

THE CROATIAN PARLIAMENT

On the basis of Article 88 of the Constitution of the Republic of Croatia, I proclaim the

DECISION

ON THE PROMULGATION OF THE SCIENCE AND HIGHER EDUCATION ACT

I promulgate the Science and Higher Education Act, passed by the Croatian Parliament at its session of 17 July 2003.

Number: 01-081-03-2660/2
Zagreb, 23 July 2003

President
of the Republic of Croatia
Stjepan Mesić

THE SCIENCE AND HIGHER EDUCATION ACT

1. GENERAL PROVISIONS

Subject of the Act

Article 1

- (1) The systems of science and higher education are regulated by this Act.
- (2) For the purpose of this Act, the term science includes scientific and developmental research.

Fundamental Principles of Science and Higher Education

Article 2

- (1) Science and higher education present activities of special interest for the Republic of Croatia and are constituent parts of the international, particularly European, scientific, artistic and educational space.
- (2) Science shall be based on:
 - freedom and autonomy of creativity,
 - ethics of scientists,
 - publicity of work,
 - interaction with the educational system,
 - international standards of quality,
 - promotion and respect for specific national issues and
 - protection of intellectual property.
- (3) Higher education shall be based on:
 - academic freedoms, academic self-government and university autonomy,
 - openness of higher education institutions to the public, citizens and the local community,

- inseparability of university education and scientific research, or artistic creativity,
- reciprocity and partnership of the members of the academic community,
- European humanistic and democratic tradition and harmonization with the European system of higher education,
- respect and affirmation of human rights,
- unity of professional and educational work for the purpose of obtaining specific professional training and skills,
- the concept of lifelong education,
- connection with pre-tertiary education and
- interaction with the social community and the obligation of universities, polytechnics, colleges and public scientific institutes to develop social responsibility of students and other members of the academic and scientific community.

Mission of Higher Education Institutions and Public Scientific Institutes

Article 3

- (1) Universities shall perform scientific, artistic and developmental research, particularly carrying out research programmes of strategic interest for the Republic of Croatia, artistic creativity and professional activity as well as undergraduate, graduate and postgraduate education based on them. Universities shall perform their tasks according to the needs of the community in which they act.
- (2) Colleges and polytechnics shall offer high professional education, artistic and professional training according to the needs of the community in which they act.
- (3) Public scientific institutes shall perform scientific research. Their task shall primarily be to carry out scientific programmes of strategic interest for the Republic of Croatia and to establish, together with universities, scientific infrastructure of the interest to the whole system of science and higher education. Public scientific institutes shall participate in the process of higher education in accordance with this Act.

Academic Community and Its Freedoms

Article 4

- (1) The academic community shall consist of all the teachers, associates, students and other participants in the process of higher education.
- (2) Higher education in the Republic of Croatia shall be based on academic freedoms, academic self-government and university autonomy, in accordance with the Constitution, international agreements and this Act.
- (3) Academic freedoms shall be enjoyed by all members of the academic community, comprising freedom of scientific and artistic research and creativity, teaching, mutual cooperation and association, in accordance with the Constitution of the Republic of Croatia, international agreements and this Act.
- (4) Academic self-government in higher education institutions in the Republic of Croatia shall comprise:
 - regulation of study and admission of students,

- selection of leadership and teachers,
 - management of resources at the disposal of higher education institutions.
- (5) University autonomy in all higher education institutions in the Republic of Croatia, according to this Act, shall include:
- organization of internal structure,
 - determination of educational, scientific, artistic and professional programmes,
 - financial autonomy in accordance with this Act,
 - making decisions on the approval of projects and international collaboration,
 - other forms of autonomy, in accordance with this Act.
- (6) Academic freedoms, academic self-government and university autonomy shall also include the responsibility of the academic community towards the social community in which it acts.

Application of the Regulations on Institutions

Article 5

- (1) Unless otherwise provided by this Act, the provisions of the Institutions Act shall be applied to higher education institutions and institutions within the system of science.
- (2) Institutions within the system of science and higher education may associate with other institutions, in accordance with the Institutions Act. Such associations shall have rights and obligations towards their constituent units in accordance with the act of foundation and statute.
- (3) The association of universities shall be an institution in which two or more universities are associated, having all the rights and obligations of a university, in accordance with this Act and the Institutions Act. Its organizational structure shall be regulated by the act of foundation and the statute.

II. THE NATIONAL COUNCIL FOR SCIENCE AND THE NATIONAL COUNCIL FOR HIGHER EDUCATION

Tasks of the National Council for Science

Article 6

- (1) The National Council for Science is an expert and advisory body concerned with the development and quality of the whole scientific activity and the system of science in the Republic of Croatia, in accordance with this Act.
- (2) For the purpose of performing its task, the National Council for Science shall:
1. discuss issues of importance for scientific activity and propose and encourage taking measures for its improvement,
 2. propose to the minister in charge of scientific and higher education activities (hereinafter: the Minister) the rules for evaluation of research projects, collaborative research programmes and scientific organizations (Article 22),
 3. supervise the quality of scientific organizations and evaluate them according to this Act and determined criteria,

4. determine scientific and artistic areas, fields and branches as well as interdisciplinary scientific and artistic areas,
5. appoint scientific and artistic area councils as well as field committees for particular fields,
6. specifically determine conditions for obtaining scientific titles, in accordance with this Act,
7. determine conditions which have to be fulfilled by scientific organizations in order to be authorized to conduct the procedure for obtaining academic titles,
8. evaluate scientific projects, collaborative scientific programmes, applications for the purchase of scientific equipment and infrastructure as well as associate positions and propose to the Minister their financing,
9. give opinion on scientific projects at the request of independent sources of research funding,
10. propose proclamation of scientific centers of excellence and evaluate them,
11. give opinion on the establishment of science and technology parks and
12. perform other activities provided by this Act and other regulations.

Tasks of the National Council for Higher Education

Article 7

- (1) The National Council for Higher Education is an expert and advisory body concerned with the development and quality of the whole system of higher education of the Republic of Croatia.
- (2) In order to perform its task, the National Council for Higher Education shall:
 1. propose and encourage taking measures for the development of higher education,
 2. propose the network scheme of public higher education institutions in the Republic of Croatia,
 3. approve the conditions of the Rectors' Conference and the Council of Polytechnics and Colleges for obtaining academic-educational, artistic-educational and educational titles,
 4. propose to the Minister the rules on standards and criteria for the establishment and evaluation of new higher education institutions and programmes of study,
 5. appoint reviewers and give opinion on the establishment of new higher education institutions and programmes of study,
 6. evaluate higher education institutions and programmes of study and propose to the Minister issuance of licences (Article 51),
 7. perform other activities provided by this Act and other regulations.

*Common Tasks of the National Council for Science and
the National Council for Higher Education*

Article 8

In order to perform their common tasks, the National Council for Science and the National Council for Higher Education shall:

1. propose to the Government of the Republic of Croatia allocation of financial resources provided for science and higher education by the budget of the Republic of Croatia,

2. discuss issues connected with the polycentric system of science and higher education in the Republic of Croatia and propose and stimulate measures for its development,
3. propose and stimulate measures for the participation of other subjects, especially other state administrative agencies, bodies of local self-government and economic subjects in the system of science and higher education,
4. propose measures and undertake activities for the affirmation and promotion of junior scientific and teaching staff,
5. appoint members of the Science and Higher Education Funding Council, except those appointed by the Minister (Article 14) and
6. propose the members of the Committee for Ethics.
7. Joint sessions of the National Council for Science and the National Council for Higher Education shall be presided over by their respective presidents in turn, for the term of one year from the date of their appointment in accordance with this Act.
8. Joint sessions shall be held at least once a year.

Composition of the National Council for Science

Article 9

- (1) The National Council for Science shall consist of the president and twelve members, four of them scientists with the title of scientific advisers employed in scientific institutions, six full professors and three persons from outside the system of science and higher education.
- (2) The mandate of the president and members of the National Council for Science shall be for the term of four years.
- (3) The National Council for Science shall invite to its sessions the Minister and, if necessary, other members of the Government of the Republic of Croatia, who may participate in debate without the right to vote.

Composition of the National Council for Higher Education

Article 10

- (1) The National Council for Higher Education shall consist of the president and twelve members, seven of them university professors, one of them being from the area of teachers education, two college professors, two scientists employed in scientific institutions and two persons from outside the system of science and higher education.
- (2) The mandate of the president and members of the National Council for Higher Education shall be for the term of four years.
- (3) The National Council for Higher Education shall invite to its sessions the Minister and, if necessary, other members of the Government of the Republic of Croatia, who may participate in debate without the right to vote.

Appointment Procedure of the Members of the National Council for Science and the National Council for Higher Education

Article 11

- (1) Members of the National Council for Science and the National Council for Higher education shall be appointed by the Croatian Parliament at the proposal of the

Government of the Republic of Croatia, taking into consideration the representation of all areas of science and arts, from all regions, and regarding the National Council for Science, also the representation of scientists employed in economy.

- (2) Members of the National Council for Science shall be highly distinguished scientists, particularly those whose scientific results have gained international recognition in several scientific fields.
- (3) The Croatian Parliament, in accordance with Section 1 of this Article, shall appoint six members to the National Council for Science and the National Council for Higher Education every two years, and the presidents of these bodies every four years.
- (4) State officials, directors of scientific institutes, rectors, vice-rectors of universities and deans of polytechnics, faculties and colleges may neither be members of the National Council for Science nor the National Council for Higher Education.
- (5) Candidates for members and presidents of the National Council for Science and the National Council for Higher Education shall be appointed by the Government of the Republic of Croatia upon the proposals submitted by scientific institutes, the Rectors' Conference, the University Senate, the Council of Polytechnics and Colleges, the Croatian Academy of Sciences and Arts, the Croatian Chamber of Commerce, associations of employers, trade unions in science as well as scientists and members of the academic community on the basis of the publicly announced call for the proposal of candidates.

*Relief of Duty of the Members of the National Council for Science and
the National Council for Higher Education*

Article 12

- (1) The president or a member of the National Council for Science and the National Council for Higher Education may be relieved of duty by the Croatian Parliament at the proposal of the Government of the Republic of Croatia and the National Council for Science or the National Council for Higher Education before the expiry of the term for which he or she has been appointed:
 1. at his or her own request,
 2. if he or she assumes duty incompatible with the work in the National Council for Science or the National Council for Higher Education,
 3. if he or she fails to fulfill his or her duty,
 4. if he or she becomes incapable of performing his or her duty,
 5. if his or her actions damage the reputation of his or her duty.
- (2) In the case of relief of duty under Section 1 of this Article, the Croatian Parliament shall, at the proposal of the Government of the Republic of Croatia, appoint a new president or member for the period until the expiry of the mandate of the relieved president or member. The new president or member shall be proposed on the basis of the proposals under Article 11, Section 4 of this Act.

*Proceedings and Decision-making of the National Council for Science and
the National Council for Higher Education*

Article 13

- (1) The National Council for Science and the National Council for Higher Education shall adopt their rules of procedure in accordance with this Act and other regulations.

- (2) For the purpose of deliberation of a certain issue or monitoring an area, the National Council for Science and the National Council for Higher Education respectively may establish their working bodies in whose work persons who are not members of the National Council for Science or the National Council for Higher Education may also participate.
- (3) Discussing the issues from their competence, the National Council for Science and the National Council for Higher Education may seek the opinion of the competent ministry or corresponding experts.
- (4) Members of the National Council for Science and the Council for Higher Education as well as members of their working bodies shall be exempted from making decisions on the issues in which there exists the conflict of interest. The question of exemption of the members of the National Council for Science and the National Council for Higher Education shall be regulated in detail by their rules of procedure.
- (5) The National Council for Science and the National Council for Higher Education shall discuss issues of common interest in their joint sessions at least once a year. Their collaboration shall be regulated by special Rules of Procedure on Collaboration between the National Council for Science and the National Council for Higher Education. Decisions in joint sessions shall be made by the majority of the total number of members of both bodies unless differently provided by the Rules of Procedure.
- (6) The National Council for Science and the National Council for Higher Education shall adopt their respective programmes of work for the period of their mandate and the annual programmes of work which must be approved by the Minister. The National Council for Science and the National Council for Higher Education shall be responsible for their work to the Croatian Parliament to which they shall submit a report at least once a year.
- (7) In the cases when the National Council for Science or the National Council for Higher Education proposes to the Minister making of a by-law or regulation, and such a proposal is not accepted by the Minister, the re-examination of the proposal shall be required. If even after such a procedure there is no agreement on the issue in dispute, it shall be decided by the Government of the Republic of Croatia.
- (8) Administrative and expert activities for the National Council for Science and the National Council for Higher Education shall be performed by the Science and Higher Education Agency (Article 15).

Science and Higher Education Funding Council

Article 14

- (1) The Science and Higher Education Funding Council (hereinafter: the Council) is an expert body of the National Council for Science and the National Council for Higher Education. The Council shall consist of fifteen members, three of them from scientific institutes, six members from universities, two members from polytechnics, two representatives of trade unions and two representatives appointed by the Minister.
- (2) Members of the Council shall be appointed jointly by the National Council for Science and the National Council for Higher Education by the majority of the total number of votes of both bodies upon the proposal of the Rectors' Conference, the Council of Polytechnics and Colleges, public scientific institutes, universities, polytechnics and colleges as well as the Ministry and trade unions. The mandate of the members shall be for the term of four years.

