

The consolidated wording of the Law on Higher Education includes the following regulations:

1. Law on Higher Education (Official Gazette of Montenegro, 044/14 of 21 October 2014),
2. Corrigendum to the Law on Higher Education (Official Gazette of Montenegro, 052/14 of 16 December 2014),
3. Law Supplementing the Law on Higher Education (Official Gazette of Montenegro, 047/15 of 18 August 2015),
4. Law Amending the Law on Higher Education (Official Gazette of Montenegro, 040/16 of 30 June 2016),
5. Law on Amendments to the Law on Higher Education (Official Gazette of Montenegro, 042/17 of 30 June 2017), which specify the day of their entry into force.

LAW
ON HIGHER EDUCATION
(Official Gazette of Montenegro, 044/14 of 21 October 2014, 052/14 of 16 December 2014, 047/15 of 18 August 2015, 040/16 of 30 June 2016, 042/17 of 30 June 2017)

I BASIC PROVISIONS

Subject of the Law
Article 1

This law shall regulate the fundamentals of higher education, conditions for performing the activity, types of study programmes, organisation principles of institutions performing this activity, rights and obligations of academic staff and students, quality assurance, higher education funding, as well as other matters relevant for the performance of higher education activities.

Objectives of Higher Education
Article 2

The objectives of higher education are to:

- 1) attain, improve and develop knowledge, scientific-research activities, art and culture;
- 2) transfer general, scientific and professional knowledge and skills through teaching and research;
- 3) develop research-oriented higher education;
- 4) provide a possibility for obtaining higher education throughout entire life;
- 5) establish and develop cooperation in the areas of teaching, research, art and culture;
- 6) provide conditions for unrestricted access to higher education.

Public Interest
Article 3

Higher education is a public interest activity.

Autonomy of Institutions

Article 4

A higher education institution shall be autonomous in performing its activities, in compliance with this Law.

Code of Ethics

Article 5

Code of ethics of higher education institutions shall define the essential and general value principles based on ethical rights and obligations within higher education, as well as protect the highest values of higher education through the application of adequate norms regulating academic relationships within the university community.

Availability of Higher Education

Article 6

Higher education shall be available to all persons and may not be directly or indirectly restricted on the basis of: gender, race, marital status, skin colour, language, religion, political or other affiliation, national, ethnic or other origin, financial status, disability or other similar grounds, position or circumstances, in compliance with a special law.

Quality Assurance and Improvement

Article 7

Quality assurance and improvement in higher education shall be achieved through accreditation, self-evaluation and reaccreditation.

Supervision

Article 8

A body of public administration in charge of educational affairs (hereinafter: the Ministry) shall supervise the enforcement of provisions hereof, in compliance with law.

Inspection over the work of higher education institutions shall be conducted by a competent Education Inspectorate.

Use of Gender Sensitive Language

Article 9

All terms used in this Law with reference to natural persons in masculine gender shall relate to the same terms in feminine gender.

Definitions

Article 10

For the purpose of this Law, the following terms mean:

- 1) European Higher Education Area includes higher education institutions of countries signatories to the Joint Declaration of the European Ministers of Higher Education convened in Bologna (1999);
- 2) ECTS is the European Credit Transfer System;
- 3) one ECTS credit refers to 30 hours of student workload required for one or more of the following activities: contact classes, studying, practical work, preparation and defence of individual works, taking midterms and exams;
- 4) study programme is the basic unit for the classification of higher education with a defined structure and number of ECTS credits, which provides an individual with learning outcomes required to gain knowledge, skills and competences for an area of work from levels of higher education as defined by the National Qualification Framework and a degree;
- 4a) integrated study programme represents undergraduate and master's studies combined, comprising 300 ECTS credits;
- 4b) module is a functional unit defining learning outcomes, objectives, methods and content of teaching, as well as conditions that ought to be met by a student in order to access the relevant module;
- 5) publicly valid study programme represents an accredited study programme;
- 6) Diploma Supplement is a public credential enclosed with a diploma issued by a higher education institution providing a more detailed insight into the level, nature, content, system and rules of studying as well as the results achieved during the studies by an individual to whom the diploma was issued; it is prepared according to the basic model determined for the single European Higher Education Area;
- 7) lifelong learning is the overall studying activity throughout life aimed at improving knowledge, skills and competences related to personal, civic, social perspective and/or employment perspective. It involves learning at all life stages (from early childhood to old age) and in all forms in which it is realized (formal, non-formal and informal);
- 8) lifelong learning programme is a part of a study programme, i.e. a module, with a defined structure that provides learning outcomes for gaining competences and issuing certificates to perform the related tasks within the areas of work from higher education activities as defined in the National Qualifications Framework;
- 9) affirmative action implies the introduction of special measures aimed at creating conditions for achieving equality and protection of rights of persons put in an unequal position in education on any grounds;
- 10) person or student with disabilities is an individual having a long-term physical, mental, intellectual, sensory or combined impairment which through diverse barriers within higher education may hinder their full and effective participation on an equal basis with others;
- 11) foreigner is a citizen of another country, person without nationality, asylum seeker and emigrant;
- 12) expert is a person possessing exceptional knowledge and skills in a certain field or subject in the scope relevant for establishing facts, problem solving or understanding situations.

II COUNCIL AND AGENCY FOR QUALITY ASSURANCE IN HIGHER EDUCATION

Competence of Council for Higher Education Article 11

Activities of improvement and development of higher education shall be conducted by Council for Higher Education (hereinafter: the Council).

In performing the activities referred to in paragraph 1 of this Article, the Council shall:

- 1) analyse the condition and achievements in higher education and offer expert proposals to the Ministry and the Government of Montenegro (hereinafter: the Government).
- 2) provide opinion concerning the proposal of strategy for development of higher education;
- 3) prescribe conditions and criteria for appointment to academic titles;
- 4) provide opinion on the amount of resources required for funding public higher education institutions and students attending them, for each academic year;
- 5) provide opinion on the number of students and the amount of resources required for funding students that attend study programmes of public interest at private higher education institutions, for each academic year;
- 6) provide opinion on regulations in the field of higher education;
- 7) adopt standards for evaluation of institutions in compliance with standards in the European Higher Education Area;
- 8) establish a methodology for ranking institutions;
- 9) cooperate with higher education institutions in terms of quality assurance and quality improvement;
- 10) perform other activities prescribed by the law.

Composition and Appointment of the Council Article 12

The Council shall be appointed and removed by the Parliament of Montenegro (hereinafter: the Parliament), on the proposal of the Government.

The Council shall be composed of seven members appointed for a period of four years.

Council members shall be appointed from among eminent experts in the area of higher education, science, arts, from among students and the area of economy, social matters and other relevant areas.

Notwithstanding paragraph 2 of this Article, representatives from among students shall be appointed for a period of two years.

Council members from among students shall be proposed by student parliaments of higher education institutions.

Work of the Council Article 13

The work of the Council is public.

For some areas of its activities, the Council may form working entities, commissions and independent expert groups.

The Council shall publish its conclusions, recommendations, opinions and reports of the bodies referred to paragraph 2 of this Article on the website of the Council.

A Council member may not be a member of accreditation commission.

Funds required for the work of the Council shall be allocated from the budget of Montenegro.

Expert and administrative-technical activities for the Council shall be performed by the Ministry.

The Council shall regulate its organisation and manner of operation by Rules of Procedure.

Agency for Quality Control and Quality Assurance in Higher Education

Article 13a

Activities related to quality assurance in higher education shall be carried out by Agency for Quality Control and Quality Assurance in Higher Education (hereinafter: the Agency) in compliance with the European Standards and Guidelines.

The Agency shall:

- 1) conduct study programme accreditation procedure and issue a certificate on accreditation of the study programme;
- 2) conduct higher education institution external evaluation procedure (hereinafter: reaccreditation of institution) and issue a certificate on reaccreditation of the higher education institution based on the reaccreditation report;
- 3) conduct a periodic assessment of quality of licensed higher education institutions' work, following the request of an authorized body of institution or the Ministry;
- 4) establish the list of experts for accreditation of study programmes, or reaccreditation of institutions based on a public call;
- 5) cooperate with higher education institutions with regard to matters of quality assurance and quality improvement;
- 6) analyse self-evaluation and external evaluation reports of institutions;
- 7) propose measures for quality improvement of higher education based on recommendations put forward in re-accreditation reports of higher education institutions and present them to the Ministry and the Government;
- 8) keep a register of accredited study programmes and reaccredited institutions;
- 9) rank higher education institutions;
- 10) perform other tasks prescribed by this Law.

