotion from Article 73 Paragraphs 1, 2 and 3 of this Law;
- 9) Promotes to teaching associate people who do not fulfil the conditions prescribed by Article 75 Paragraphs 1, 2, 3, 4 and 5 of this Law;
- 10) Issues diplomas to people who do not meet the conditions prescribed by Article 83 of this Law;
- 11) Enrols students in Undergraduate studies who do not meet the conditions prescribed by Article 93 of the Law;
- 12) Enrols students over the number determined by the Licence (Article 99 Paragraph 1);

- 13) Does not conclude a studying contract with a student (Article 102 Paragraph 1);
- 14) Does not keep a register of students, records on issued diplomas and diploma supplements and records on exams (Article 114 Paragraph 1);
- 15) Does not issue public documents based on data from records (Article 115 Paragraph 1).

For penalties from Paragraph 1 of this Article, the Management Body and the responsible person at the Institution shall be punished in the amount from 200 euros to 2,000 euros.

XIII TRANSITIONAL AND FINAL PROVISIONS

The Deadline for Passing Sublegal Acts

Article 118

Regulations for passing this Law shall be adopted at the latest within a year from the date when this Law comes into force.

Until these regulations determined by this Law are adopted, the regulations which were in force before the day of adoption shall be enforced, unless they are in conflict with this Law.

The Harmonisation of Acts of Institutions

Article 119

Institutions shall harmonise their organisation, operation and General Acts with this Law within six months from the date when this Law comes into force.

Until the General Acts from Paragraph 1 of this Article are adopted, the existing General

Acts shall be enforced, unless they are in conflict with this Law.

Initiated Procedures of Accreditation and Licencing

Article 120

The procedure of accreditation and licencing of Institutions, or Study programmes which is initiated before the date when this Law comes into force, shall be finished in accordance with the regulations according to which it was initiated.

Deadline for Licence Amendment

Article 121

For Study programmes for which until the date when this Law comes into force, the University of Montenegro has no licenced the prescribed number of students for enrolment in the first year of studies, the procedure for the amendment of the licence for the determination of the number of students shall be conducted, by April 30th 2015.

Deadline for the Harmonisation of Study Programmes

Article 122

Institutions shall accord their Study programmes with Article 81 Paragraph 6 of this Law, within a year from the date when this Law comes into force.

The Status of Lecturers and Associates

Article 123

Lectures and associates being elected before this Law comes into force, shall continue with their work until their electoral period expires.

The procedures of the election of lecturers and associates which have been started before this Law comes into force shall be finished in accordance with this Law.

The Status of the Higher Education Council

Article 124

The Higher Education Council appointed until the day of coming into force shall continue its work until the appointment day expires.

The Status of the Management Board

Article 125

The Management Board of the University of Montenegro appointed until this Law comes into force shall continue operating until the duration period of its appointment expires.

Validity Termination

Article 126

When this Law shall come into force, the Law on Higher Education shall cease to be valid ("Official Gazette of RMNE", number 60/03 and "Official Gazette of MNE", number 47/11 and 48/13) as well as Article 24 of the Law on Amendments to the Law prescribing Penalties for Infringements ("Official Gazette of MNE", number 40/11).

Article 127

Article 81 shall be enforced starting from January 1st 2018.

Coming into Force

Article 128

This Law shall come into force on the day of publishing in the "Official Gazette of Montenegro".

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Podgorica, October 14th 2014