Science and Higher Education Agency

Article 15

- (1) The Science and Higher Education Agency (hereinafter: the Agency) is a specialized institution established by the decree of the Government of the Republic of Croatia in order to perform expert activities in the evaluation of scientific research and higher education and carry out activities connected with the recognition of diplomas and qualifications, in accordance with this Act.
- (2) The organization and method of work of the Agency shall be regulated by the act of foundation.
- (3) The Agency shall perform expert activities in the evaluation process of:
 1. scientific organizations and higher education institutions,
 2. applications for scientific projects and collaborative scientific programmes submitted to the Ministry upon invitation, applications for scientific projects invited by other ministries and other users of the budget as well as the scientific projects financed by other sources at their request,
 3. the national scientific network, especially in relation to the rational and purposeful utilization of capital scientific equipment,
 4. higher education programmes of study,
 5. systems of improvement and control of quality established in higher education institutions and in the process of accreditation of higher education programmes of study,
 6. and shall collect and analyze at the national level data relevant to the system of science and higher education.
- (4) In accordance with the regulation prescribed by the Minister at the proposal of the National Council for Higher Education, the Agency shall provide the Croatian Information Center with data on academic mobility and shall provide for the establishment of:
 - the national network of higher education quality assurance, included in the European network of quality assurance,
 - the National Information Center and the national network of offices for the recognition of diplomas and qualifications obtained in the educational systems outside the Republic of Croatia, which are included in the European Network of Information Centers (ENIC).
- (5) In performing the tasks under Sections 3 and 4 of this Article, the Agency shall engage external (domestic and foreign) collaborators – experts in particular areas of science and higher education.
- (6) The Agency shall report to the National Council for Science and the National Council for Higher Education on the actions performed and their results, and the Councils shall make appropriate decisions on the basis of the Agency reports.

Evaluation of Public Scientific Institutes and Higher Education Institutions

Article 16

- (1) Public scientific institutes and higher education institutions, as well as their constituent units, shall be evaluated at least every five years. The work of private scientific institutes shall be evaluated in the part financed from the state budget.
- (2) The evaluation of quality and efficiency of public scientific institutes and higher education institutions shall be conducted on the basis of the regulations which shall be, at the proposal of the National Council for Science and the National Council for Higher Education respectively, enacted by the Minister, taking into consideration specific features of particular areas of science, arts and higher education.
- (3) At the evaluation of quality and efficiency of public scientific institutes and higher education institutions, the Agency shall to the fullest possible extent engage international organizations and associations.
- (4) The Agency shall conduct evaluation according to the annual work schedule or at the special request of the National Council for Higher Education or the National Council for Science and the Minister, and it may also conduct evaluation at the request of a higher education institution or a public scientific institute itself. The Agency shall submit its report on evaluation to the National Council for Science and the National Council for Higher Education respectively, as well as to the Minister and the one at whose request the evaluation has been conducted.
- (5) Before discussion and decision at the National Council for Science and the National Council for Higher Education respectively, the Agency report shall be forwarded to the public scientific institute or the higher education institution to which it refers. The public scientific institute or the higher education institution may lodge a complaint to the report or give necessary clarification of the findings contained in it within the period of 30 days.
- (6) The National Council for Science and the National Council for Higher Education respectively shall make the final assessment of the control and evaluation and forward it to the Minister and the public scientific institute or the higher education institution which has been evaluated. The National Council for Science and the National Council for Higher Education shall inform the public about the results of the control and evaluation.

Evaluation of Higher Education Programmes of Study

Article 17

- (1) Higher education programmes of study shall be evaluated at least every five years.
- (2) Evaluation of programmes of study shall be conducted by the Agency on the basis of the regulations enacted by the Minister at the proposal of the National Council for Higher Education and according to the annual schedule determined by the National Council for Higher Education. Evaluation will be conducted at the special request of the National Council for Higher Education and the Minister as well, and may also be conducted at the request of a higher education institution itself.
- (3) Before discussion and decision at the National Council for Higher Education, the Agency report shall be forwarded to the higher education institution to which it refers. The higher education institution may lodge a complaint to the report or give necessary clarification of the findings contained in it within the period of 30 days.
- (4) The National Council for Higher Education shall make the final assessment of the evaluation and forward it to the Minister and the higher education institution which has been evaluated. The National Council for Higher Education shall inform the public about the results of the control and evaluation.

Application of the Evaluation Results

Article 18

- (1) On the basis of the results of the evaluation of a public scientific institute or a higher education institution, the National Council for Science and the National Council for Higher Education respectively shall recommend to the Minister to:
 - a. issue the licence for the work of the institute,
 - b. issue the letter of expectation or
 - c. deny the licence.
- (2) On the basis of the results of the evaluation of a higher education programme of study, the National Council for Higher Education shall recommend to the Minister to:
 1. issue the licence for the study,
 2. issue the letter of expectation or
 3. deny the licence for the study.
- (3) The licence is a document by which it shall be confirmed that a public scientific institute or a higher education institution satisfies the standards and requirements for the performance of its work or the particular study.
- (4) The letter of expectation is a document by which certain shortcomings in the excellence of the work of a scientific institute or a higher education institution, or a particular programme of study, shall be pointed out and expectation expressed that the listed shortcomings will be eliminated within a given term. Upon the expiry of the given term, the licence shall be issued or denied by the decision.
- (5) If the licence has been denied to a public scientific institute or a higher education institution, the public scientific institute or the higher education institution shall be removed from the Register by the decision. The public scientific institute to which the licence has been denied may not be financed from the state budget.
- (6) In the decision on the denial of the licence, the rights of students concerning the possibility of completing their study or transferring to the study at another higher education institution shall be specified.
- (7) Against the decision on the denial of the licence, an administrative dispute may be initiated.

Scientific and Artistic Area Councils and Field Committees

Article 19

- (1) The National Council for Science shall appoint scientific and artistic area councils (hereinafter: area councils) and field committees from among distinguished scientists, artists and professors from corresponding fields for the term of four years. Proposals for the members of area councils and field committees shall be given by the Rectors' Conference, universities, scientific institutes as well as members of the academic community and scientists on the basis of the public call for the proposal of candidates for area councils and field committees.
- (2) Area councils shall be established for the purpose of considering issues from the competence of the National Council for Science regarding particular scientific and artistic areas stated in Article 6 Section 2 of this Act. Area councils shall participate in

the election to scientific titles in specific cases stated in Article 33 Section 4 of this Act.

- (3) Field committees shall participate in the election to scientific and academic titles in accordance with this Act and regulations based on it.
- (4) Composition of area councils and field committees and the method of their work shall be regulated in more detail by the regulations adopted by the National Council for Science, taking into account equitable area representation. Members of field committees shall primarily be internationally recognized scientists.

III. THE SYSTEM OF SCIENTIFIC RESEARCH

1. GENERAL PROVISIONS ON SCIENTIFIC WORK AND ACTIVITY

Freedom of Scientific Work and Activity

Article 20

- (1) Scientific work shall not be subject to any limitations or formal requirements except those resulting from the respect for scientific and research ethics, the protection of human rights as well as the protection of personal and general safety at work.
- (2) Formal requirements connected with the performance of scientific activity and engagement in science may not be an impediment to free engagement in science and shall be prescribed exclusively for the purpose of acquiring individual rights provided by this Act and regulations based on it.

Scientific Work

Article 21

- (1) In terms of this Act, scientific work shall be performed by scientists at universities and institutes and other scientific organizations as well as persons elected to associate work positions in these organizations, and other scientists who have fulfilled the requirements for the performance of scientific work in accordance with this Act.
- (2) Students of postgraduate university studies and persons elected to professional work positions shall participate in scientific work according to this Act. Other students may also participate in scientific work as well as other persons who participate in the scientific and educational process.

Scientific Activity

Article 22

- (1) In terms of this Act, scientific activity shall be performed by universities and their constituent units, public scientific institutes, the Croatian Academy of Sciences and Arts as well as other legal persons and their organizational units registered in the Register of Scientific Organizations (hereinafter: scientific organizations).
- (2) Activity of institutions of special interest for the Republic of Croatia (such as the Croatian Academy of Sciences and Arts and the Lexicographic Institute "Miroslav Krleža") shall also be regulated by a separate law.

Register of Scientific Organizations and Scientists

Article 23

- (1) The Ministry shall keep the Register of Scientific Organizations and the Register of Scientists.
- (2) The entry into the Register of Scientists shall be made on the basis of the decision on the election to the scientific or academic title and into the Register of Scientific Organizations on the basis of the grounded application of the interested organization performing scientific activity.
- (3) The Minister shall, by special regulations, prescribe conditions and procedure for the entry into the Registers under Section 1 of this Article and removal from the Registers, the organization and method of their keeping and the content of the application forms for entry and the forms for register certificates.
- (4) Organizations and scientists that are not entered into the register or that are removed from it may not be funded from the state budget. Exceptionally, foreign organizations and foreign scientists may be, although not entered into the register, at the proposal of the National Council for Science, funded from the state budget if they participate in a project which is of the significance to the Republic of Croatia.

Other Subjects of Scientific Activity

Article 24

- (1) Besides the natural persons who conduct scientific work and the subjects that perform scientific activity, the subjects of scientific activity shall also be the National Council for Science, the National Council for Higher Education, the Ministry, the Croatian Academic and Research Network (CARNet), the National Foundation for Science, Higher Education and Technological Development of the Republic of Croatia (hereinafter: the National Foundation) and, in accordance with law and their regulations, educational bases of the faculties of medicine, dental medicine, veterinary medicine and pharmacy, polytechnics, colleges, scientific associations, museums, archives and other legal persons and their organizational units whose work is of significance to the performance of scientific activity.
- (2) The way in which the subjects under Section 1 of this Article participate in the organization and performance of scientific activity shall be regulated by law, regulations based on it and decisions of competent bodies.

2. SCIENTIFIC INSTITUTES

Establishment of Scientific Institutes

Article 25

- (1) Scientific institutes shall be established by domestic and foreign legal and natural persons, in accordance with the provisions of this Act and the Institutions Act.

- (2) For the purpose of realizing scientific programmes of the strategic interest to the Republic of Croatia, the Government of the Republic of Croatia shall establish public scientific institutes by a decree.

Basic Provisions on the Internal Organization of the Scientific Institute

Article 26

- (1) For the regulation of the internal organization and management of the public scientific institute and the research institute (hereinafter: the Institute), provisions of the Institutions Act shall be applied, unless otherwise provided by this Act.
- (2) The statute of the Institute shall be adopted by its managing board with the approval of the founder. The approval to the statute of the public scientific institute shall be given by the Minister at the proposal of the National Council for Science.
- (3) The Institute shall have:
- Director,
 - Scientific Council,
 - Managing Board,
 - other bodies provided by the statute or other regulations based on it.
- (4) The Managing Board of the Institute, in accordance with the statute, shall be composed of the members appointed by the founder and the members elected by the Scientific Council of the Institute. The number of members of the Managing Board shall be determined by the statute, with the restriction that it may not be composed of less than three or more than nine members. Members appointed by the founder shall constitute a majority in the Managing Board. The Managing Board shall manage financial and business policy, decide on the management of property of higher value in accordance with the statute and decide on the issues which are not set by the statute within the competence of other bodies.
- (5) In the Scientific Council, scientists and persons elected as associates or their representatives shall decide on scientific and professional matters. The Scientific Council shall:
1. determine and conduct the scientific policy of the Institute,
 2. discuss and decide on scientific and professional matters,
 3. conduct part of the procedure for the election to scientific titles, if the Institute is authorized for it,
 4. conduct the procedure for the election to scientific, associate and professional employment positions,
 5. appoint and relieve part of members of the Managing Board of the Institute, in accordance with the statute,
 6. propose to the Managing Board candidates for the competition committee for the election of the Director of the Institute,
 7. give to the Managing Board prior opinion in the procedure of making the statute,
 8. perform other activities specified by the decision on the establishment and the Statute of the Institute.
- (6) The Institute may have the Scientific Advisory Board. Members of the Scientific Advisory Board shall be distinguished public figures whose membership is not conditioned by the conclusion of the employment contract with the Institute. The organization, competence and method of work of the Scientific Advisory Board shall be regulated by the statute.

Participation of Institutes in Higher Education

Article 27

- (1) Scientific institutes shall co-operate with higher education institutions in scientific work and conduct of higher education programmes of study in accordance with the scientific programme of the Institute and scientific and study programmes of higher education institutions.
- (2) Co-operation under Section 1 of this Article shall be regulated in detail by the contract between the higher education institution and the Institute.
- (3) Higher education institutions and institutes shall agree on the establishment of scientific infrastructure of the interest for the whole system of science and higher education.

3. COLLABORATIVE SCIENTIFIC PROGRAMMES, SCIENTIFIC CENTRES OF EXCELLENCE AND SCIENCE AND TECHNOLOGY PARKS

Collaborative Scientific Programmes

Article 28

- (1) The collaborative scientific programme is an interdisciplinary research programme which shall be conducted by universities and public scientific institutes and which shall as a rule consist of a number of problem-related scientific projects.
- (2) The collaborative scientific programme shall be proposed by the university senate or the scientific council of a public scientific institute. The senate or the scientific council shall appoint the leader of the programme.
- (3) The leader of the programme shall propose the draft programme to the National Council for Science.
- (4) If the draft programme is accepted by the National Council for Science, the university or the institute shall invite applications for projects within the scope of the programme.
- (5) The final proposal of the programme shall be determined by all the leaders of the selected projects. An internal review of this proposal shall be conducted at the university or the public scientific institute.
- (6) Upon the internal review, the final proposal of the programme shall be assessed by the National Council for Science which shall appoint reviewers. The defence of the programme shall be public, before the members of the National Council for Science and reviewers. The execution of the programme shall be evaluated in the same way as the defence of the proposal of the programme.