The Agency shall have the capacity of legal entity and shall perform activities of public interest.

Funds required for the work of the Agency shall be provided from the Budget of Montenegro and own revenues.

Bodies of the Agency

Article 13b

Bodies of the Agency shall be Steering Committee and director.

The Steering Committee shall be composed of president and two members.

The Steering Committee shall be appointed and removed by the Government, for a period of four years, on the proposal of the Ministry.

The composition, competence, manner of work and decision-making of the Steering Committee shall be regulated by Statute of the Agency.

Director

Article 13c

The Agency shall be managed by director.

The Agency's director shall be appointed by the Government on the proposal of the Ministry, for a period of four years, based on a public call.

Competence of the Director

Article 13d

The Agency's director shall:

- 1) represent and act on behalf of the Agency;
- 2) manage the work and operations of the Agency and be responsible for the legality of the Agency's work;
- 3) prepare activity reports of the Agency and annual financial statements;
- 4) execute decisions of the Steering Committee;
- 5) propose an act on internal organization and job classification of the Agency;
- 6) perform other activities laid down by law and Statute of the Agency.

Rights Arising from Employment

Article 13e

Director and employees of the Agency shall exercise rights and obligations arising from employment in compliance with law regulating rights and obligations of civil servants and employees.

Activity Report

Article 13f

The Agency shall provide the Government and the Ministry with activity report as well as annual financial statement including the opinion of an independent auditor.

Supervision

Article 13g

The Ministry shall supervise the work of the Agency.

III HIGHER EDUCATION INSTITUTIONS

Provision of Higher Education

Article 14

Higher education shall be provided by licensed higher education institutions (hereinafter: the institutions), in compliance with this Law.

Types of Institutions

Article 15

The institutions shall be: university, faculty, art academy and college.

An institution referred to in paragraph 1 of this Article may be established as public or private.

An institution shall acquire the capacity of a legal entity after being entered into the Central Register of Commercial Entities, unless otherwise prescribed herein.

Name of Institution

Article 16

The name of an institution shall be determined by its founder, in compliance with this Law.

Autonomy of Institution

Article 17

An institution shall be autonomous in the area of teaching, research and art work within the scope of its license, in compliance with this Law.

Scientific-research work of an institution shall be regulated by a special law.

Rights of Institution

Article 18

An institution is entitled to:

- 1) determine study programmes to be carried out and courses to be taught;
- 2) independently develop and carry out study programmes;
- 3) determine methods of teaching and assessment of students' knowledge;
- 4) elect governing and managing bodies, determine their composition, scope of activities and terms of office;
- 5) regulate internal organisation, in compliance with this Law and statute of the institution;
- 6) appoint academic staff;
- 7) conclude contracts with other institutions in Montenegro, as well as institutions at an international level;
- 8) award honorary titles, in compliance with its general act;
- 9) exercise property rights and use resources, in compliance with law; and
- 10) enjoy other rights in compliance with this Law and statute of institution.

Inviolability of Premises

Article 19

Premises of an institution shall be inviolable, except in case of prevention of an imminent or ongoing criminal offence, in case of natural disaster, other accident or in other cases provided by law, with the obtained consent of managing body of the institution.

Academic Freedoms and Protection

Article 20

An institution shall guarantee to academic staff freedom of thought, ideas, testing of acquired knowledge, i.e. ensure freedom of organisation and association as well as protection of academic staff against discrimination on any grounds, in compliance with a special law.

Freedom of Research

Article 21

Academic staff of an institution shall be free to publish the results of their research, in compliance with a special law and acts of the institution.

Founding an Institution

Article 22

A public institution is founded by the state.

A private institution can be founded by a domestic and foreign legal entity or natural person.

Requirements for Founding and Carrying out Activities

Article 23

An institution can be founded and can perform its activity, if it has:

- 1) certificate on accreditation of a study programme;
- 2) adequate premises (classrooms, laboratories, library, premises for extracurricular activities of students) owned or leased, along with teaching materials, equipment and other materials necessary for the performance of activities;
- 3) proper conditions and unrestricted access for persons with disabilities;
- 4) academic staff appointed to academic titles in accordance with Montenegrin regulations, of whom at least three teachers for undergraduate studies, and two teachers for master's studies, holding an academic title and full-time employment;
- 5) one half of associates out of the total number of associates required for teaching all study courses on each year of studies, with concluded employment agreements;
- 6) resources for founding and performance of activities; and
- 7) hygienic and technical conditions, in compliance with special regulations.

More detailed requirements referred to in paragraph 1, items 2 and 3 of this Article shall be prescribed by the Ministry.

Notwithstanding paragraph 1 item 4 of this Article, an institution shall be deemed to have the required academic staff from the area of medical sciences, for clinical courses, who are employed at a health institution serving as a teaching base of the institution.

Contents of the Founding Act

Article 24

The founding act shall include the following:

- 1) name and address, or name and place of residence of the founder;
- 2) name and address of the institution;
- 3) main activity of the institution;
- 4) resources for founding the institution and performance of activity, as well as the method of their acquisition;
- 5) interim managing and governing bodies;
- 6) time frame for adopting the statute; and
- 7) other matters significant for the performance of activities of the institution.

Passing the Act

Article 25

The founding act and the act for discontinuing a public institution shall be passed by the Government.

The founding act and the act for discontinuing a private institution shall be passed by the founder.

Financial Guarantee

Article 26

In addition to evidence on meeting the requirements referred to in Article 23 hereof, the founder of a public institution shall submit evidence from a public authority in charge of financial affairs that the relevant amount of funds required for the implementation of a study programme has been provided.

In addition to evidence on meeting the requirements referred to in Article 23 hereof, the founder of a private institution shall submit a commercial bank's guarantee on time-deposited funds in the amount required for the implementation of the study programme for a period of one year.

Funds required for the implementation of a study programme referred to in paragraphs 1 and 2 of this Article shall be calculated on the basis of cost price of education per student for a certain study programme, as well as the number of students for which the license is requested.

Prior to the expiry of the financial guarantee referred to in paragraph 2 of this Article, an institution shall, until the beginning of the next academic year, provide the Ministry with evidence on funds provided for the performance the institution's activities during the next academic year.

The guarantee of a commercial bank referred to in paragraph 2 of this Article shall be activated in case the founder decides to discontinue or terminate the work of institution, or a

study programme before students complete their education according to the relevant study programme, following the request of a public administration body competent for financial affairs.

Funds referred to in paragraphs 1, 2 and 4 of this Article can be used only for students' completion of education.

Performing Activities outside the Seat

Article 27

An institution can perform its activity outside its seat.

Decision on performing activities outside the seat of a public institution shall be passed by the Government upon the proposal of the governing body of the institution.

Decision on performing activities outside the seat of a private institution shall be passed by the founder.

Accreditation of Study Programme

Article 28

An institution shall submit a request for accreditation of a study programme to the Agency, at least six months before submitting a request for licensing.

Within the procedure of study programme accreditation, the quality of study programme, its compliance with professional needs and adopted standards, and its comparability with the same or similar programmes abroad shall be assessed, as well as the presence of practical training and the number of ECTS credits assigned to it.

Accreditation of a study programme shall be issued for a period not longer than five years.

Notwithstanding paragraph 3 of this Article, accreditation of study programmes which take longer than five years shall be issued for a period equal to the duration of the relevant study programme.

The Agency shall form a Commission to conduct accreditation of study programmes.

The Commission shall be formed from among independent Montenegrin and foreign experts, chosen from a list of experts.

The list of experts referred to in paragraph 6 of this Article shall be drawn up by the Agency after conducting a public call.

Costs of study programme accreditation shall be covered by institution.

The money referred to in paragraph 8 of this Article shall be paid to the Agency.

The procedure for study programme accreditation, contents and form of accreditation certificate shall be prescribed by the Ministry, upon the proposal of the Agency.

Licensing

Article 29

An institution shall submit a request for licensing to the Ministry, at least six months before its starts to perform its activity.