Scientific Centres of Excellence

Article 29

- (1) The scientific centre of excellence is a scientific organization or a group of scientists that is by its originality, significance and relevance of the results of its scientific work

ranked as one of the organizations or groups of the highest quality within its scientific discipline in the world.

- (2) A scientific organization or a group of scientists shall be proclaimed as a scientific centre of excellence by the Minister at the proposal of the National Council for Science, with the consent of the nominated scientific organization or the group of scientists, on the basis of the evaluation under Article 16 of this Act and the procedure which shall obligatorily include international opinion.
- (3) The decision of the Minister on the proclamation of the scientific centre of excellence shall contain the rights and obligations acquired by this centre at the proposal of the National Council for Science. The decision shall be made for the term of three years, and on the basis of the new evaluation procedure provided by Section 2 may be extended for the further term of three years.

Science and Technology Parks

Article 30

- (1) The science and technology park is a company established for the purpose of promoting the commercial aspects of scientific results, encouraging co-operation between scientists and businessmen and strengthening the economy based on science.
- (2) The consent for the use of the name of the science and technology park shall be given by the Minister at the proposal of the National Council for Science.
- (3) The science and technology park shall enjoy tax benefits and other advantages by which the realization of its aims shall be stimulated in compliance with law.

4. SCIENTISTS AND ASSOCIATES

Scientists

Article 31

In terms of this Act, scientists are persons who are in accordance with this Act elected to the corresponding scientific titles and entered into the Register of Scientists.

Scientific Titles

Article 32

- (1) Scientific titles shall be: scientific associate, senior scientific associate and scientific adviser. Scientific titles shall be obtained in the procedure and under the conditions provided by this Act and the regulations based on it.
- (2) As a scientific associate, a researcher may be elected having the scientific degree of the doctor of science and scientific works which confirm his or her status as a recognized scientist.
- (3) As a senior scientific associate, a researcher may be elected having the scientific degree of the doctor of science and scientific works which represent significant contribution to science.

- (4) As a scientific adviser, a researcher may be elected having the scientific degree of the doctor of science and scientific works which have significantly contributed to the development of science, with special regard to the international affirmation of the scientist and international recognition of his or her scientific work and its significance within the national framework.
- (5) The National Council for Science shall, by the regulations published in the Official Gazette “Narodne novine”, prescribe in detail conditions for the election to the scientific titles (kind and number of scientific works, evaluation of works and similar) in accordance with Sections 2 – 4 of this Article, on the basis of which field committees and commissions for the evaluation of scientists shall evaluate the overall scientific activity of the applicant, taking into account specific characteristics of particular scientific and artistic areas and individual scientific fields as well as interdisciplinary areas.
- (6) At prescribing the conditions from Section 5 of this Article, the provision shall be made regarding the appropriate time period for the application of previous conditions by which the re-election or promotion of the scientists who have carried out their scientific work under such conditions shall be allowed in a fair manner.

Institution of the Procedure for Obtaining Scientific Titles

Article 33

- (1) Obtaining of the scientific title shall not depend on the employment position.
- (2) The scientific title shall be obtained on the basis of the procedure initiated upon the request for election by the person who considers that he or she fulfills the requirements for the election to a certain scientific title. The procedure may also be initiated by the scientific organization with which the applicant has concluded the employment contract.
- (3) The request for election to the scientific title shall be submitted to the scientific organization authorized for conducting part of the election procedure. If the person who is to be elected is employed in the scientific institution authorized for the conduct of part of the election procedure, this institution shall only be competent for the conduct of the part of the procedure. Upon the grounded request of the person initiating the election, the National Council for Science may also assign another authorized scientific organization for the conduct of part of the procedure.
- (4) If no scientific organization is authorized to conduct part of the election procedure to a certain scientific title in a particular scientific or artistic field or an interdisciplinary scientific or artistic area, and the field committee or the interdisciplinary area committee is not appointed, the election procedure shall be conducted by the corresponding scientific or artistic area council. If no scientific or artistic area council is authorized to conduct the procedure, the election procedure shall be conducted by the National Council for Science.

Authority to Conduct Part of the Election Procedure

Article 34

- (1) The decision on the authority to conduct part of the election procedure to a scientific title shall be issued by the Minister on the basis of the proposal of the National Council for Science to the scientific organization which employs permanent full-time employees with scientific titles, at least fifteen of them from the corresponding scientific area and at least seven of them from the corresponding scientific field, or the interdisciplinary area, at least three of them being scientific advisers.
- (2) On the basis of the decision under Section 1 of this Article, the authority of the scientific organization shall be entered into the Register of Scientific Organizations.
- (3) The election procedure in the scientific organization shall be conducted by an expert body competent for scientific matters according to the statute.
- (4) The authorized scientific organization may regulate by special regulations the part of the election procedure to scientific titles conducted by it.

Election Procedure

Article 35

- (1) The request for election to the scientific title shall be submitted to the authorized organization together with the evidence on the fulfillment of the conditions for the election to a certain title. The applicant shall inform the corresponding field committee or the scientific or artistic area council about the submission of the request.
- (2) The authorized scientific organization shall, at the latest within thirty days from the receipt of the request for election to a scientific title, appoint an expert commission. The expert commission shall consist of at least three members who must be of the same or higher scientific title with regard to the one for which the election is requested.
- (3) The expert commission shall, on the basis of the submitted documentation, determine whether the conditions for the election have been fulfilled and propose the election or non-election of the applicant to the scientific title. The expert commission shall submit its report, as a rule, within thirty days from the date of appointment.
- (4) On the basis of the report of the expert commission and the decision of the expert body under Article 34 Section 3 of this Act, the authorized scientific organization shall within thirty days give its opinion and proposal to the corresponding field committee.
- (5) The field committee shall within thirty days either confirm or not confirm the opinion and proposal of the authorized scientific organization. If the field committee does not make a decision within the specified time, the opinion and proposal of the authorized scientific organization will be considered to be confirmed.
- (6) The field committee shall not confirm the opinion and proposal of the authorized scientific organization:
 1. if it considers them to be given contrary to the conditions for the election,

2. if they are evidently in disagreement with the submitted evidence on the fulfillment of the conditions or
 3. if the election procedure has been substantially infringed.
- (7) In cases under Section 6 of this Article, the field committee shall either conduct the procedure by itself within the term of ninety days, or require from the same authorized scientific organization to repeat the procedure, or require from another authorized scientific organization to institute a new election procedure.
 - (8) The decision of the field committee shall be final. The field committee shall within the term of fifteen days without delay forward the decision on the election (positive or negative) to the applicant and the scientific organization which has conducted the election procedure, and forward the positive decision on the election to the scientific title to the Ministry for the purpose of entering into the Register of scientists. The certificate of entry into the Register shall be delivered to the applicant.
 - (9) In the case when the election is conducted in pursuance of Article 33 Section 4 of this Act, the request for election to the scientific title shall be submitted to the corresponding field committee or area council, or the National Council for Science. The appropriate procedure shall be conducted within the term of 120 days.
 - (10) The applicant shall have no right of appeal against the decision on the election, but may initiate an administrative dispute. In the administrative dispute, the decision on the election of the applicant to the scientific title may not be made but the decision may only be invalidated and procedure anew ordered.

Terms of the Election Procedure and the Consequences of Delay

Article 36

- (1) Terms of the election procedure for the scientific title under Article 35 of this Act shall be at rest during the periods from 15 July until 31 August and from 20 December until 7 January.
- (2) Overstepping of terms shall not affect the validity of the procedure, except in the case under Article 35 Section 3 of this Act. In case of unjustified and considerable delay, upon the complaint of the applicant or the scientific organization in which the applicant is employed, the field committee may take over the procedure and conduct it itself.
- (3) The authority to conduct the election procedure for the title shall be withdrawn from the authorized scientific organization which frequently and unjustifiably fails to keep the terms prescribed in Article 35 of this Act by the Minister, with the consent of the National Council for Science.
- (4) If the field committee frequently fails to keep the terms prescribed in Article 35 of this Act, on the demand of the Minister the procedure for the removal of duty of the president of the committee or its members responsible for the delay as well as for the election of new members shall be instituted.

Duration of the Scientific Title and Its Termination

Article 37

- (1) The scientific title is permanent and it terminates by the election to a higher title or its revocation.
- (2) The scientific title may be revoked:
 1. if new facts or evidence appear from which it is evident that at the time of the election to the scientific title the applicant did not fulfill the conditions required for the election,
 2. if it is found that the scientific works on the basis of which the applicant has been elected to the scientific title are plagiarisms or that they have been based on falsified research and
 3. in cases of serious violations of the code of ethics.
- (3) The procedure for revocation of the title may be initiated by the scientific organization, the field committee, the area council, the National Council for Science or the Committee for Ethics. The procedure for revocation of the scientific title shall be conducted by the appropriate application of the provisions of Article 35 of this Act.

Honorary Title

Article 38

- (1) Institutes and other scientific organizations may, without public competition, award the honorary title of emeritus scientist to their distinguished retired scientific advisers.
- (2) The emeritus scientist may, according to the needs of the scientific organization, participate in scientific projects and other activities.
- (3) The procedure of the appointment and the rights of the emeritus scientist shall be specified in detail by the statute of the scientific organization.

Employment Positions in Scientific Organizations

Article 39

- (1) Scientific employment positions in scientific organizations shall be: scientific associate, senior scientific associate and scientific adviser.
- (2) Fellow employment positions in scientific organizations shall be: assistant and senior assistant.
- (3) Professional employment positions in scientific organizations for employees who participate in scientific work shall be: professional associate, senior professional associate and professional adviser.

Election Procedure for Employment Positions

Article 40

- (1) The election procedure for scientific, associate and professional employment positions shall be regulated by the statute of the scientific organization.
- (2) The election to employment positions in public scientific organizations shall be conducted on the basis of public competition published in the Official Gazette "Narodne

novine”, the daily press and on the official internet web-sites of the scientific organization.

- (3) In case when the competition for a scientific employment position is announced, within the same framework the election to a scientific title may be conducted in accordance with Article 35 of this Act if this election for none of the applicants has been carried out yet. In such a case, the election to the scientific title of all applicants who fulfill the conditions for the respective title and have not been previously elected to it shall be conducted. Upon the completion of the election procedure for the scientific title, the scientific organization shall within the term of sixty days complete the election procedure for the employment position by the selection of the applicant who best satisfies the requirements of the competition. In the election procedure, the scientific organization may ask for the opinion of competent experts from the country and abroad.
- (4) The scientific organization shall inform all the applicants about the result of the election within the term of fifteen days from the date of making the decision on the election.
- (5) If the decision on the election to the same or a higher employment position is not made until the expiry of the term to which a certain applicant has been elected in a previous election in the same scientific organization, his or her employment contract shall last until the decision on the election is made.

Scientific Employment Positions

Article 41

- (1) In scientific organizations, scientists shall be elected to scientific employment positions. The election to scientific employment positions shall be conducted for the period of five years.
- (2) The general requirement for the election to the scientific employment position shall be the entry into the Register of Scientists with the same or a higher scientific title. The scientific organization may prescribe additional requirements for the election to scientific employment positions by its statute.
- (3) The competition for the same or a higher scientific employment position due to the expiry of the term for which the employee has been previously elected shall be announced by the scientific organization three months before the expiry of the term. By a special decision of the scientific council, and with the consent of the employee, the competition may be announced earlier than one year before the expiry of the term for which the employee has been elected, but not before the expiry of three years from his or her first election to the employment position with this title.
- (4) If in the election procedure another person is elected, the employee who has previously been in this employment position shall be offered another adequate employment position or in the absence of such a position, the procedure for dismissal with notice on the grounds of personal capability shall be instituted.
- (5) If for the competition under Section 1 of this Article the employee fails to submit application or he or she is not elected due to non-fulfillment of the requirements for re-election, the procedure for dismissal with notice on the grounds of personal capability shall be instituted, without the obligation of offering another adequate employment position.

Employment Contract

Article 42

- (1) With the persons elected to the scientific employment positions, the contract of continuous employment shall be concluded, with the obligation of re-election or promotion every five years. If at the re-election the employee is not elected due to non-fulfillment of requirements, the procedure in accordance with Article 41 Section 4 of this Act shall be conducted.
- (2) With the persons elected to scientific and associate employment positions who work on a project of limited duration, a fixed-term employment contract may be concluded for the time of the work on the project or its part for which the person has been engaged.
- (3) The obligation of conducting the re-election procedure shall cease after the employee has been elected to the scientific employment position of scientific adviser for the second time.
- (4) The employee may be elected to the employment position of scientific associate or senior scientific associate at most twice.
- (5) Exceptionally, if the employee is not elected to a higher title and to an adequate employment position after the second election, but the need for his or her further work is ascertained by the decision of the scientific council and managing board, the scientific institution may conclude with him or her a fixed-term employment contract for the period of five years at most.
- (6) By the expiry of the calendar year in which the scientist reaches 65 years of age, the employment contract shall be terminated on the grounds of retirement. Exceptionally, when there exists a need for the continuation of the work of the scientific adviser, the scientific organization may conclude with him or her a fixed-term employment contract, but at the latest until the expiry of the calendar year in which he or she reaches 70 years of age.