In addition to the request for licensing of an institution, the founder shall submit a founding act and evidence on fulfilment of requirements referred to in Article 23 hereof.

An institution shall submit the request for licensing on the occasion of: performing status changes; changing the seat or premises; performing its activity outside the seat or introducing new study programmes.

Beginning of Activity Performance

Article 30

An institution can perform its activity and admit students after the Ministry identifies that the institution has met the requirements prescribed by this Law and renders a decision on licensing.

The license shall determine the type of institution, accredited study programmes, maximum number of students that can be admitted to certain study programmes, levels of education and degrees that can be obtained at the institution.

The decision on licensing, referred to in paragraph 1 of this Article, shall be passed by the Ministry and published in the Official Gazette of Montenegro.

An administrative procedure may be initiated against the decision referred to in paragraph 3 of this Article.

Register

Article 31

After obtaining the decision on licensing an institution shall be recorded in the Register of Higher Education Institutions kept by the Ministry.

Licensing procedure and the method of keeping the Register referred to in paragraph 1 of this Article shall be defined by a regulation of the Ministry.

Prohibition of Work

Article 32

If a competent inspectorate finds that an institution does not meet the requirements for the performance of its activity or does not perform the activity in compliance with the Law, or fails to provide the financial guarantee referred to in Article 26 paragraph 4 of this Law, they shall temporarily suspend the work of the institution and determine a time frame within which the institution and the founder must remove the identified deficiencies.

If the deficiencies are not removed within the time frame referred to in paragraph 1 of this Article, the Ministry shall prohibit the work of that institution and notify the founder on the matter.

In case of prohibition of activity performance referred to in paragraph 2 of this Article, the institution and the founder shall enable students to continue the initiated education at another corresponding institution.

Status Changes

Article 33

An institution may perform status changes.

A decision on status change of an institution shall be passed by the founder.

Status changes of an institution shall not be done during the course of an academic year.

Provisions laying down the matters of founding an institution and performance of its activities hereof shall duly apply to status changes of the institution.

Discontinuing a Study Programme **Article 34**

A decision to discontinue a study programme at an institution shall be passed by the governing body of the institution, with the approval of the founder.

In case a study programme is discontinued, the institution shall enable the students who have not completed the programme to finish the studies within the time frame defined by an act on discontinuing the study programme.

The decision referred to in paragraph 1 of this Article shall be delivered to the Ministry for the purpose of entering changes into the Register of Higher Education Institutions.

Discontinuing a Higher Education Institution **Article 35**

An institution shall be discontinued, if:

- 1) there is no need for its existence;
- 2) it fails to meet the prescribed requirements for the performance of its activity; and
- 3) it fails to perform the activity for which it was founded.

In case of discontinuing an institution, academic year in which the institution will stop admitting students to the first year of studies shall be determined.

In case of discontinuing an institution, the founder shall enable the students who have not completed the programme to finish the studies within the time frame determined by an act for discontinuing the institution.

The founder shall deliver the decision on discontinuing an institution to the Ministry for the purpose of entering changes into the Register of Higher Education Institutions.

Statute of Institution **Article 36**

Statute of an institution shall determine in more detail the following:

- 1) organisation of an institution;
- 2) bodies of an institution and manner of operation;
- 3) acquisition of degrees of academic and applied studies;
- 4) performance of research, scientific and artistic work;
- 5) manner of exercising rights and obligations of employees and students;
- 6) method of adopting the code of ethics of academic staff;
- 7) financial control;
- 8) records; and
- 9) other matters significant for the performance of activity of an institution.

The governing body of an institution shall adopt the statute of the institution.

The Government shall approve the statute of a public institution.

Protection of Name

Article 37

The name for institutions referred to in Article 15 hereof shall be used only by a licensed institution recorded in the Register of Higher Education Institutions.

University

Article 38

A university is an autonomous institution consolidating educational, scientific-research and artistic work in the performance of its activities, as components of a unique process of higher education.

A university shall provide for the development of higher education, science, profession and art, creative skills and preparation of students for the performance of professional activities, as well as the promotion of human rights and freedoms, civil and national rights and achievements of the highest standards of teaching and learning.

Scientific-research, or artistic activities shall be performed and organised in accordance with special law and general act of university.

Organisation of University

Article 39

An institution shall have the status of university if it carries out at least five different study programmes at an undergraduate level, at least one of which is conducted as both undergraduate and postgraduate.

Study programmes referred to in paragraph 1 of this Article must be from at least three of the following seven areas: natural sciences, technical and technological, medical, social, humanistic, agricultural and interdisciplinary.

A university shall carry out its activity through: faculties, art academies, institutes and colleges, acting as organisational units.

A university shall have the status of a legal entity.

An organisational unit of a public university shall not have the status of a legal entity.

A public university may transfer certain authorisations for the sake of entering legal communication to organisational unit referred to in paragraph 3 of this Article, in accordance with statute of the university.

An organisational unit of a private university may have the status of a legal entity.

Classification of areas referred to in paragraph 2 of this Article shall be prescribed by the Ministry and a state authority competent for the affairs of science.

Other Methods of Organisation of Studies

Article 40

A public institution may, with the approval 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 organisation of the studies referred to in paragraphs 1 and 2 of this Article, an institution is entitled to carry out a programme of double or joint degrees.

Double degree shall be acquired upon completing a study programme at two higher education institutions and shall be verified by two diplomas issued by these institutions.

Joint degree shall be issued by at least two or more higher education institutions, according to a study programme for joint degree acquisition, that hold the license to implement such study programme.

National Agency for Programmes of the European Union

Article 40a

For the sake of implementation and promotion of European Union programmes and other international programmes in the field of science, education, development and youth, the Government shall establish a National Agency for Programmes of the European Union.

The organisation and the method of work of the agency referred to in paragraph 1 of this Article shall be regulated by its founding documents.

IV QUALITY ASSURANCE

Self-evaluation and Quality Assessment

Article 41

At the end of each academic year, an institution shall conduct a self-evaluation procedure related to quality of study programmes, teaching and working conditions, in compliance with statute of the institution.

Within the procedure of self-evaluation student surveys concerning study programmes, teaching, conditions and work of academic staff shall be carried out at all levels, at least once a year.

Participation of students in the survey shall be mandatory.

The survey shall be anonymous.

The results of student surveys shall be published on the website of institution.

Self-evaluation reports of an institution shall be passed by the governing body of the institution.

An institution shall submit a self-evaluation report to the Ministry and Agency.

Method and criteria of self-evaluation concerning study programmes, teaching equipment, qualifications of academic staff, teaching methods, enrolment of students, exam pass rate, percentage of graduate students and the content of survey are defined in more detail by act of the Agency.

Reaccreditation of Institution

Article 42

Reaccreditation of institution shall be carried out by the Agency.

Reaccreditation of institution shall be carried out every five years.

The Agency shall conduct the evaluation of institution on the basis of evaluation standards for institutions, in compliance with this Law.

Within the reaccreditation procedure, an institution shall prepare a self-evaluation report covering the period not longer than five years.

Based on the self-evaluation report and the conducted evaluation procedure the Commission for reaccreditation, appointed by the Agency, shall prepare a reaccreditation report for the institution.

The reaccreditation report referred to in paragraph 5 of this Article shall be submitted to the Agency, the institution and the Ministry.

Based on the positive reaccreditation report of the Commission referred to in paragraph 5 of this Article, the Agency shall issue a certificate on reaccreditation of the institution.

The form of the certificate referred to paragraph 7 of this Article shall be prescribed by the Ministry and published by its website.

Evaluation costs shall be covered by the institution.

Temporary Validity of License

Article 42a

If an institution fails to obtain a reaccreditation certificate, the license shall be valid maximum one year, without the possibility to enrol students during that year.

If an institution fails to obtain a reaccreditation certificate after the period referred to in paragraph 1 of this Article, the Ministry shall by means of a decision revoke the license granted to the institution.

An administrative procedure may be initiated against the decision referred to in paragraph 2 of this Article.

Exemption

Article 43

During the validity period of accreditation or reaccreditation, a licensed institution can make alterations in study a programme at undergraduate level up to maximum 30 ECTS credits without undergoing accreditation and licensing procedure.

Labour Market Research

Article 44

An institution shall carry out labour market research at least once in five years by conducting survey among graduate students, associations of employers, commercial entities and entrepreneurs concerning the applicability of the obtained knowledge, skills and competences required in the labour market.

The results of the research referred to paragraph 1 of this Article shall be considered on the occasion of preparing self-evaluation and reaccreditation reports, and shall be published on the website of the institution.

V GOVERNANCE AND MANAGEMENT

Governing Body of University

Article 45

Governing body of a university is Governing Board.
Governing Board determines the business policy of a university.

Governing Body of Public University

Article 46

Governing Board of a public university shall have 15 members comprising the representatives of: academic staff, other employees, students and representatives of the founder.

Representatives of the founder within the Governing Board of a public university shall make 1/3 of the total number of the Governing Board members.

Representatives of students within the Governing Board of a public university shall be elected by Student Parliament in compliance with its rules.

The Governing Board shall be elected for a period of four years, except in case of a student representative who is elected for a period of two years.

Competence, methods of election and removal, as well as the principles of operation and decision making of the Governing Board shall be determined in more detail by statute of a public university.

Governing Body of Private University

Article 47

Governing Board of a private university shall be elected by the founder.

The composition of the Governing Board referred to in paragraph 1 of this Article must include student representatives.

Competence, number of members, composition, methods of election and removal, manner of operation and decision making of the Governing Board, as well as the period of electing the Governing Board of a private university shall be determined by the founder, in compliance with the statute.

Governing Body of Non-University Institution

Article 48

Governing body of a non-university institution shall be determined by statute of the institution.

The governing body referred to in paragraph 1 of this Article must include representatives of academic staff, other employees and students.

Competence, number, composition, terms of office, method of election and removal, as well as the manner of operation and decision making of the governing body of institution referred to in paragraph 1 of this Article shall be regulated by statute of the institution.

Managing Body of University
Article 49

Managing body of a university is Rector.

Rector is responsible for the work of university, as well as for management within the framework of business policy determined by the Governing Board of the university.

A university may have vice-rectors.

Election of Public University Rector
Article 50

Rector of a public university shall be elected for a period of three years on the basis of public competition and a submitted programme for the development of university.

Rector of a public university shall be elected by the Governing Board, from among full professors of the public university.

Same person can be elected rector of public university twice in a row.

The method and the procedure of electing a rector, vice-rectors, their authorisations, terms of office of vice-rectors and other matters shall be regulated by statute of public university.

Election of Private University Rector
Article 51

Rector of a private university shall be elected by the founder from among full professors in compliance with its statute.

The method of electing a private university rector, vice-rectors, authorisations, terms of office and other issues shall be regulated by statute of private university.

Managing Body of Organisational Unit of Public University
Article 52

Managing body of organisational unit of a public university is dean or director, elected by the Governing Board of a university in compliance with its statute.

The method of electing a dean or director, authorizations, terms of office and other issues shall be regulated by statute of public university.

Managing Body of a Non-University Institution
Article 53

Managing body of a non-university institution shall be determined by statute of that institution.

The method of election of managing body, authorizations, terms of office and other issues shall be regulated by statute of institution.

Professional Body of University
Article 54

Professional body of a university is senate.

The senate comprises: rector, vice-rectors, representatives of academic staff, and representatives of students in compliance with statute of university.

Out of the number of senate members, at least 50% of members must be from among full professors of the university.

Competence, number, composition, terms of office, method of election and removal, as well as the manner of operation and decision-making of senate shall be regulated by statute of university.

Professional Body of Non-University Institution

Article 55

Professional body of a non-university institution is Council of institution.

The Council of institution shall be composed of academic staff and representatives of students, in compliance with statute of the institution.

Composition, competence, terms of office, manner of work and decision making of the Council shall be regulated by statute of institution.

Professional Body of Public University Organisational Unit

Article 56

A professional body of an organisational unit of a public university is Council.

The Council referred to in paragraph 1 of this Article shall be composed of: dean, vice-deans, persons with academic titles, representatives of associates and students, in compliance with statute of public university.

Competence, terms of office, manner of work and decision making of the Council shall be regulated by statute of public university.

VI FUNDING

Sources of Funding

Article 57

An institution may be funded from the following sources:

- 1) founder's assets;
- 2) tuition fees and other fees paid by the students;
- 3) intellectual and other services;
- 4) donations, presents and legacies;
- 5) income from property (lease);
- 6) projects and contracts with international, national and private entities aimed at promotion of teaching, research and consulting activities; and
- 7) other sources in compliance with law.

Responsibility of Managing Bodies

Article 58

The managing body of a public institution shall be responsible for lawful and purposeful use of resources allocated in accordance with this Law.

Audit Article 59

Independent external and internal financial control shall be conducted with regard to operations of an institution.

The method of performing internal financial control shall be regulated by statute of institution.

Independent Audit Article 60

In performing external control, the Government may appoint an independent authorised auditor to perform the examination of financial standing of an institution funded from the budget of Montenegro.

Governing body of an institution shall ensure cooperation on the occasion of performing the financial control referred to in paragraph 1 of this Article.

Return of Funds Article 61

The Government will request from an institution funded from the budget of Montenegro to return the allocated funds, if an independent and authorized auditor identifies that they have been unlawfully and inappropriately used.

Public Institution's Authorisations Article 62

A public institution can invest funds in educational or research purposes, with the approval of the Government, provided that:

- 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 Funding Article 63

If a public institution fails to obtain a certificate of reaccreditation, in compliance with this Law, the founder may provide funding for the institution for a period not longer than one year, without the possibility of admitting students in that year.

Norms and Standards for Funding Article 64

The founder shall provide a public institution with all resources for:

- 1) material expenses, ongoing and investment maintenance;

- 2) salaries of employees in compliance with law, collective agreement and an act on organisation and job classification;
- 3) equipment and the library fund;
- 4) performance of scientific-research, or art work, that is in function of raising quality of teaching;
- 5) scientific and professional development of employees;
- 6) data bases and information system;
- 7) work of Student Parliament and extracurricular activities of students;
- 8) establishment of equal study conditions for all students (unrestricted access, stay and work); and
- 9) other purposes in compliance with law.

Norms and standards for funding public institutions referred to in paragraph 1 of this Article shall be passed by the Government.

Funding Public Institutions

Article 64a

A public institution shall obtain funds from the Budget of Montenegro on the basis of norms and standards for funding public institutions referred to in Article 64 of this Law, taking into account the number of students defined by the license, cost per student for a certain study programme and the assessment of quality work of the institution from the external evaluation report.

Mutual rights and obligations between the public institution and the Government for the implementation of study programmes of the 1st and 2nd study cycles shall be regulated by a funding agreement.

The agreement referred to in paragraph 2 of this Article shall be concluded for at least one fiscal year.

The agreement referred to in paragraph 2 of this Article shall include in particular: objectives, activities and measures for achieving the objectives, indicators for monitoring the implementation of the agreement, reporting dynamics concerning the implementation of the agreement, and other matters of relevance for funding.

The content of the agreement referred to in paragraph 4 of this Article shall be laid down by the Ministry and published on its website.

Determining the Number of Students

Article 65

The Government shall determine the number of students to be funded from the budget of Montenegro, with regard to a particular study programme, in line with the number prescribed by license of a public institution.

The decision referred to in paragraph 1 of this Article shall be passed by the Government, upon proposal of the governing body of a public institution, within the procedure of giving consent to competition for admission to study programmes.

Public Institution's Market Profit Making

Article 66

Activities of a public institution, as a rule, are non-profitable.

A public institution may, in compliance with this Law, promote and use basic educational and research activities on the market for the purpose of generating profit for the implementation of higher education goals, which is used for to improve teaching and scientific-research activities, in line with its financial plan.

A public institution shall primarily obtain approval from the Government, when that activity includes, or might include, the use of right to any important intellectual property, in any literary, artistic or scientific works, scientific discoveries, projects, inventions, goods or services which are entirely or partly, directly or indirectly provided from the budget of Montenegro.

Innovation Activities

Article 66a

A public institution may establish an innovation centre, centre of excellence, centre for technology transfer, science and technology park and other organisations aimed at conducting innovation activities and providing infrastructural support for the development of innovation and commercialization of outcomes of research and artistic work.