Fellow Titles and Employment Positions

Article 43

- (1) Fellow titles and employment positions shall be assistants and senior assistants. The election to the employment position of assistant or senior assistant shall be conducted on the basis of public competition.
- (2) A scientific institute may conclude a fixed-term employment contract with a university graduate for the fellow employment position of assistant for six years at most. The assistant shall be obliged to enroll on postgraduate study.
- (3) If the salary and/or the postgraduate study expenses of the assistant are not provided by the public scientific institution from its own funds but from the state budget, the approval for the conclusion of the employment contract under Section 1 of this Article shall be given by the Minister.
- (4) Each assistant shall have one or more mentors appointed by the institute according to its regulations. The mentor may be the person who shall by his or her scientific or artistic activity ensure effective education to the assistant.
- (5) The institute shall assess the work of the assistant every year. The assessment shall be based on the written report of the mentor containing the evaluation of the candidate's success in scientific or artistic and educational work as well as in the postgraduate

study. The evaluation procedure shall be regulated in detail by the regulations of the institute. If the assessment of the work of the assistant is negative, the procedure for dismissal with notice shall be instituted.

- (6) With the assistant who has within the term of six years or within a shorter term completed the postgraduate study and obtained a doctorate, the institute may conclude a fixed-term contract for the fellow employment position with the title of senior assistant. The term of such an employment contract may be at most until the expiry of the period of ten years altogether from the conclusion of the employment contract under Section 1 of this Article.
- (7) If the salary of the senior assistant is not provided by the public institution from its own funds but from the designated funds of the state budget, the approval for the conclusion of the employment contract shall be given by the Minister.
- (8) The Minister may, at the request of the leader of the scientific project and with the consent of the scientific organization, approve the employment of junior researchers for the work on the project funded by the Ministry. Scientific organizations may also employ junior researchers without the approval of the Minister if they finance their work themselves. Junior researchers shall be elected by public competition and they shall be employed in the fellow title of assistant or senior assistant. Under the same conditions, according to the contract between a higher education institution and another scientific institution, the junior researchers elected by this scientific organization may also participate in teaching.

Professional Titles and Employment Positions

Article 44

- (1) Professional titles shall be professional associates, senior professional associates and professional advisers.
- (2) Persons with professional titles shall perform professional activities in corresponding employment positions connected with scientific research.
- (3) Conditions for the election to professional titles and to corresponding employment positions shall be prescribed by the statute of the scientific organization.

Dormant Election Terms

Article 45

During the time of maternity leaves, sick leaves longer than three months, military service, performance of public service and, when justified, in other cases in which a person has been unable to carry out scientific or professional work, in cases provided by the law, the collective agreement or the regulation of the scientific organization, the terms for election or re-election to the scientific title and to the employment position shall be dormant and shall not be included in the term for election.

Work outside the Scientific Organization

Article 46

Contractual relations of employees of scientific organizations regarding scientific or professional work with third persons may be limited or conditioned by the agreement of the

home scientific organization when it is provided by the statute or other regulations of the higher education institution, if it is the matter of scientific or professional work which would negatively affect the work of the home scientific organization or if it is the case of the contract with an organization which is by its activity competitive with the home scientific organization with which the employee has concluded the employment contract.

IV. THE SYSTEM OF HIGHER EDUCATION

1. HIGHER EDUCATION INSTITUTIONS

A. ESTABLISHMENT AND COMMENCEMENT OF WORK OF HIGHER EDUCATION INSTITUTIONS

Types of Higher Education Institutions and Their Tasks

Article 47

- (1) The higher education institutions are the university as well as the faculty and the academy of arts as parts of it, the polytechnic and the college.
- (2) The higher education institutions shall perform their activities as public service.
- (3) The university, the faculty and the academy of arts shall be established in order to perform higher education activities, scientific, professional and artistic activities and other activities in conformity with the law and their statutes. Within the framework of higher education activities, these higher education institutions shall conduct university studies and, in accordance with this Act, may organize and conduct professional studies as well.
- (4) The polytechnic and the college shall be established in order to perform activities of higher education by the organization and conduct of professional studies and may carry out professional, scientific and academic activities in accordance with this Act and their statute.

Establishment of Higher Education Institutions

Article 48

- (1) Universities, polytechnics and colleges shall be established as institutions.
- (2) The university may establish and include faculties, academies of arts and departments as well as other constituent units in conformity with the law.
- (3) Polytechnics and colleges may not establish other higher education institutions.

Public and Private Higher Education Institutions

Article 49

- (1) Higher education institutions may be public and private.
- (2) Public higher education institutions under Section 1 of this Article shall be those established by the Republic of Croatia. The Republic of Croatia shall establish a

university by the law and a polytechnic and a college by the decree of the Government of the Republic of Croatia. The Government of the Republic of Croatia or the Ministry shall have the founder's rights over higher education institutions in the name of the Republic of Croatia, in accordance with the act of foundation or another corresponding regulation.

- (3) Private universities, polytechnics and colleges shall be established by the decision of the founders in the manner prescribed by the provisions of this Act and regulations relating to the establishment of institutions.
- (4) Counties, towns and municipalities shall establish a college by the decision of their representative body.
- (5) To colleges established according to Section 4 of this Act, the provisions of this Act relating to private higher education institutions shall be applied.

Titles of Higher Education Institutions

Article 50

- (1) The terms university, faculty and academy of arts, that is, the word "academy" with the name of the artistic field, as well as the terms polytechnic and college or any other term which contains any of these terms, may be used only by the higher education institutions established according to this Act. The court or any other competent government body shall not approve the entry into the corresponding register of a legal person or its affiliate which uses one of these titles, or if these terms constitute part of the title, if this legal person has not been established in accordance with this Act.
- (2) The academy of arts may in its title instead of the word "arts" use the name of the artistic field of its activity.
- (3) The titles under Sections 1 and 2 of this Article may exceptionally be used by legal persons not organized in conformity with this Act if it is regulated by a special law or if it is approved by the Minister.

Licence for the Performance of the Activity of Higher Education Institutions and Their Registration

Article 51

- (1) The higher education institution established according to this Act and the regulations relating to the establishment of institutions may commence its activity and the conduct of certain studies upon its entry into the Register of Higher Education Institutions and the Register of Institutions at the Commercial Court.
- (2) The entry into the Register shall be made on the basis of the licence by which it is confirmed that the higher education institution fulfills the requirements for the commencement of its activity and by which the entry into the Register and the commencement of the work of the higher education institution are approved. The licence shall be issued by the Minister upon the prior positive opinion of the National Council for Higher Education. The licence shall also be issued to the higher education institution for the commencement of the conduct of new study and the establishment or conduct of study outside its seat.
- (3) The request for registration shall be submitted to the Minister who shall within the term of one month require the opinion of the National Council for Higher Education.

The National Council for Higher Education shall give its opinion within the term of three months and the Minister shall issue the licence within the term of one month. In case that the Minister disagrees with the opinion of the National Council for Higher Education and requires from it to reconsider its opinion, the term for the completion of the procedure shall be extended for three months once only.

- (4) The licence shall be issued to the higher education institution which has:
 1. the university or professional programme of studies corresponding by its quality to the standards of the countries of the European Union,
 2. the necessary number of teaching and other staff with the appropriate scientific and professional qualifications, in conformity with the standards of teaching load determined by the collective agreement for higher education, having concluded full-time employment contracts with at least half of the necessary number of teachers in the case of a university and with at least one third in the case of a polytechnic or a college. The licence may be issued to the university which does not employ at least half of the necessary number of teachers as well as to the polytechnic and the college which do not employ at least one third of them under the condition that within the period of five years they gradually employ teachers until reaching the necessary number and inform the Minister about it once a year.
 3. available premises and equipment according to the number of students that the higher education institution intends to enroll and the needs of quality studying,
 4. secure funds necessary for its work, including the secure guarantee according to Section 8 of this Article.
- (5) The licence and the decision by which the licence or the request for entry into the Register of Higher Education Institutions is denied shall be administrative acts against which there is no right to appeal, but against which an administrative dispute may be instituted.
- (6) The Register under Section 1 of this Article shall be kept by the Ministry. The Minister shall by special regulations prescribe the organization and method of keeping the Register and the procedure of registration.
- (7) If it is found out on the basis of inspection or administrative supervision that the higher education institution no longer fulfills the conditions necessary for the issuance of the licence, and there are shortcomings that cannot be eliminated without serious consequences for the quality of study, the Minister shall by the decision, at the proposal of the National Council for Higher Education, revoke the licence to the higher education institution. If the observed shortcomings may be eliminated within the term of six months without serious consequences for the quality of the study, the Minister shall by the decision issue an order to the higher education institution to eliminate shortcomings within this term. The decision on the revocation of the licence is an administrative act against which there is no right to appeal but an administrative dispute may be instituted.
- (8) In the case of the termination of the work of a higher education institution by the reason of revocation of the licence or any other reason, the Minister shall at the proposal of the National Council for Higher Education introduce measures by which the continuation and completion of the study will be ensured to the students of this higher education institution.
- (9) Private higher education institutions shall be obliged to ensure before the commencement of their work, in the manner determined by the Ministry, guarantees for the continuation and completion of the study in the case of termination of the work of the higher education institution or the termination of the conduct of particular study.

- (10) The educational programmes conducted without the licence shall not be considered to be university or professional studies according to this Act and by their completion neither academic titles and degrees nor professional titles shall be obtained. The organizers of such educational programmes may not issue diplomas or other documents on the study provided by this Act, but may issue certificates on the completion of education in which it is expressly stated that this particular programme of study is not university or professional study according to this Act and that neither academic and professional titles, nor academic degrees shall be obtained.

Theological Higher Education Institutions and Their Studies

Article 52

- (1) Theological higher education institutions established according to the regulations of religious communities shall have the same rights and obligations as other higher education institutions regulated by this Act if they fulfill the requirements of this Act.
- (2) The position of theological higher education institutions under Section 1 of this Article, which act as faculties within another public university, shall be regulated by the contract between the university and the founder of the educational institution.
- (3) The position and activity of the Catholic theological faculties within public universities and other theological educational institutions which act within public universities shall be regulated with respect to the international agreements in force and the agreements between the founder and the university, with the approval of the competent state and church authorities.
- (4) Religious communities may establish higher education institutions and organize studies which are not theological in accordance with the provisions of this Act referring to private higher education institutions.

B. THE UNIVERSITY

Basic Provisions on the University

Article 53

- (1) According to their purpose under Article 3 of this Act, universities are educational institutions which shall by the interaction of scientific research, artistic creativity, studies and education develop science, profession and art, prepare students for the performance of professional activities on the basis of scientific discoveries and methods as well as artistic values, educate the scientific and artistic youth, participate in the realization of social interests of students and promote international, particularly European co-operation in higher education as well as in scientific and artistic activities. Universities shall inform the public about the fulfillment of their tasks, particularly concerning the development of Croatian national culture, at least once a year.
- (2) The university shall integrate the functions of its constituent units, particularly faculties, academies and departments (hereinafter: functional integration) and through its bodies ensure their uniform and harmonized functioning in conformity with the strategic and developmental decisions on academic issues and on determination of scientific research as well as uniform and coordinated functioning in financial

operations and legal transactions, investments, plans for development and in contacts with external partners in science and higher education. The university shall ensure internal and external mobility of students and teachers, rational use of human and material resources, development of multidisciplinary studies and supervision and constant growth of quality as well as competitiveness of educational, scientific, artistic and professional work. The university shall develop a single information and library system.

Organization of the University and Its Constituent Units

Article 54

- (1) The university is an institution which shall establish and conduct university studies in at least two scientific and/or artistic areas in a greater number of fields and interdisciplinary studies as an autonomous and integrated process, directly or through its faculties, academies of arts and departments which shall be established by it in accordance with this Act. The university and its higher education institutions (faculties and academies of arts) may also conduct professional studies according to this Act.
- (2) The university may have as its constituent units (affiliates, institutions or legal persons) faculties, academies of arts, departments and institutes and other constituent units such as: endowments, foundations, associations, student centres, health institutions, libraries, technological centres, information, cultural sports as well as those constituent units (institutions or companies) which serve the purpose of satisfying the needs of students and the university.
- (3) By the statute of the university, the act of foundation and the regulations on the constituent units, the method of management shall be determined ensuring the functional integrity of the university and the realization of interests and aims for which the constituent unit has been established by the university.
- (4) Functioning of particular constituent units, particularly the level of their authority in legal transactions and operation, shall be determined by the statute of the university and the act of their foundation. By the act of foundation, the approval of the statute by the founders may be required.
- (5) The decisions on the change of the status of the constituent units within the university or on the separation of particular constituent units from the university shall be made by the Senate by the two-thirds majority of the total number of votes. The procedure for the change of the status of constituent units shall be regulated in detail by the Statute of the University. Unless provided otherwise by the Statute of the University, against the decision of the Senate there may be no appeal, but an administrative dispute may be instituted.
- (6) For the purpose of commercialization of scientific results, discoveries or patents and artistic creations, promotion of co-operation with the business community or strengthening economy based on knowledge, the university may be a founder or co-founder of a company. The part of the profit of such companies which belongs to the university may be used exclusively for the improvement of its activity.

Inviolability of the University

Article 55

- (1) The premises of the university shall be inviolable.
- (2) Competent state bodies may intervene on the premises of the university only with the consent of the head, according to the decision of the competent court or if there is an immediate danger for the life and health of people or property.
- (3) Search of the premises of the university may exceptionally be ordered only by the competent court if all the conditions prescribed by the Criminal Procedure Act are fulfilled.
- (4) Search of a higher education institution may be undertaken without the presence of the head or the person authorized by him or her, only if he or she has not responded to a timely summons without a justified reason.

Bodies of the University

Article 56

- (1) The university shall have:
 - the Rector,
 - the Senate,
 - the University Council and
 - the University Advisory Board.
- (2) The university may also have other expert and advisory bodies whose establishment, composition and competence shall be regulated by the statute or other regulations. In addition, the university may by its statute entrust the management of its business or part of it to a certain body (managing director, managing board and similar).