Special Funding Conditions

Article 67

Regarding the resources allocated to a public institution for teaching and research purposes, the Government may prescribe particular conditions of their use, pertaining to:

- 1) acquisition, use and disposal of land, buildings and equipment;
- 2) level and use of tuition fees and other fees prescribed for students;
- 3) transfer of resources allotted for study programmes.

Funding Students at Private Institutions

Article 68

Funds from the budget of Montenegro may be allocated for funding students of private institutions attending study programmes of public interest which are not implemented at any public institution.

Criteria for determining study programmes of public interest at private institutions which are not implemented at any public institution shall be prescribed by the Government, following the opinion provided by the Council.

Based on the criteria referred to in paragraph 2 of this Article, the Government shall render a decision on study programmes of public interest carried out at private institutions which are not implemented at any public institution for each academic year.

Following the opinion provided by the Council, the Government shall, on the basis of the decision referred to in paragraph 3 of this Article, determine the number of students and the amount required for funding students attending study programmes of public interest at private institutions which are not implemented at any public institution, for each academic year.

The amount of funds referred to in paragraph 4 of this Article shall be determined on the basis of norms and standards for funding study programmes of public interest at private institutions which are not implemented at any public institution, adopted by the Government.

Conditions of Using Funds **Article 69**

The Government shall prescribe certain conditions for using the funds allocated to a private institution, as well as request from the private institution to submit the budget proposal for the performance of its activity for the following fiscal year.

A private institution shall be responsible for lawful and purposeful use of funds allocated by the Government, and it shall provide the Government with access to its financial books and records.

Tuition Fee **Article 69a**

Students of the 1st and 2nd cycles of studies at public institutions shall not pay tuition fee.

Students of the 3rd cycle of studies at public institutions shall pay tuition fee.

Students of the 1st, 2nd and 3rd cycles at private institutions shall pay tuition fees.

Determining the Tuition Fee **Article 70**

The amount of fee to be paid by students at institutions shall be determined by governing body of institution.

Notwithstanding paragraph 1 of this Article, the amount of fee to be paid by students attending the 1st and 2nd cycles at public institutions who fail to acquire 45 ECTS credits shall be determined by governing body, following the approval of the Ministry.

The amount of fee referred to in paragraph 2 of this Article may vary depending on the cost of implementation of a study programme.

Students with disabilities at both public and private institutions shall be exempt from paying fee.

VII ACADEMIC STAFF

Academic Staff **Article 71**

Academic staff, in terms of this Law, refers to persons holding academic titles as well as associates that directly carry out study programmes at an institution.

Academic Titles **Article 72**

In terms of this Law, academic titles refer to:

- 1) full professor;
- 2) associate professor;
- 3) assistant professor;
- 4) college professor and college lecturer.

Persons shall be appointed to academic titles, referred to in paragraph 1 of this Article, by senate of university on the basis of public competition, for a period of five years, except in case of full professors who are appointed for an unlimited time period.

Appointment to higher title shall be performed upon the expiry of appointment into a lower title.

The procedure of appointment to academic titles referred to in paragraph 1 of this Article must be completed within six months from the date of announcing the competition.

Conditions for Appointment to Academic Title

Article 73

A person having a doctoral degree and proven pedagogical skills may be appointed to academic titles referred to in article 72 paragraph 1 of this Law.

A person having a higher education degree, recognized works of art and proven pedagogical skills may be appointed to academic titles for art and the corresponding courses at faculty and academy for visual, applied, music, dramatic arts and architecture.

In addition to conditions referred to in paragraphs 1 and 2 of this Article, academic staff referred to in Article 72 of this Law must meet conditions for appointment to title for a certain discipline of science/art which have to be internationally comparable.

Conditions for appointment to academic titles shall be regulated by the Agency.

Appointment Procedure

Article 74

The procedure of appointment to academic titles, as well as other related matters, shall be regulated by statute of a university.

Participation of international experts may be allowed on the occasion of appointment to academic titles, in compliance with statute of a university.

Associates

Article 75

A teaching associate may be:

- student of master's studies who has completed undergraduate or specialist studies with a minimum average grade B (8.50);
- student of doctoral studies, i.e. PhD candidate who has completed master's studies with a minimum average grade B (8.50);
- person who has acquired a scientific degree of Doctor of Sciences.

Person referred to in paragraph 1 of this Article shall be appointed on the basis of public competition announced by institution, in compliance with statute of the institution.

Agreement with associates referred to in paragraph 1 indent 1 of this Article shall be concluded for a period of one year, however not longer than four years.

Agreement with associates referred to in paragraph 1 indent 2 of this Article shall be concluded for a period of three years, however not longer than seven years.

Agreement with an associate who acquired a scientific degree Doctor of Sciences shall be concluded for a period of up to five years.

Teaching associate shall not independently carry out theoretical teaching, testing and grading of students.

More detailed conditions, method and procedure of appointing associates shall be determined by statute of institution.

Visiting Professor

Article 76

An institution may engage a person with academic title from another institution outside the territory of Montenegro as a visiting professor, without public competition, based on a decision of a competent body of the institution.

Rights and obligations between the visiting professor and institution shall be regulated by an agreement, in compliance with statute of the institution.

Professor Emeritus

Article 77

A university may award the title of professor emeritus to a retired full professor who became particularly prominent through their scientific or artistic work.

More detailed conditions and procedure for awarding the title of professor emeritus shall be determined by a general act of university.

Protection against Plagiarism

Article 78

Plagiarism is any appropriation of authorized work or material without marking it as another person's work of authorship, or a part of it, or conducting another similar activity and presenting it as one's own authentic work.

An authorised work (professional, scientific or artistic) identified as plagiarism by a competent body shall be nullified, along with grades, awards, titles obtained by a person using plagiarism on the basis of such work.

An institution shall nullify all grades, awards, titles obtained by the person referred to in paragraph 1 of this Article at that institution, on the basis of such work.

The procedure of identifying plagiarism shall be determined by statute of institution, in compliance with a special law.

VIII ORGANISATION OF STUDIES

Study Programmes

Article 79

Studies at institutions shall be carried out on the basis of an accredited study programme.

Upon completion of a study programme a certain degree of education and qualifications shall be obtained, in compliance with law.

Article 80

Within the programme implemented, a higher education institution shall provide students with conditions for acquiring knowledge of at least one foreign language on the level of proficient user.

Types of Study Programmes

Article 81

A higher education institution may carry out the following study programmes: undergraduate, master's (postgraduate) and doctoral.

Study programmes referred to in paragraph 1 of this Article may be interdisciplinary and organized from at least two fields.

Undergraduate and postgraduate study programmes can be accredited as academic and applied.

Doctoral study programmes can be accredited as academic.

A study programme must include practical training, as well as learning outcomes for the scientific area to which the relevant study programme belongs, i.e. competences for performing the relevant activities.

A study programme must include learning outcomes for the scientific area to which the relevant study programme belongs and practical training.

Practical training referred to in paragraph 5 of this Article shall make at least 25% of total student's workload by course, i.e. a year, depending on the learning outcomes for an individual study programme.

Programmes of undergraduate studies shall include at least two elective modules.

European Credit Transfer System

Article 82

Study programmes for the acquisition of education levels and higher education degrees must comply with the European Credit Transfer System (ECTS).

A study programme in one academic year shall comprise 60 (ECTS) credits.

Transfer of ECTS credits may be realised between different study programmes or institutions.

The criteria and conditions for transfer of ECTS credits shall be prescribed by a general act of an institution, or a contract between institutions.

Types of Degrees

Article 83

Degrees that may be acquired at an institution include:

- 1) degree of applied undergraduate studies after completed applied study programme, comprising 180 ECTS credits;
- 2) degree of academic undergraduate studies, after completed academic study programme, comprising 180 ECTS credits;
- 3) degree of completed integrated undergraduate and master's studies, comprising 300, or 360 ECTS;
- 4) degree of applied master's studies after completed applied master's programme, comprising 120 ECTS credits, and after obtaining a degree of applied undergraduate studies and defending a master's thesis or after completing an integrated undergraduate and master's study programme of 300 ECTS credits and defending of a master's thesis;
- 5) degree of academic master's studies, after completed academic master's programme, comprising 120 ECTS credits, and after obtaining a degree of academic undergraduate studies and defending a master's thesis or after completing an integrated undergraduate and master's study programme of 300 ECTS credits and defending a master's thesis.

Notwithstanding paragraph 1 of this Article, degrees from the field of regulated professions shall be acquired in accordance with a special regulation of the European Union related to regulated professions.

Degree of academic doctoral studies may be acquired by a person having an academic title of Master of Science and a completed doctoral studies programme, comprising 180 ECTS credits and defended doctoral dissertation.

Notwithstanding paragraph 3 of this Article, a degree of academic doctoral studies may be acquired by a person who completed an integrated undergraduate and master's study programme comprising at least 300 ECTS credits, completed a study programme of doctoral studies comprising 180 ECTS credits and defended their doctoral dissertation.

Degrees referred to in paragraphs 3 and 4 of this Article shall be acquired at university.

IX RULES OF STUDYING

Academic Year and Organisation of Teaching

Article 84

An institution shall carry out teaching during an academic year which, as a rule, begins on 1 September, in compliance with the academic calendar.

Teaching may be carried out in two semesters during an academic year, each of which taking 15 weeks.

Teaching of individual courses shall be carried out within one semester, in compliance with a study programme.

Distance Learning

Article 85

Teaching may also be organised remotely (distance learning), whereas exams shall be held at premises of an institution.

Conditions and manner of teaching organisation and exam taking, referred to in paragraph 1 of this Article shall be prescribed by the Ministry, following the prior opinion of the Council.

Organisation of Studies

Article 86

An institution shall organize lectures, exercises, practical training and other forms of instruction for all students, except in case of distance learning, in accordance with study programmes for achieving learning outcomes.

Practical knowledge, skills and competences, or practical training may be acquired at the premises of the institution and outside the institution.

Practical training outside the institution shall be provided by legal entities on the basis of agreement on practical training.

The manner and time of organizing all forms of instruction referred to in paragraph 1 of this Article, shall be regulated by a general act of institution.

At the beginning of an academic year, an institution shall duly inform students on the manner, time and place of conducting instruction, knowledge assessment and examination, examination results and other matters relevant for the organization of studies.

Rules of Studies

Article 87

On the occasion of enrolment in an institution a student shall opt for a certain study programme.

A study programme shall determine courses for an individual year of studying.

By passing exams from the courses, referred to in paragraph 2 of this Article, a student shall obtain a certain number of ECTS credits in compliance with a study programme.

An institution may approve enrolment in the following study year to a student who failed to earn at least 45 ECTS credits if they did not pass one exam in a course worth more than 15 ECTS credits, in compliance with statute of the institution.

A student who fails to pass an elective course, may take the same course again or choose a different elective course.

Rules of studying shall be determined in more detail by a general act of an institution.

Changing the Manner of Student Funding

Article 88

A student funded from the budget of Montenegro who has obtained at least 45 ECTS credits in an academic year enrolled for the first time is entitled to be funded from the budget in the next academic year as well.

A student funded from the budget of Montenegro who has obtained less than 45 ECTS credits in an academic year enrolled for the first time can continue studies with the status of self-funding student.

Student referred to in paragraph 2 of this Article who completes all exams, i.e. earns 60 ECTS credits, shall be entitled to budget-funding in the following year.

Grading System

Article 89

A student shall take an exam upon completion of instruction from that study course in a manner determined by a study programme, in compliance with statute of institution.

The success of students to master a course and overcome all forms of knowledge assessment before the exam shall be valued and expressed in points.

Total number of points a student can earn through all pre-exam forms of knowledge assessment, or study results ranges from 30 to 70, in compliance with the rules of studying.

On the basis of all pre-exam forms of knowledge assessment, or learning outcomes and by taking exams, a student can earn a maximum of 100 points, in compliance with the rules of studying.

Students' performance on exam and other forms of knowledge assessment shall be expressed in letter grades, specifically: A, B, C, D, E and F.

Grade F is an insufficient grade.

Letter grades referred to in paragraph 5 of this Article shall be equivalent to numerical grades, namely:

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

Average grade during the studies is determined as quotient of the sum of numerical grades multiplied by ECTS credits for each course, and the total number of obtained ECTS credits.

Exams

Article 90

An exam shall be public.

A student shall take an exam at premises of an institution.

Notwithstanding paragraph 2 of this Article, an exam can be taken outside the premises of an institution only if it concerns an exam of a study course whose character demands it.

A student shall take an exam immediately after completion of instruction for the relevant course.

A student with disability is entitled to take an exam at a place and in a manner adjusted to their abilities, in accordance with statute of institution.

A student may take only one mid-term or final exam in one day, and not more than two mid-terms or final exams in a week.

Examination Term

Article 91

Examination terms shall take place in January, June and September.

Examination terms referred to in paragraph 1 of this Article shall have two set examination dates.

A student who fails to pass an exam at the first examination date is entitled to take it on the second examination date in the same examination term.

Dates for organisation of exams referred to in paragraphs 1, 2 and 3 shall be determined by academic calendar for an academic year passed by an institution in compliance with its statute.

Objection Article 92

A student is entitled to file to managing body an objection to a grade, if they consider that the exam had not been conducted in compliance with law and general act of institution, within 48 hours from obtaining the grade.

The managing body shall form a Commission to determine, in accordance with the request from the objection, whether the grade was formed contrary to regulation, to review and grade the written or other work again, or test the student, within three days.

The grade given by the Commission referred to in paragraph 2 of this Article shall be final.

If a student requests an exemption of a course teacher, that teacher cannot be a member of Commission referred to in paragraph 2 of this Article.

X STUDENTS

Enrolment in Undergraduate Studies Article 93

A person who has obtained a proper level education required for attaining IV-1 sub-level of National Qualifications Framework is entitled to enrol in undergraduate academic and applied studies.

Enrolment in studies referred to in paragraph 1 of this Article shall be conducted on the basis of:

- 1) general performance concerning the completion of individual grades for attaining IV-1 sub-level of National Qualifications Framework;
- 2) results achieved at external Matura or vocational exam;
- 3) performance from two subjects of third and fourth grade relevant for continuance of education;
- 3a) achieved success at national or international competition in subjects of importance for continuing education;
- 4) "Luča" diploma awarded for excellent study performance.

For enrolment in certain study programmes, an admission exam may be introduced.

For persons with disabilities the principle of affirmative action shall be applied on the occasion of enrolment in a study programme.

Matura or vocational exam referred to in paragraph 2 item 2 of this Article shall be valued with at least 15% of total number of points acquired on enrolment by evaluating all criteria referred to in paragraphs 2 and 3 of this Article.

Notwithstanding paragraph 1 of this Article, on professional-artistic study programmes of undergraduate studies of faculties and art academies, a candidate without completed secondary school can be enrolled, provided that they pass an admission exam in compliance with this Law.

More detailed conditions and criteria, method and procedure of enrolment in the first year of undergraduate academic and applied studies shall be prescribed by the Ministry.

Enrolment in Specialist Studies

Article 94

Deleted. (Law on Amendments to the Law on Higher Education, Official Gazette of Montenegro, 42/17)

Enrolment in Master's Studies

Article 95

Enrolment in Master's academic and applied studies shall be carried out on a competitive basis, in accordance with the results achieved during undergraduate or applied studies comprising at least 180 ECTS credits and on entry exam, in accordance with this Law and Statute of institution.

Content, method and procedure of taking the entry exam and more detailed criteria and their evaluation, as well as the methods and procedure and the level of compliance of completed undergraduate studies for enrolment in the first year of Master's academic and applied studies shall be laid down by an act of institution.

Enrolment in Doctoral Studies

Article 96

Enrolment in doctoral studies shall be carried out on a competitive basis, according to the results achieved on master's academic studies, in compliance with this Law and statute of institution.

More detailed conditions and criteria, methods and procedure and the level of compliance of master's study programmes for enrolment in the first year of doctoral studies shall be prescribed by a professional body of institution.

Lifelong Learning

Article 97

Institutions may carry out special programmes of specialisation in the area of higher education for the purpose of lifelong learning with the aim of acquiring professional qualification or a part of professional qualification or other qualification, in compliance with law and special regulations of an institution.

Special programme of specialisation referred to in paragraph 1 of this Article shall not be considered a study programme.