The Rector

Article 57

- (1) The Rector of the university shall be elected by secret ballot by the majority of the total number of the members of the electorate from the ranks of full professors. The composition of the electorate for the election of the Rector shall be prescribed by the Statute of the University. All the members of the Senate and the University Council shall be members of the electorate for the election of the Rector. The mandate of the Rector shall be for four years and may be repeated once.
- (2) The procedure of the election and the relief of duty of the Rector before the expiry of the mandate shall be prescribed by the Statute of the University.
- (3) In the performance of his or her work, the Rector shall have the rights and obligations of the director of the institution and the mandate and authority provided by this Act and the Statute of the University. The Rector shall convene and preside over the sessions of the Senate and the University Council.
- (4) The Rector may have one or more Vice-Rectors elected by the Senate in the manner provided by the Statute of the University. Vice-Rectors shall have rights and obligations provided by the statute and other regulations of the university.

The Senate

Article 58

- (1) The Senate shall be an elective expert body elected in accordance with the Statute of the University in such a way as to ensure balanced representation of various areas of science and arts as well as particular academic constituent units of the university. There shall be more members of the Senate than of the Scientific Council.
- (2) Employees in academic titles shall constitute at least 60% of the members of the Senate. Students' representatives, elected by students in accordance with the Statute of the University, shall constitute at least 10% of the members of the Senate from among undergraduate and graduate students and at least 5% from among postgraduate students. Other employees shall be represented in the Senate in accordance with the statute.
- (3) The Rector shall be a member of the Senate by position. Vice-Rectors shall participate in the work of the Senate without the right to vote. Members of the University Council may not be members of the Senate.
- (4) The representative of the Science and Higher Education Trade Union shall also participate in the work of the Senate without the right to vote.
- (5) The Senate, in conformity with the statute, shall decide on all academic, professional, scientific and artistic issues, including decision-making on the organization of scientific, professional and educational activities and the election of teachers as well as on other issues provided by this Act, and shall particularly:
 1. promote educational, scientific, artistic and professional activities,
 2. discuss and decide on academic matters,
 3. adopt the statute and other regulations of the university, unless otherwise provided by the Statute of the University, and
 4. appoint members of the University Council and members of other bodies when provided by the statute or other regulations,
 5. decide on developmental and research plans,
 6. adopt the budget of the university,
 7. decide on programmes of study in the manner provided by this Act and the statute,
 8. determine the admission policy and the rules of study and examinations,
 9. conduct the procedure for obtaining doctorates,
 10. award honorary doctorates,
 11. conduct the procedure for the election of the Rector and participate in the election of the Rector pursuant to Article 57 of this Act,
 12. elect Vice-Rectors at the proposal of the Rector,
 13. elect teachers and associates, unless otherwise provided by the statute or regulations based on it,
 14. confirm the election of the Deans of the faculties and academies of arts and the Heads of the university departments,
 15. appoint Heads of other constituent units of the university, unless otherwise provided by the statute or the act of foundation and the statute of the constituent units,
 16. approve the decision of the University Council on the establishment, organization, change of organization and abolition of constituent units of the university.

- (6) Decision-making on particular issues from the competence of the Senate may be entrusted to corresponding constituent units of the university by the statute. The Statute of the University may, in order to ensure integration of the educational and scientific process at the university, provide for the right of the suspensive veto against certain decisions of competent bodies of the constituent units on these issues, but in such a manner as not to violate their academic freedoms and academic self-government.

The University Council

Article 59

- (1) The University Council shall be a managing body consisting of the Rector, Vice-Rectors, Deans and Heads of departments. Heads of other constituent units of the university and representatives of students may be members of the University Council in conformity with the provisions of the Statute of the University. The method of constituting and the mode of work of the University Council shall be prescribed by the Statute of the University.
- (2) The University Council shall:
1. co-ordinate work and business activities of the constituent units of the university,
 2. propose developmental and research plans and programmes to the Senate,
 3. with the consent of the Senate, decide on capital investments,
 4. with the consent of the Senate, decide on the establishment, organization and abolition of constituent units of the university,
 5. decide on the establishment of the science and technology parks and other companies, with the approval of the Senate,
 6. participate in the election of the Rector in the manner provided by Article 57 of this Act,
 7. conduct the financial policy with the approval of the Senate and propose the university budget to the Senate,
 8. analyze financial reports and approve the annual financial statement,
 9. determine study capacities and propose admission quotas to the Senate,
 10. promote conditions of study and standard of students,
 11. co-ordinate international cooperation,
 12. promote publishing and
 13. perform other activities provided by the statute and other regulations.
- (3) It may be determined by the statute that the University Council shall have a narrower managing body to which it shall delegate its particular competences and which shall be responsible to the University Council.
- (4) It may be prescribed by the Statute of the University that the Senate shall have the right of the suspensive veto against certain decisions of the University Council. The manner of application of the suspensive veto shall be determined in detail by the Statute of the University.
- (5) The Senate and the University Council may hold joint sessions as well. Issues considered jointly and the way of making decisions at joint sessions shall be determined by the Statute of the University.

The University Advisory Board

Article 60

- (1) The University Advisory Board is a body which shall care for the performance of the activity of the university according to the act of foundation and the statute. In particular, the University Advisory Board shall care for the development of the university and its interaction with the society in which it acts and discuss and confirm strategic and developmental decisions of the Senate, in accordance with the Statute of the University.
- (2) The University Advisory Board shall supervise the performance of tasks of the university in conformity with Articles 3 and 53 of this Act, particularly the legality of its work, rational use of staff and material resources, carrying out of the decisions of the Senate and the University Council and perform other activities provided by the act of foundation and the statute. The University Advisory Board may not be given competences by which the autonomy of the university would be affected.
- (3) The University Advisory Board shall have six or twelve members as follows:
 - half of the members, among whom at least one student, shall be appointed by the Senate,
 - three sixths of members each of whom shall be appointed by: the founder, body (or bodies) of local self-government and the Chamber of Commerce respectively.
- (4) The members of the Senate, the University Council and the Heads of the constituent units of the university may not be the members of the University Advisory Board. The members of the University Advisory Board shall elect among themselves the President of the Board. The nomination procedure for the members of the University Advisory Board and their relief of duty, the term of mandate, the way of replacement of the members whose membership in the University Council has terminated before the expiry of the mandate and the way of making decisions shall be determined by the Statute of the University.
- (5) The University Advisory Board shall work in sessions. The Rector shall participate in the work of the University Advisory Board without the right to vote. The University Advisory Board shall at least once a year submit a report to the founder. In case of serious irregularities in the work of the university, particularly if they are not eliminated by competent bodies, the University Advisory Board may convene the Senate or the University Council in order to discuss the observed irregularities, may inform the founder about them, may propose necessary measures, including the amendment of the act of foundation, the statute and other regulations of the university.

Issues of Special Interest to Students

Article 61

Issues of special interest to students, for which the students' representatives shall have the right of the suspensive veto in decision-making, shall be determined by the Statute of the University. Issues of special interest for students shall be particularly those regarding changes in the system of study, quality assurance of study, development of programmes of study, determining curricula and the standard of students. Upon the suspensive veto, the Senate shall

discuss the issue in question anew within the term of 8 days at the earliest. The way in which the suspensive veto by the students as well as the necessary majority in the repeated decision-making upon the suspensive veto shall be specified in detail by the Statute of the University.

C. CONSTITUENT UNITS OF THE UNIVERSITY

The Faculty and the Academy of Arts

Article 62

- (1) The Faculty is a higher education institution which shall as a constituent unit of the university organize and conduct studies and develop scientific and expert work in one or more scientific and professional areas. The Faculty may also establish and conduct professional studies in accordance with this Act.
- (2) The Academy of Arts is a higher education institution which shall as a constituent unit of the university organize and conduct university artistic studies and develop artistic creativity of the highest value and scientific research in the area of arts. The Academy of Arts may also organize and conduct professional artistic studies in accordance with this Act.
- (3) Faculties and academies of arts may have their statutes. The statute must be in compliance with the Statute of the University.
- (4) Faculties and academies of arts may participate in legal transactions under the title of the university and their own title if so provided by the Statute of the University.

Bodies of the Faculty and the Academy of Arts

Article 63

- (1) Faculties and academies of arts shall have:
 - the Dean
 - the Academic Council (scientific-educational council, artistic-educational council and similar)
 - other bodies provided by the Statute of the University, their own statute and other regulations.
- (2) The Dean of the faculty or the academy of arts shall be elected and relieved of duty by the Academic Council with the mandate, in the manner and procedure provided by the Statute of the University. The Dean shall represent and act on behalf of the faculty or the academy of arts and shall have the rights and obligations in accordance with the Statute of the University and the statute of the faculty or the academy of arts. The Dean shall be assisted in his work by Vice-Deans and other bodies determined by the statute.
- (3) The Academic Council of the faculty or the academy of arts, whose title shall be determined by the Statute of the University, shall consist of teachers, associates and students, in accordance with the statute of the faculty or the academy of arts. Students' representatives, elected by students according to the Statute of the University, shall constitute at least 10% of the total number of members of the Academic Council.
- (4) The Academic Council shall, in accordance with the Statute of the University:
 1. make decisions on academic, scientific, artistic and other professional issues,

2. elect and relieve of duty the Dean and Vice-Deans,
 3. adopt the statute and other regulations,
 4. perform other activities specified by the Statute of the University, its own statute or other regulations.
- (7) In case of the existence of the statute of the faculty or the academy of arts, the statute shall, in conformity with this Act and the Statute of the University, regulate issues of special interest to students, for which students shall have the right of the suspensive veto in the process of making decisions in the Academic Council of the faculty or the academy of arts, pursuant to Article 61 of this Act.
- (8) The Dean shall be responsible for the implementation of the decisions of the university bodies at the faculty or the academy of arts. According to the Statute of the University, the Rector of the university may temporarily, in the cases of disregard of the university decisions determined by the statute, for at most six months, suspend the Dean, appoint the Acting Dean from among professors of the higher education institution at issue and require from the faculty or the academy of arts to hold elections for the Dean anew. Likewise, the Rector may suspend from the implementation the decision of the Dean or another body of the faculty or the academy of arts if it is against the law or the Statute of the University. The mentioned decisions of the Rector shall be confirmed by the Senate by the majority vote of the total number of members. With regard to the above-mentioned decisions of the Rector, the statute shall provide for arbitration or another appropriate mechanism for the control of its legality and conformity with the statute.

The University Department

Article 64

- (1) The University Department shall be established as a constituent unit of the university which shall participate in the conduct of programmes of study and develop scientific, artistic and professional work in one scientific field or an interdisciplinary scientific area and participate in the performance of study.
- (2) In the University department, there shall be university teachers, scientists and associates from a particular scientific field or an interdisciplinary scientific or artistic area.
- (3) The University Department shall have the Head, the Academic Council and other bodies whose composition, method of establishment, competence and authority shall be determined by the Statute of the University and the regulations of the Department. The Head shall be elected and relieved of duty by the Academic Council with the mandate, in the manner and procedure provided by the Statute of the University.
- (4) University departments may participate in legal transactions under the title of the university and their own title if so determined by the Statute of the University.

The University Institute

Article 65

- (1) The University Institute shall be a constituent unit of the university established for the purpose of performing scientific activity in one or more related scientific fields, as a

rule connected with the process of higher education at the university. The University Institute may also carry out highly professional work and participate in teaching in accordance with the regulations of the university.

- (2) The University Institute shall have the Director, the Academic Council and other bodies whose composition, method of establishment, competence and authority shall be determined by the Statute of the University and the regulations of the University Institute. The Director shall be appointed by the Senate of the university and the term of the mandate, method and procedure shall be determined by the Statute of the University.
- (3) The internal organization of the University Institute, its bodies and their authority and other issues concerning the work of the University Institute shall be regulated by the statute and/or regulations of the University Institute, with appropriate application of the provisions of this Act which refer to scientific institutes.
- (4) University institutes may participate in legal transactions under the title of the university and their own title if so determined by the Statute of the University.

Linking of Practice, Science, Arts and Higher Education

Article 66

- (1) The university as well as faculties and academies of arts may, with the consent of the university, establish organizations or their internal organizational units in which activities shall be performed linking practice, science, arts and higher education and in whose work students may also participate (engineering bureaus, workshops, legal centres, centres for social work and other assistance to citizens, veterinarian and other surgeries, university and/or other clinical hospitals, experimental centres, production centres, tourist and similar organizations, studios, artistic groups, galleries, radio and television broadcasting stations and others).
- (2) Profit gained by the performance of activities pursuant to Article 1 shall be used exclusively for the purpose of the improvement of the work of the university and its constituent units.
- (3) In case that a particular activity is regulated by special rules (health, legal aid and others), particular organizations under Section 1 of this Article shall be established and their work regulated, with the approval of the minister competent for the particular area.
- (4) In conformity with the statute and the licence, higher education institutions may, on the basis of a contract with the corresponding organization (hospital, health centre, law firm, engineering bureau, company, specialized institution, government body and similar), organize part of teaching in this legal person under the guidance of their teachers and with the appropriate participation of the specialists from this legal person.

THE POLYTECHNIC AND THE COLLEGE

Basic Provisions

Article 67

- (1) The polytechnic and the college are institutions which shall organize and conduct professional studies and perform activities in accordance with Article 47 of this Act and their statutes.
- (2) The polytechnic is a higher education institution which shall conduct at least three different studies from at least three different fields. The polytechnic may not have higher education institutions as its constituent units.
- (3) By the statute of the polytechnic and the college, the issues of their internal organization, management and decision-making shall be regulated.
- (4) The statute of the polytechnic and the college shall be adopted by the managing board at the proposal of the professional council and approved by the founder.

Bodies of the Polytechnic and the College

Article 68

- (1) The polytechnic and the college shall have:
 - the Dean,
 - the Professional Council,
 - the Managing Board,
 - and other professional and advisory bodies whose establishment, composition and competence shall be regulated by the statute or other regulations.
- (2) The Dean of the polytechnic or the college shall be elected and relieved of duty by the Professional Council with the mandate, in the manner and procedure determined by the statute of the polytechnic or the college. The election of the Dean shall be approved by the Managing Board. The Dean shall have rights and obligations in compliance with the Institutions Act and shall be responsible for his or her work to the Professional Council and the Managing Board.
- (3) The Professional Council of the polytechnic and the college shall consist of teachers, associates and students, in conformity with the statute. The Professional Council of the polytechnic and the college shall, in accordance with the statute, decide on professional and educational matters. Students shall constitute at least 15% of the total number of the members of the Professional Council of the polytechnic or the college. Student members of the Professional Council shall be elected by the students themselves in accordance with the statute of the polytechnic and the college. To the students' decision-making in the Professional Council, provisions of this Act on the suspensive veto at the university shall be applied in an appropriate manner (Article 61).
- (4) The Managing Board of the polytechnic or the college shall have five members, three of them appointed by the founder and two of them elected by the Professional Council of the polytechnic or the college. The President of the Managing Board shall be elected by the members among themselves. The Dean of the polytechnic and the college shall participate in the work of the Managing Board without the right to vote.

- (5) The Managing Board shall be in charge of carrying out activities of the polytechnic and the college according to the act of foundation and the statute, particularly of the legality of their work, rational use of material and staff resources, implementation of decisions of the Professional Council, shall approve particular decisions of the Dean and the Professional Council in accordance with the statute and perform other activities provided by the statute.

2. STUDIES AT HIGHER EDUCATION INSTITUTIONS

A. TYPES OF STUDIES

University Study and Professional Study

Article 69

- (1) Higher education shall be conducted through university and professional studies.
- (2) University study shall qualify the students for the performance of activities in science and higher education, in business, public sector and society at large and educate them for the development and application of scientific and professional achievements.
- (3) Professional study shall offer to students the appropriate level of knowledge and skills in order to perform professional activities and qualify them for immediate employment.
- (4) University and professional studies shall be adapted to (harmonized with) those in the European educational space, taking into consideration positive experience of other systems of higher education.

University Study

Article 70

- (1) University study shall include the following three levels:
 1. undergraduate study
 2. graduate study,
 3. postgraduate study.
- (2) University studies shall be organized and conducted at the university. Graduate and postgraduate studies may be also conducted in collaboration with scientific institutes.
- (3) Each level of university study shall be completed by obtaining a particular title or degree.
- (4) Particular programmes of study shall be conducted as integrated at the first and second levels of study. Such conduct of the programme of study shall be approved by the National Council for Higher Education.
- (5) Each level of study under Section 1 of this Article must be in compliance with the European Credit Transfer System (hereinafter: ECTS) according to which 60 ECTS credits are as a rule earned by one year of study.

Undergraduate Study

Article 71

- (1) By undergraduate study, which shall as a rule last for three or four years, from 180 to 240 ECTS credits shall be earned. Undergraduate study shall qualify students for graduate study and offer them the possibility of employment in particular professions.
- (2) By the completion of undergraduate study, the academic title of *baccalaureus* or *baccalaurea* shall be awarded, with the specification of profession, unless otherwise determined by a special law.
- (3) In international communication and diplomas in the English language, the professional title upon the completion of undergraduate study shall be *baccalaureus* or *baccalaurea*.

Graduate Study

Article 72

- (1) By graduate study, which shall as a rule last for one or two years, from 60 to 120 of ECTS credits shall be earned.
- (2) The total number of credits earned at undergraduate and graduate studies shall be at least 300 ECTS credits.
- (3) Unless otherwise specified by law, by the completion of graduate university study the following academic degrees shall be awarded:
 1. for university medical programmes: Doctor (Dr.) of profession,
 2. for university technical programmes: Graduate Engineer (Dilp. Ing.) of profession,
 3. for university theological programmes: Graduate Theologian (Dipl. Teol.),
 4. for university programmes for the educational profession: Graduate Teacher (Dipl.Uč.),
 5. for university programmes for the teaching profession: Professor (Prof.) of profession,
 6. for university programmes for the artistic profession: Academic (Akad.) Artist (painter, sculptor, musician, actor, etc.),
 7. for other university programmes: Master (Mag.) of profession.
- (4) Abbreviations for the listed academic titles shall be put after the name and surname of the person.
- (5) In international communication and diplomas in the English language, the academic degree shall be “Master of Science (M.S.) or Master of Arts (M.A.)” (Mr.Sc.), unless otherwise determined by the special Regulation under Article 71.

Postgraduate Study

Article 73

- (1) Postgraduate university study may be enrolled upon the completion of graduate university study.

- (2) Postgraduate university study shall last as a rule for three years and upon its completion, the academic degree of Doctor of Science (Dr.Sc.) or Doctor of Arts (Dr. Art.) shall be awarded.
- (3) The university may by its regulations regulate earning of ECTS credits at postgraduate study and require a certain number of ECTS credits for the application for a doctoral dissertation.
- (4) Persons who have accomplished scientific achievements which by their significance satisfy the requirements for the election to scientific degrees, may be awarded a doctor's degree by admission to the doctoral postgraduate study and producing a doctoral dissertation without attending courses or passing examinations.
- (5) The abbreviation for the academic degree shall be put in front of the name and surname of the person.
- (6) The university may organize postgraduate specialist study which shall last from one to two years and by which a specialist title for a particular area (Spec.) shall be awarded. The title of the specialist, that is, its abbreviation shall be added to the academic degree under Article 72 Section 3 of this Act.
- (7) The university may by its statute determine that by the completion of postgraduate specialist study, different title from the one prescribed by Section 5 of this Act shall be awarded, in the case when for a particular professional area further professional improvement is prescribed by a special law.

Professional Studies

Article 74

- (1) Professional studies shall be conducted at the college or the polytechnic. Professional studies may also be conducted at the university in accordance with this Act.
- (2) Professional studies shall last from two to three years and by its completion from 120 to 180 ECTS credits shall be earned. Exceptionally, with the approval of the National Council for Higher Education, professional study may last for four years in cases when it is in compliance with internationally recognized standards and by such studies up to 240 ECTS credits shall be earned.
- (3) By the completion of professional study with less than 180 ECTS credits, the corresponding professional title shall be awarded, in accordance with a special law.
- (4) By the completion of professional study with 180 and more credits, the professional title of *baccalaureus* with the indication of the profession shall be awarded, in accordance with a special law.
- (5) The abbreviation for the professional title shall be put after the name and surname of the person.
- (6) Polytechnics and colleges may organize specialist graduate professional study for persons who have completed professional study or undergraduate university study. Such study shall last from one to two years and by it the title of a specialist in the particular profession (Spec.) shall be awarded, which shall be used along with the professional title gained by professional study or undergraduate university study.

Transfer of the ECTS Credits

Article 75

- (1) The ECTS credits may be transferred among different studies.
- (2) Criteria and conditions for the transfer of the ECTS credits under Section 1 of this Article shall be prescribed by the regulations of the higher education institution and the contract between higher education institutions.

Contractual Establishment of Study and Professional Improvement Programmes

Article 76

- (1) The university, the polytechnic or the college may with a domestic or foreign legal or natural person organize particular study. The licence for such study shall be issued in the manner and in the procedure prescribed in Article 51 of this Act.
- (2) Higher education institutions may establish various programmes for professional improvement, taking into consideration the concept of lifelong education and improvement. Such a programme shall not be considered as study in terms of this Act. Upon completion of the professional improvement programme, the higher education institution shall issue a special certificate to the participant.

B. ADMISSION TO STUDY, ITS ORGANIZATION AND CONDUCT

Admission Requirements

Article 77

- (1) Admission to study shall be carried out on the basis of public competition announced by the university, the polytechnic or the college conducting the study at least six months before the commencement of the study. The competition for admission must contain: admission requirements, number of vacancies, procedure, information on documents which are to be submitted and time limits for application to competition and admission.
- (2) The university, the polytechnic or the college shall determine the procedure of the selection of the applicant in such a way as to guarantee equality of all applicants regardless of race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth, social status, disability, sexual orientation and age. The university, the polytechnic or the college shall determine criteria (success in previous education, kind of completed education, success in entrance or other examinations, special knowledge, skills or abilities and similar) on the basis of which classification and selection of candidates for admission shall be made.
- (3) The university, the polytechnic and the college shall determine which secondary school programmes offer adequate preconditions for admission to particular undergraduate or professional study.
- (4) The person who has completed appropriate undergraduate study may be admitted to graduate study. The university shall prescribe which undergraduate study is appropriate for admission to particular graduate study as well as admission

requirements for the applicants who have completed another undergraduate study or graduate university study.

- (5) Persons who completed professional study may be admitted to graduate study if it is provided by the regulations of the university conducting this study, in which case admission may be conditioned by passing differential examinations.
- (6) The person who has completed appropriate graduate study may be admitted to postgraduate study. The university may also prescribe other requirements for admission to postgraduate study.
- (7) Exceptionally, under the conditions prescribed by the higher education institution, the admission to study may also be possible without previously completing appropriate education, in the case of exceptionally promising persons for whom successful completion of study may be expected without the completion of previous education.
- (8) Foreign citizens shall be admitted to study under the same conditions as Croatian citizens but they may be required, in accordance with the decision of the competent government body or the higher education institution, to pay part or full cost of the study. Admission of foreign students may be restricted or denied if the study refers to military or police education or another study of the interest for national security.

Programme of Study

Article 78

- (1) Studies shall be organized according to the programme of study adopted by the higher education institution. Programmes of studies conducted at the university shall be adopted by the Senate of the university.
- (2) In determining the programme of study, the higher education institution shall particularly pay attention that the study is:
 - on the level with the most recent scientific discoveries and skills based upon them,
 - adapted to national priorities and needs of the professional sector,
 - comparable to the programmes in the countries of the European Union.
- (3) The programme of study shall be adopted in accordance with the statute and other regulations of the university, the polytechnic or the college and shall contain:
 1. the professional or academic title or degree awarded upon completion of study,
 2. requirements for admission to study,
 3. the outline of the content of compulsory and optional subjects and the number of hours necessary for their conduct,
 4. credit value of each subject determined according to the ECTS,
 5. forms of teaching and methods of assessment of knowledge for each subject,
 6. the list of subjects which the students may select from other university or professional studies,
 7. requirements for registration of students to the subsequent semester or trimester or to the subsequent year of study and preconditions for enrolment on particular subjects or a group of subjects,
 8. the way of completion of study,
 9. provisions on whether and under what conditions the students who interrupted the study or lost the right to study may continue the study.

Curriculum

Article 79

- (1) Studies shall be conducted according to the curriculum adopted by the higher education institution. The curriculum shall be announced before the beginning of the teaching period in the particular academic year and shall be accessible to the public. The curriculum shall be obligatorily publicized on the official internet web-sites of the higher education institution, comprising the summaries of lectures and other forms of teaching as well as the text of lectures and other forms of teaching in exceptional cases of inaccessibility of the appropriate literature.
- By the curriculum, the following shall be specified:
1. teachers and associates who will conduct teaching according to the programme of study,
 2. places of teaching,
 3. the beginning and end of teaching as well as the teaching schedule,
 4. forms of teaching (lectures, seminars, practical training, consultations, examinations and similar),
 5. the method of examinations,
 6. examination periods,
 7. lists of literature for study and examinations,
 8. possibility of teaching in a foreign language and
 9. other important facts for the regular conduct of teaching.
- (2) Study may be organized through the system of distance learning, which shall specially be approved by the National Council for Higher Education.

Academic Year

Article 80

- (1) The academic year shall begin on 1 October of the current year and end on 30 September of the following calendar year.
- (2) Teaching shall be organized in semesters or trimesters, according to the provisions of the statute of the university, the polytechnic or the college.

Grades

Article 81

- (1) The achievement of students at the examinations and other tests of knowledge shall be expressed by the following grades: 5 – excellent, 4 – very good, 3 – good, 2 – satisfactory, 1 – unsatisfactory. Passing grades: 5, 4, 3 and 2 shall be recorded in the index and/or another adequate document and/or the student's record.
- (2) It may be determined by the curriculum that some forms of teaching shall be conducted without grading, or that grading shall be descriptive.

Other Study Issues

Article 82

- (1) Rules on examinations (written, oral, practical part of examinations, the system of preconditions and similar), complaints on grades, procedure of examining anew, content, form and method of keeping records on examinations, insurance of publicity at examinations, right of insight into the examination results and if necessary other issues shall be specified in detail by the statute of the higher education institution or by regulations on the rules of study.
- (2) Regulations under Section 1 shall be publicized in such a way as to be accessible to the public, particularly to students and applicants for admission to the student status.
- (3) The academic or professional title or degree shall be revoked if it is uncovered that it has been obtained contrary to the prescribed conditions for its award, serious violation of the rules of study or on the basis of a doctoral dissertation which is a plagiarism or falsification.
- (4) The institution and conduct of the procedure of revocation of an academic or professional title shall be carried out in accordance with the provisions of the statute or other regulations of the higher education institution at which the academic or professional title or degree has been obtained.