Programmes referred to in paragraph 1 of this Article shall be accredited by the Council, except in case of programmes adopted by competent authorities in compliance with law, and can be carried out at licensed institutions, in compliance with a special law.

Institution referred to in paragraph 1 of this Article, shall issue a credential to a person completing the specialisation programme.

Assessment of knowledge, skills and competences of persons completing the special programs shall be done in compliance with special act of institution.

Competition for Enrolment

Article 98

Competition for enrolment in studies shall be announced by an institution, in compliance with its license and statute.

Competition for enrolment in studies at a public institution shall be announced by the governing body, in compliance with its licence, with previous consent of the founder.

Number of Students for Enrolment

Article 99

An institution shall determine the number of students to be enrolled in study programmes it organises, which cannot exceed the number determined by the license.

In case the number of qualified candidates for enrolment is higher than the number of publicly funded places at any study programme, candidates may be enrolled on tuition fee-paying places, on the basis of criteria referred to in paragraph 93 of this Law, up to the number determined in the competition.

Notwithstanding paragraph 2 of this Article, if a candidate is a person with a disability, the principle of affirmative action shall apply.

Enrolment of Foreign Citizens

Article 100

A foreigner is entitled to be enrolled into study programmes in Montenegro, under the same conditions as Montenegrin citizens, in compliance with this Law and statute of institution.

Student Status

Article 101

Student status shall be obtained by enrolment in an adequate study programme at an institution.

Studying Agreement

Article 102

A student and an institution shall conclude a studying agreement, closely defining their reciprocal rights and obligations.

In addition to the studying agreement, students shall also sign statements with regard to meeting the principles of academic ethics.

Contents of the agreement for public institutions referred to in paragraph 1 of this Article shall be determined by the Ministry and published on its website.

Agreement referred to in paragraph 1 of this Article shall include the obligation of institution to provide continuance and completion of education in case of discontinuing the work of an institution or a study programme.

Rights of Students

Article 103

A student is entitled to:

- 1) receive high-quality education and objective grading;
- 2) remark the quality of work of academic staff;
- 3) appeal in case of violation of their right determined by a general act of an institution;
- 4) dormancy of rights and obligations during pregnancy, parental leave, longer illness and in other justified cases in compliance with statute of institution;
- 5) attend lectures, seminars and other forms of instruction;
- 6) use libraries, computer rooms and other services an institution provides for students;
- 7) elect others and be elected into bodies of an institution, in accordance with this Law and statute of institution;
- 8) representation of at least 20% in relation to a total number of members in professional bodies and managing bodies;
- 9) exercise rights from the area of student standard;
- 10) equality and protection against discrimination; and
- 11) exercise other rights in compliance with this Law and statute of institution.

The manner in which rights referred to in paragraph 1 of this Article are exercised shall be regulated in more detail by statute of institution.

Obligations of Students

Article 104

A student shall:

- 1) respect the study regime and duly complete student obligations;
- 2) respect general acts passed by institution;
- 3) participate in academic activities of institution;
- 4) respect rights of the employed and other students.

Protection of Student Rights

Article 105

A student is entitled to challenge before a competent court any decision of an institution, which violates their right laid down by law, statute or other act.

Cessation of Student Status

Article 106

Student status shall cease by:

- 1) acquiring a degree of an adequate level of education;
- 2) withdrawal;
- 2a) failing to finish the study programme within the period prescribed by Law and statute of institution;
- 3) expulsion from an institution.

Circumstances under which the student status shall cease, referred to in paragraph 1, items 2, 2a and 3 of this Article, as well as the related appellate procedures shall be regulated by Statute of institution.

Expulsion of Student

Article 107

A student may be expelled from an institution by senate, or other professional body, for a period not longer than two academic years, in compliance with statute of the institution.

An appeal against the decision referred to in paragraph 1 of this Article, shall be filed to the governing body of institution.

The decision of the body referred to in paragraph 2 of this Article shall be final.

Student Standard

Article 108

Rights pertaining to student standard are personal and non-transferable.

Rights Pertaining to Student Standard

Article 109

A student is entitled to:

- 1) dormitory accommodation and board;
- 2) students loan;
- 3) scholarships for best students;
- 4) transport allowance concerning suburban and intercity traffic;
- 5) health care in compliance with special law;
- 6) establish sport associations in accordance with law.

The criteria, manner, conditions and the amount of fees for exercising rights referred to in paragraphs 1, 2, 3 and 4 of this Article shall be prescribed by the Ministry.

Student Dormitory

Article 110

Accommodation and board for students shall be organised at student dormitories as well as pupil and student dormitories (hereinafter: student dormitory).

Provisions of the General Law on Education shall duly apply to matters of founding, organisation, internal organisation and work, status changes, principles of management and governance, financing, presentation, and other issues of importance for the functioning of students' dormitory.

Student Organisations **Article 111**

Statute of institution shall ensure the establishment of one or more organisations, which represent students and contribute to meeting social, cultural and academic needs and the need for physical recreation of students.

Student Parliament **Article 112**

Student Parliament is an institutionalized form of students' organizing, which is autonomous in its work and authorized to represent and protect the rights and interests of students.

Student Parliament shall be formed within an institution, and shall be made up of students' representatives.

Competence, manner of appointment as well as organisation of work of Student Parliament shall be regulated by statute of the Student Parliament.

Financial Assistance to Student Organisations **Article 113**

An institution may provide financial assistance for the establishment and work of student organisations, including resources for investment and current expenditures related to premises and equipment.

XI RECORDS AND PUBLIC CREDENTIALS

Records **Article 114**

An institution shall keep: register of students, records of issued diplomas and diploma supplements, as well as the examination records.

Register of students and records of issued diplomas shall be permanently kept.

Records referred to in paragraph 1 of this Article shall be kept in paper and electronic form.

Personal data entered into records referred to in paragraph 1 of this Article shall be collected, processed, kept and used for the needs of institution and the Ministry, in compliance with law.

All forms of collecting, keeping, processing, publishing and using data referred to in paragraph 4 of this Article shall be implemented in compliance with law regulating personal data protection.

Public Credentials

Article 115

Based on data from the records, an institution shall issue public credentials.

Public credentials, pertaining to this Law, shall comprise the following: academic transcript (Index), diploma and diploma supplement, study confirmation, certificate of the exams passed and certificate of completion.

Method of keeping register of students, records and the contents of public credentials shall be prescribed by the Ministry.

Nullity of Public Credential

Article 116

Public credentials shall be declared null if:

- 1) they were issued by a non-licensed institution;
- 2) they were signed by an unauthorized person;
- 3) a holder of a public credential did not meet all exam obligations in a study programme in a manner and according to the procedure determined by law, secondary legislation and a study programme.

The procedure of declaring public credentials null shall be conducted by the Ministry.

Decision on annulment of public credentials shall be final in the administrative procedure and shall be published in the Official Gazette of Montenegro.

XII PENAL PROVISIONS

Penalties for Offenses

Article 117

A legal entity - an institution shall be fined in the amount of 2,000 euro to 20,000 euro if it:

- 1) begins to operate and conducts activities without meeting the prescribed requirements, i.e. does not have a decision on licensing (Article 30 paragraph 1);
- 2) does not allow students who have not completed a programme to finish the studies in case a study programme was discontinued (Article 34 paragraph 2);
- 3) does not allow students who have not completed a programme to finish the studies in case an institution was discontinued (Article 35 paragraph 3);
- 4) applies statute, which has not been approved by the Government has (Article 36 paragraph 3);
- 5) invests resources in education or research purposes without the approval of the Government (Article 62);
- 6) provides funds from the budget of Montenegro without obtaining the approval of the Government, for an activity which involves or might involve the use of rights of any more significant intellectual property, in any literary, artistic or scientific works, scientific discoveries, projects, inventions, goods or services (Article 66 paragraph 3);

- 7) charges higher tuition fee than the amount which was approved by the Ministry (Article 70 paragraph 2)
- 8) appoints to academic titles persons who do not meet the requirements for being appointed to an academic titles referred to in Article 73 paragraphs 1, 2 and 3 of this Law;
- 9) appoints as teaching associates persons who do not meet the requirements prescribed by Article 75 paragraphs 1, 2, 3, 4 and 5 of this Law;
- 10) awards degrees to persons who do not meet the requirements prescribed by Article 83 of this Law;
- 11) admits students to undergraduate studies who do not meet the requirements prescribed by Article 93 of this Law;
- 12) admits more students than stipulated in the license (Article 99 paragraph 1);
- 13) does not conclude a studying agreement with a student (Article 102 paragraph 1);
- 14) does not keep register of students, records on issued diplomas and diploma supplements and records on exams (Article 114 paragraph 1);
- 15) does not issue public credentials on the basis of data from the records (Article 115 paragraph 1).