C. COMPLETION OF STUDY

Requirements for Completion of Study

Article 83

- (1) Undergraduate study shall be completed by passing all the examinations and, depending on the programme of study, producing the final paper and/or passing the final examination according to the programme of study.
- (2) Graduate study shall be completed by passing all the examinations, producing the diploma paper and passing the diploma examination according to the programme of study.
- (3) Postgraduate study shall be completed by passing all the examinations, producing and defending in public the scientific or artistic doctoral dissertation.
- (4) Postgraduate specialist study shall be completed by passing all the examinations, producing the final paper and/or passing the appropriate final examination according to the programme of study.
- (5) By the programme of study, it may be determined that postgraduate artistic study shall be completed by passing all the examinations and passing the final examination before the examination commission and/or producing or performing a work of art.
- (6) Procedure for the application, assessment and defence of the doctoral dissertation or producing and/or performing a work of art shall be determined by the Statute of the University.

- (7) Professional study shall be completed by passing all the examinations. Passing of the final examination and/or producing the final paper may also be provided by the programme of study.
- (8) Specialist professional study shall be completed by passing all the examinations, producing the final paper and/or passing of the appropriate final examination according to the programme of study.
- (9) By completion of study in conformity with the provisions of this Article, the student shall be awarded the corresponding professional or academic title or degree and shall acquire all the other rights in accordance with other regulations.

Study Documents

Article 84

- (1) Upon completion of university undergraduate study, a certificate of graduation shall be issued to the student by which the completion of the study and award of a particular academic or specialist title shall be certified.
- (2) Upon completion of graduate study, postgraduate study or postgraduate specialist study, a diploma shall be issued to the student. The diploma shall certify that the student has completed the particular study and has acquired the right to the academic title or degree.
- (3) Upon completion of professional study or specialist professional study, a certificate of graduation shall be issued to the student, by which it shall be certified that the student has completed the study and obtained a particular professional or specialist title.
- (4) Upon completion of the programme of professional improvement, the higher education institution shall issue a certificate to the participant.
- (5) In addition to a certificate of graduation, a diploma or a certificate, a supplementary document on the academic history of the study shall be issued to the student, containing the information on the examinations passed, grades achieved, study load and subjects. At his or her own request, the supplementary document on the academic history of the study may also be issued to the student before the completion of the study.
- (6) Diplomas, certificates of graduation and other certificates issued by higher education institutions shall be official documents.
- (7) The content of diplomas and supplementary study documents shall be prescribed by the Minister.
- (8) The form of diplomas and supplementary study documents, the content and form of the certificates of graduation and other certificates as well as information packages for the transfer of the ECTS credits shall be prescribed by the university, the polytechnic and the college.

Recognition of Foreign Diplomas and Professional Qualifications

Article 85

The procedure of recognition of foreign diplomas and academic and professional qualifications shall be carried out in accordance with a special law and on the basis of bilateral or multilateral agreements binding upon the Republic of Croatia.

3. *STUDENTS*

Admission to the Student Status

Article 86

- (1) The student status shall be acquired by admission to the university, the polytechnic or the college and shall be proved by an adequate student document whose minimum content shall be prescribed by the Minister and its form by the university, the polytechnic or the college.
- (2) The right to admission to the higher education institution shall have every person who has fulfilled requirements under Article 77 of this Act. If the number of persons who have fulfilled the requirements under Article 77 of this Act exceeds the capacity of the higher education institution, the right to study shall have those persons who have achieved better results in the placement procedure.
- (3) Students may be full-time and part-time students.
- (4) Full-time students are those who study according to the programme based on the full-time teaching schedule. Costs of full-time study (programme of study) shall be partially or fully, according to the regulations of the university, the polytechnic or the college, subsidized from the state budget.
- (5) Part-time students are those who participate in the educational programme while they work or perform some other activity requiring a specific programme. The costs of such study shall be fully or partially covered by the student, in compliance with the regulations of the university, the polytechnic or the college.

Academic Advisor and Mentor

Article 87

- (1) By the statute or another regulation of the higher education institution, it may be determined to appoint an academic advisor to the student who shall help the student in his or her work and observe the student's progress and achievements.
- (2) It shall be obligatory to appoint a mentor to the postgraduate student, taking into account, if possible, the student's preference.
- (3) More detailed provisions on the student's academic advisor and mentor shall be specified by the regulations of the higher education institution.

Rights and Obligations of Students

Article 88

- (1) The student shall have the right to:
 1. quality study and educational process as provided by the programme of study,
 2. participation in professional and scientific work,
 3. consultations and tutorials,

4. freedom of thought and expression of opinions during the teaching process and other activities at the higher education institution,
 5. completion of study in a shorter period of time,
 6. free use of libraries and other sources of information,
 7. enrolment on the courses from other programmes, in accordance with the Statute of the University and the regulations based on it,
 8. opinion on the quality (evaluation) of teaching and teachers,
 9. participation in decision-making, in conformity with the statute of the higher education institution,
 10. complaint in the case of violation of some of his or her rights provided by law and the regulations of the higher education institution based on it,
 11. participation in the work of student organizations,
 12. dormant students' obligations during army service, pregnancy and one-year maternity leave, longer illness and in other justified cases of the discontinuity of study,
 13. adequate psychological and medical assistance in student health centres or other corresponding health institutions and
 14. other rights provided by the statute and regulations of the higher education institution.
- (2) The student shall have the obligation to respect the regime of study and regulations of the higher education institution and to regularly fulfill his or her academic and other obligations at the higher education institution. Disciplinary responsibility of students shall be regulated by the regulations of the higher education institution.
- (3) Full-time students shall have the right to health insurance, the right to subsidized board and lodging and other rights in accordance with the law and regulations based on it. The level of the listed rights and the amount of financial participation of the student shall be regulated by corresponding regulations, in the process of which the success at the entrance examination and at the study may be taken as criteria for determination of the level of the rights.
- (4) Higher education institutions shall conduct students' evaluation of the study by questionnaires or in another adequate way. The results of evaluation shall serve the purpose of planning the teaching process and scientific programmes at higher education institutions.

Termination of the Student Status

Article 89

A person shall lose the student status:

1. upon completion of study,
2. upon withdrawal from the university, the polytechnic or college,
3. upon dismissal from the study according to the procedure and under conditions determined by the regulations of the higher education institution,
4. if he or she fails to complete the study within the term determined by the statute or other regulations of the higher education institution and
5. for other reasons determined by the statute or other regulations of the higher education institution.

Student Records

Article 90

- (1) Higher education institutions shall keep the following records with personal data of students:
 1. records of applicants for the admission procedure, including the results of the procedure,
 2. personal records of registered students,
 3. records of examination results and
 4. records of issued documents on the completion of study and awarded academic titles and degrees.
- (2) Records under Section 1 of this Article shall be permanently kept by higher education institutions.
- (3) The method of collecting, keeping and giving information under Section 1 of this Article shall be prescribed by the Minister by special regulations, taking into account the protection of students' personal data.

4. TEACHERS AND ASSOCIATES

Scientific-Educational, Artistic-Educational, Educational, Associate and Professional Titles

Article 91

- (1) Scientific-educational and artistic-educational titles shall be: assistant professor, associate professor and full professor.
- (2) Scientific-educational titles in the scientific component shall correspond to scientific titles as follows:
 1. assistant professor shall correspond to scientific associate,
 2. associate professor shall correspond to senior scientific associate,
 3. full professor shall correspond to scientific adviser.
- (3) Educational titles shall be: lecturer, senior lecturer, college professor, language instructor, senior language instructor, artistic associate and senior artistic associate.
- (4) Associate titles shall be assistants and senior assistants.
- (5) Professional titles shall be: professional associate, senior professional associate and professional adviser.

University Titles and Corresponding Employment Positions

Article 92

- (1) At the university, elections shall be conducted to scientific-educational, artistic-educational and associate titles and to educational titles of lecturer, senior lecturer, artistic associate and senior artistic associate, as well as to professional titles, in accordance with this Act. When the university conducts professional studies, it may conduct elections to all educational titles under Article 91 Section 3 of this Act.

- (2) At the university, teachers shall be elected to titles under Section 1 of this Article to corresponding employment positions by public competition and with the selected applicant the employment contract shall be concluded.
- (3) A person may be elected to the corresponding scientific-educational, artistic-educational, associate and educational title without concluding the employment contract if he or she satisfies the requirements for the election to this title and if he or she participates, or will participate, partly or entirely in teaching of a particular subject (so-called nominal title) at the higher education institution.
- (4) The higher education institution may entrust the teaching of up to one third of a subject to teachers, scientists, artists or professionals without the obligation of concluding an employment contract with them, and in conformity with the provisions of the statute without the election to the scientific-educational title (so-called visiting professor or teacher), under the condition that the rest of the subject is covered by persons elected to scientific-educational, artistic-educational or educational titles. Under the conditions provided by the Statute of the University, a distinguished foreign professor or an eminent expert may be entrusted, without the election to the scientific-educational title, to teach a particular subject for two subsequent academic years at most.
- (5) Postgraduate students may participate in the conduct of teaching at undergraduate and graduate studies of the university in compliance with the programme of study and the university regulations.

Conditions for the Election to Scientific-Educational Titles

Article 93

- (1) A person who has been entered into the Register of Scientists under Article 23 of this Act with the scientific title in the corresponding field, or who satisfies the conditions for obtaining this scientific title and the conditions relating to educational, teaching and professional work prescribed by the Rectors' Conference, who has necessary psychophysical characteristics as well as other conditions prescribed by the Statute of the University may be elected to the scientific-educational title. Scientific-educational titles shall be entered into the register under Article 23 of this Act.
- (2) The applicant may be elected to the scientific-educational title if he or she satisfies the conditions for the election to the corresponding scientific title as follows:
 - assistant professor: scientific associate, senior scientific associate or scientific adviser,
 - associate professor: senior scientific associate or scientific adviser,
 - full professor: scientific adviser.
- (3) Conditions of the Rectors' Conference under Section 1 of this Article shall be published in the Official Gazette "Narodne novine". The method of verifying the fulfillment of conditions and psychophysical characteristics of the applicant shall be prescribed by the statute or other regulations of the university.
- (4) If the election to the title of full professor has been carried out in one of the constituent units of the university, the Senate of the university at which the procedure for election is instituted shall confirm the election.

Conditions for the Election to Artistic-Educational Titles

Article 94

- (1) For teaching the subject from the field which can be conducted only by an artist, teachers shall be elected to artistic-educational titles and to corresponding employment positions. To artistic-educational titles, persons shall be elected whose artistic achievements by their significance satisfy the conditions for the election to the scientific-educational employment position. Artistic-educational employment positions shall be completely equal with scientific-educational employment positions and the provisions of this Act referring to the scientific-educational employment positions shall be applied to the artistic-educational employment positions in an appropriate manner as well.
- (2) The National Council for Higher Education shall specify in detail the conditions for the election of teachers under Section 1 of this Article in such a way that publications necessary for the election to scientific-educational employment positions shall be substituted in an appropriate manner by public appearances, exhibitions or other forms of public artistic activity.

Election Procedure to Scientific-Educational and Artistic-Educational Titles and Corresponding Employment Positions

Article 95

- (1) The election procedure to scientific-educational and artistic-educational titles and corresponding employment positions shall be conducted by the university in accordance with the statute and the adequate application of Articles 35 and 36 of this Act, on the basis of public competition announced in the Official Gazette “Narodne novine”, the daily press and on the official internet web-site of the higher education institution.
- (2) Competition for election to the same or higher scientific-educational employment position due to the expiry of the term for which the employee has been elected in the previous competition shall be announced at least three months before the expiry of the term. By a special decision of the academic council of the higher education institution, and with the consent of the employee, the competition may be announced even before the expiry of the term for which the employee has been elected, but not before the expiry of three years from the previous election.
- (3) If none of the applicants has the necessary scientific title, along with the election to the scientific-educational title, the election to the scientific title shall be conducted, with the corresponding application of Article 35 of this Act. Upon the completion of the election to the scientific title of all the applicants who satisfy the conditions, the university shall, in accordance with the statute, upon considering the conditions of the Rectors’ Conference under Article 93 Section 1 of this Act, within the term of 60 days, elect to the scientific-educational title and to the employment position the applicant who satisfies the conditions of the competition best. All the applicants shall be informed about the results of the competition within 15 days from the day of its conclusion.
- (4) If in the competition procedure another person is elected, the employee who has been previously employed in this employment position shall be offered another adequate

employment position or in the absence of such a position, the procedure for dismissal with notice on the grounds of personal capability shall be instituted.

- (5) If for the competition under Section 1 of this Article the employee fails to submit application or if he or she is not elected due to non-fulfillment of conditions for re-election, the procedure for dismissal with notice on the grounds of personal capability shall be instituted, without the obligation of offering another adequate employment position.

Honorary Title

Article 96

- (1) The honorary scientific-educational or artistic-educational title is *professor emeritus*.
- (2) The honorary title of *professor emeritus* shall be awarded without public competition to deserving retired full professors who have been particularly distinguished for their scientific or artistic work and who have gained an international reputation.
- (3) The procedure of nomination and the rights of the *professor emeritus* shall be specified in detail by the Statute of the University.

Associate Titles and Corresponding Employment Positions at the University

Article 97

- (1) Associate titles and corresponding employment positions at the university shall be: assistant and senior assistant. The assistant and the senior assistant shall be selected among the most successful students.
- (2) Assistants and senior assistants shall assist in conducting a part of the teaching process, testing knowledge, scientific, artistic and professional activities of the higher education institution in accordance with its regulations.
- (3) Associates at the university shall be elected in accordance with the statute of the higher education institution under the conditions provided by Article 43 of this Act.