For the offence referred to in paragraph 1 of this Article, the managing body and a responsible person of an institution shall be fined in the amount of 200 euro to 2,000 euro.

XIII TRANSITIONAL AND FINAL PROVISIONS

Deadline for Adopting Secondary Legislation

Article 118

Regulations related to the implementation of this Law shall be passed not later than one year from the day of entry into force of this Law.

Regulations that were in force prior to entry into force of this Law shall apply until the regulations laid down hereof are adopted, unless they are contrary to this law.

Deadline for Adopting Secondary Legislation

Article 118a

Regulations related to the implementation of this Law shall be adopted not later than one year from the date of entry into force of this Law.

Regulations that were in force before the entry into force of this Law shall apply until the regulations in accordance with this Law are adopted, unless they are contrary to this Law.

Funding

Article 118b

Funding of public institutions for the implementation of new 1st cycle study programmes shall begin in academic year 2017/18.

Funding of public institutions for the implementation of new 2nd cycle study programmes shall begin in academic year 2020/21.

Harmonisation of Institutions' Acts

Article 119

Institutions shall harmonize their organisation, work and general acts with this Law within six months from the day of entry into force of this Law.

The existing general acts shall apply until the general acts referred to in paragraph 1 of this Article are adopted, unless they are contrary to this Law.

Harmonisation of Institutions' Acts

Article 119a

Institutions shall harmonize their organization, work and acts with this Law within one year from the date of entry into force of this Law.

The existing acts shall apply until the acts referred to in paragraph 1 of this Article are adopted, unless they are contrary to this Law.

Degree Equivalence

Article 119b

Degrees acquired after completing four-year, five-year or six-year higher education, according to curricula adopted prior to entry into force of Law on Higher Education (Official Gazette of the Republic Montenegro, 60/03 and Official Gazette of Montenegro 45/10, 47/11 and 48/13) shall be equivalent to degrees of master's studies in terms of the right to employment.

Degrees acquired after completing postgraduate academic and applied specialist studies under the Law on Higher Education (Official Gazette of the Republic Montenegro, 60/03 and Official Gazette of Montenegro 45/10, 47/11 and 48/13) and Law on Higher Education (Official Gazette of Montenegro 44/14, 47/15 and 40/16) shall be equivalent to degrees of master's studies in terms of the right to employment.

Degrees referred to in paragraph 1 of this Article and degrees on completed postgraduate academic specialist studies referred to in paragraph 2 of this Article shall be recognised for enrolment in the second year of master's studies in compliance with this Law.

Article 119c

Former scientific degree of Master of Science acquired under the relevant regulations, shall have the same value (be equivalent) as degree of completed master's studies in terms of right to continue studies and the right to employment.

Initiated Procedure of Accreditation and Licensing

Article 120

The procedure of accreditation and licensing of institutions, or study programmes initiated before the day of entry into force of this Law shall be completed according to regulations in force when it was initiated.

Deadline for Reaccreditation of Study Programmes

Article 120a

Public and private higher education institutions that have been accredited or reaccredited until the date of entry into force of this Law, shall submit application for reaccreditation to the Agency by the end of 2018.

Deadline for Amending the License

Article 121

For study programmes at the University of Montenegro for which the license does not prescribe the number of students to be admitted to the first year of studies until the day of entry into force of this Law, the procedure of licence amending shall be conducted up to 30 April 2015, for the purpose of determining the number of students to be admitted.

Deadline for Harmonisation of Study Programmes

Article 122

Institutions shall harmonise their study programmes with article 81 paragraph 6 of this Law, within one year from the day of entry into force of this Law.

Deadline for Harmonization of Study Programmes

Article 122b

Institutions shall harmonise their study programmes with this Law within two years from the day of entry into force of this Law.

Admission to Undergraduate Studies

Article 122c

Admission to undergraduate studies according to new study programmes carried out by public institutions shall begin in academic year 2017/18.

Admission to undergraduate studies according to new study programmes carried out by private institutions shall begin after harmonising the study programmes with this Law, and not later than the academic year 2020/21.

Admission to Specialist Studies

Article 122d

Admission to specialist studies at public institutions may be conducted until the academic year 2019/20.

Admission to Master's Studies

Article 122e

Admission to academic and applied master's studies at public institutions may be conducted until academic year 2020/21.

Admission of Students to Former Study Programmes

Article 122f

Institutions may carry out admission of students to formerly accredited study programmes of undergraduate, specialist and master's studies according to programmes

accredited or reaccredited until the termination of reaccreditation process for these study programmes, in compliance with this Law.

Student Status

Article 122g

Students enrolled in undergraduate, specialist, master's and doctoral studies before entry into force of this Law are entitled to complete their studies according to the study programme that was in the effect at the time of their enrolment, in line with the Law under which they were enrolled, not later than three years in relation to the normative period of study duration.

Students enrolled at University of Montenegro according to programmes adopted on the basis of Law on University (Official Gazette of the Republic of Montenegro 37/92 and 6/94), are entitled to complete their studies according to the programme that was in the effect at the time of their enrolment in the first year of studies, until the end of academic year 2017/2018.

Students referred to in paragraphs 1 and 2 of this Article may join study programmes organized in accordance with this Law in a manner and under conditions prescribed by a special act passed by the Senate of University, i.e. professional body of institution.

Issuing Diplomas

Article 122h

Students who complete their studies according to programmes adopted in line with the Law on University (Official Gazette of the Republic of Montenegro 37/92 and 6/94), shall be issued a diploma by a public institution on special forms, prescribed by the public institution, in compliance with this Law.

Deadline for Completion of Education

Article 122a

Students enrolled at University of Montenegro who started their studies according to study programmes adopted in line with the Law on University (Official Gazette of the Republic of Montenegro 37/92 and 6/94), are entitled to complete their studies according to curriculum valid at the time of their enrolment in the first year of studies, until the end of academic year 2016/2017.

Status of Teachers and Associates

Article 123

Teachers and associates appointed prior to entry into force of this Law shall continue their work until the expiry of the period for which they were appointed.

Appointment procedures of teachers and associates initiated prior to entry into force of this Law shall be completed in accordance with this Law.

Status of Council for Higher Education

Article 124

Council for Higher Education appointed until the day of entry into force of this Law shall continue working until the expiry of the period it was appointed to.

Deadline for Establishing the Agency

Article 124a

The Agency shall be established within three months from the day of entry into force of this Law.

The procedures of study programmes' accreditation and institutions' reaccreditation initiated by the Council until the day of entry into force of this Law shall be completed by the Agency referred to in paragraph 1 of this Article, in accordance with regulations that were in the effect until entry into force of this Law.

Deadline for Appointing the Council

Article 124b

In compliance with this Law, the Council shall be appointed within three months from the day of entry into force of this Law.

On the day the Council referred to in paragraph 1 of this Article begins to operate, the Council appointed in line with the Law on Higher Education shall cease (Official Gazette of Montenegro, 44/14, 47/15 and 40/16).

Article 124c

National Agency for Programmes of the European Union shall be established after Montenegro's entry into the European Union.

Status of Governing Board

Article 125

Governing Board of the University of Montenegro appointed until the day of entry into force of this Law shall continue its work until the expiry of time period for which it was appointed.

Repeal

Article 126

Law on Higher Education (Official Gazette of the Republic of Montenegro, 60/30 and Official Gazette of Montenegro, 47/40, 47/11 and 48/13) and Article 24 of the Law on Amendments to the Law Prescribing Fines for Violations (Official Gazette of Montenegro 40/11) shall be repealed on the day of entry into force of this Law.

Article 127

Article 80 shall apply as of 1 January 2018.

Entry into Force

Article 128

This Law shall enter into force on the day of its publication in the Official Gazette of Montenegro.