Educational and Professional Titles at the University, the Polytechnic and the College and Corresponding Employment Positions

Article 98

- (1) At the polytechnic and the college, teachers shall be elected to educational titles and to employment positions which correspond to these titles. Exceptionally, in cases under Section 2 of this Article, persons shall be elected to educational titles at the university as well. At the polytechnic and the college there shall be no employment positions which correspond to scientific-educational titles, but teaching may be conducted by teachers elected to scientific-educational or nominal titles at the university.
- (2) At the university, the faculty or the academy of arts, the election to educational titles shall be conducted in accordance with their statutes in case that they conduct professional study for the needs of this study, as well as if the subject of teaching does

not require a scientific approach, or at the academy of arts for the needs of rehearsals and other collaboration in the educational process.

- (3) A person may be elected to the educational title of lecturer and the corresponding employment position if he or she has completed graduate study or professional specialist study, if the necessary conditions prescribed by the Rectors' Conference for the university, or by the Council of Polytechnics and Colleges are fulfilled, if he or she has at least three years of professional work experience, if his or her inaugural lecture in the presence of teachers and students has been positively assessed, if this is his or her first election to the educational employment position and if the conditions prescribed by the statute of the higher education institution are fulfilled.
- (4) A person may be elected to the educational title of senior lecturer if he or she has completed graduate study or professional and specialist study, if the necessary conditions prescribed by the Rectors' Conference for the university, or the Council of Polytechnics and Colleges are fulfilled, if he or she has published professional works, at least five years of professional experience, a positively assessed inaugural lecture in the presence of teachers and students if it is his or her first election to the educational employment position and if the conditions prescribed by the statute of the higher education institution are fulfilled.
- (5) A person may be elected to the title of college professor and the corresponding employment position at the polytechnic or college if he or she has a doctorate, if the necessary conditions prescribed by the Council of Polytechnics and Colleges are fulfilled, if he or she has carried out significant projects and published works which have significantly improved the profession or some new works after the election to the employment position of senior lecturer, at least eight years of professional work experience, a positively assessed inaugural lecture in the presence of teachers and students if it is his or her first election to the educational employment position and if the conditions prescribed by the regulations of the polytechnic or the college are fulfilled.
- (6) A person may be elected to the title of language instructor and the corresponding employment position if he or she has completed graduate study, if the necessary conditions prescribed by the Rectors' Conference, or the Council of Polytechnics and Colleges are fulfilled, if he or she has published professional works, at least three years of professional work experience and if the conditions prescribed by the statute of the higher education institution are fulfilled.
- (7) A person may be elected to the title of senior language instructor and to the corresponding employment position if he or she has completed graduate study, if the necessary conditions prescribed by the Rectors' Conference, or the Council of Polytechnics and Colleges are fulfilled, if he or she has published professional works, at least five years of professional work experience and if the conditions prescribed by the statute of the higher education institution are fulfilled.
- (8) A person may be elected to the title of artistic associate and the corresponding employment position if he or she has completed graduate artistic study, if the necessary conditions prescribed by the Rectors' Conference, or the Council of Polytechnics and Colleges are fulfilled, approved artistic activity, at least five years of professional experience and conditions prescribed by the statute of the higher education institution fulfilled.
- (9) A person may be elected to the title of senior artistic associate and the corresponding employment position if he or she has completed graduate artistic study, if the necessary conditions prescribed by the Rectors' Conference, or the Council of Polytechnics and Colleges are fulfilled, approved artistic activity, at least ten years of

professional experience and conditions prescribed by the statute of the higher education institution fulfilled.

Associate Title and the Corresponding Employment Position at the Polytechnic and the College

Article 99

- (1) The associate title at the polytechnic or the college shall be assistant.
- (2) Conditions for the election to the associate title of assistant and the corresponding employment position shall be regulated by the polytechnic and the college by their statutes.

Professional Titles and Corresponding Employment Positions at Higher Education Institutions

Article 100

For the purpose of conducting scientific and professional projects, persons may be elected to professional titles and corresponding employment positions in conformity with Article 44 of this Act, under the conditions and in the procedure provided by the statute of the higher education institution.

Election Procedure to Educational and Professional Titles and Corresponding Employment Positions at Higher Education Institutions

Article 101

- (1) The election procedure to educational and professional titles and corresponding employment positions shall be conducted by the higher education institution in accordance with the statute, on the basis of public competition announced in the Official Gazette "Narodne novine", the daily press and on the official internet web-site of the higher education institution.
- (2) Competition for the election to the same or higher educational or professional employment position due to the expiry of the term for which the employee has been elected in the previous election, shall be announced at least three months before the expiry of the term. By a special decision of the Academic Council of the higher education institution, with the consent of the employee, the competition may also be announced earlier than one year before the expiry of the term to which the employee has been elected, but not before the expiry of three years from the previous election.
- (3) The Academic Council of the higher education institution shall, at the latest 90 days from the conclusion of the competition, elect to the educational or professional title and to the corresponding employment position the applicant who to the greatest extent satisfies the requirements of the competition and the conditions of the Rectors' Conference, or the Council of Polytechnics and Colleges. All applicants shall be informed about the results of the competition within 15 days from the date of its conclusion.

- (4) If in the competition procedure another person is elected, the employee who has been previously employed in this employment position shall be offered another adequate employment position or in the absence of such a position, the procedure for dismissal with notice on the grounds of personal capability shall be instituted.
- (5) If for the competition under Section 1 of this Article the employee fails to submit application or he or she is not elected due to non-fulfillment of the conditions for re-election, the procedure for dismissal with notice on the grounds of personal capability shall be instituted, but without the obligation of offering another adequate employment position.

*Employment Contract for Scientific-Educational, Artistic-Educational, Educational
and Professional Employment Positions*

Article 102

- (1) With the person elected to scientific-educational, artistic-educational, educational and professional employment positions, the permanent employment contract shall be concluded with the obligation of re-election or promotion every five years. If at the re-election the employee is not elected due to non-fulfillment of conditions, the procedure according to Article 95 Section 5 and Article 101 Section 5 of this Act shall be conducted.
- (2) The obligation to conduct the re-election procedure shall cease after the employee has been elected to the scientific-educational employment position of full professor or to the educational employment position of college professor for the second time (tenure).
- (3) To the employment position of assistant professor or associate professor, as well as lecturer and senior lecturer, the employee may be elected twice at most.
- (4) Exceptionally, if after the second election the employee is not elected to the higher educational title and by the decision of the Academic Council of the higher education institution it is confirmed that there is a need for his or her further engagement, the higher education institution may at further re-election conclude with him or her a fixed-term employment contract for the period of five years at most.
- (5) Employees in scientific-educational, artistic-educational and educational titles have the right to dormant terms for election to titles and employment positions in accordance with Article 45 of this Act and during the time when they perform the duty of Rector, Vice-Rector, Head of university constituent units or some public duty.
- (6) By the expiry of the calendar year in which the employees in scientific-educational, artistic-educational and educational employment positions reach 65 years of age, their employment contract shall be terminated on the grounds of retirement.
- (7) When there is a need for the continuation of his or her work, the higher education institution may extend employment to the full professor with tenure and the college professor with tenure until the expiry of the academic year in which he or she reaches 70 years of age. In this respect, special attention shall be paid to his or her scientific contribution, success in the teaching process and education of young scientists and teachers.

Rights and Obligations of Teachers and Associates

Article 103

- (1) Teachers and associates shall be obliged to perform regularly their teaching and other obligations in accordance with regulations of the higher education institution and obligations in respect of scientific, artistic and professional work which they perform at the higher education institution. They shall pay special attention to their work with students, stimulating their independent study and participation in professional, scientific and artistic activities.
- (2) Contractual relations of teachers and associates with other legal persons outside their home institution of employment shall be restricted by the statute or other regulations of the higher education institution if such relations would negatively affect the work of the higher education institution or if the contract is concluded with an organization which is by its activity competitive with the higher education institution with which the teacher or the associate has concluded the employment contract.
- (3) The teacher or the associate may, under conditions prescribed by the statute of the higher education institution, use a free paid study year (sabbatical) for scientific, artistic and professional work. The university shall be obliged to organize during that period continuous conduct of teaching and fulfilment of other obligations instead of the absent teacher.
- (4) By the decision of the competent body of the higher education institution, the teacher may be allowed shorter or longer periods of absence for scientific, artistic and professional improvement, performance of public duty or some other justified reason. During such absence, the employment rights and obligations of the teacher may be dormant or may be partially carried out, in compliance with the decision of the competent body and/or the contract concluded between the teacher and the higher education institution. In this respect, regular conduct of the teaching process or an adequate substitute for the teacher must be ensured.
- (5) The provisions of this Article shall be applied in an appropriate manner to the scientists in public scientific institutions as well.

Disciplinary Responsibility

Article 104

- (1) Teachers and associates shall be subject to disciplinary responsibility for violations of their work and other obligations connected with it, as well as for serious damage caused to the reputation of the higher education institution, in accordance with the statute.
- (2) Disciplinary responsibility refers only to a deed defined as a disciplinary offence by the regulations of the higher education institution at the time of its perpetrating and for which a certain disciplinary measure has been provided.

5. *THE RECTORS' CONFERENCE AND THE COUNCIL OF POLYTECHNICS
AND COLLEGES*

Rectors' Conference

Article 105

- (1) The Rectors' Conference shall consist of all Rectors of the universities in the Republic of Croatia. The representative of the Council of Polytechnics and Colleges shall participate in the work of the Rectors' Conference, without the right to vote.
- (2) The Rectors' Conference shall decide on issues of common interest for the activity and development of universities in the Republic of Croatia.
- (3) The Rectors' Conference shall adopt the rules of procedure by which it shall regulate its work and the method of decision-making.
- (4) The Rectors' Conference shall:
 1. prescribe necessary conditions for the evaluation of educational and professional activity in the election procedure to scientific-educational, artistic-educational and educational titles and employment positions,
 2. propose members of scientific and artistic area councils and filed committees,
 3. propose members of the Science and Higher Education Funding Council,
 4. analyze problems of work and development of universities and give recommendations and opinions in this respect, and
 5. perform other activities provided by this Act as well as activities entrusted to it by universities.

Council of Polytechnics and Colleges

Article 106

- (1) The Council of Polytechnics and Colleges shall consist of Deans of all polytechnics and colleges in the Republic of Croatia. The representative of the Rectors' Conference shall participate in the work of the Council, without the right to vote.
- (2) The Council of Polytechnics and Colleges shall decide on issues of common interest for the activity and development of polytechnics and colleges.
- (3) The Council of Polytechnics and Colleges shall adopt its rules of procedure.
- (4) The Council of Polytechnics and Colleges shall:
 1. prescribe necessary conditions for the evaluation of educational and professional activity in the election procedure to educational titles and employment positions,
 2. propose members from polytechnics and colleges to the Science and Higher Education Funding Council,
 3. analyze problems of the work and development of polytechnics and colleges and give recommendations and opinions in this respect, and
 4. perform other activities provided by this Act as well as the activities entrusted to it by higher education institutions.

V. FUNDING OF SCIENCE AND HIGHER EDUCATION

Financial Resources

Article 107

- (1) Higher education institutions, institutes and other scientific organizations shall be funded from:
 1. the funds of the founders,
 2. the state budget of the Republic of Croatia,
 3. the budgets of counties, towns and municipalities,
 4. the National Foundation for Science, Higher Education and Technological Development of the Republic of Croatia,
 5. their own income earned on the market from tuition fees, research, artistic and professional projects, analyses, expertise, publishing and other activities,
 6. university and other foundations, profits of companies and other legal persons under Article 66 of this Act,
 7. direct investments of individuals, companies and other legal persons,
 8. donations, and
 9. other sources.
- (2) Universities, polytechnics, colleges and public scientific institutes may be funded only from those sources which do not affect their independence and dignity. Their own income may be earned only by activities which are not detrimental to the realization of basic aims of universities, polytechnics, colleges and public scientific institutes.

Proposal of Budgetary Funds and Their Allocation

Article 108

- (1) The Science and Higher Education Funding Council shall work out criteria for allocation of budgetary funds for science and higher education and propose them to the National Council for Science and the National Council for Higher Education.
- (2) The National Council for Science and the National Council for Higher Education shall finally determine criteria under Section 1 of this Article and publicize them on the internet.
- (3) The Ministry shall collect budget proposals of scientific organizations and universities, polytechnics and colleges and make a budget proposal for financing science and higher education. Such a proposal shall be forwarded to the Science and Higher Education Funding Council.
- (4) The Council shall, taking into account the criteria under Section 1 of this Article, analyze the budget proposal and forward it, with its opinion, to the National Council for Science and the National Council for Higher Education. They shall make the final proposal for the allocation of funds and forward it to the Minister. The proposal shall comprise total amounts for particular universities, polytechnics, colleges, scientific institutes and other scientific organizations and the amounts for the financing of scientific projects, collaborative scientific programmes, associate employment positions and purchase of scientific equipment and the amounts of work expenses of

the National Council for Science, the National Council for Higher Education, the Agency and other bodies.

- (5) In the procedure of making the budget proposal of the Government of the Republic of Croatia and its analysis in the Croatian Parliament, the Minister shall consult the National Council for Science and the National Council for Higher Education, and the Council as well as its advisory body about possible changes of the proposal, until the final voting on the budget for the following budgetary year.
- (6) Funds for the development of the system of science and higher education, scientific publishing, scientific conferences and scientific and scientific-professional associations in the amount of up to 10% of overall budgetary funds for science and higher education shall be allocated by the Minister on the basis of public competition and opinion of appropriate commissions of the National Council for Science and the National Council for Higher Education.
- (7) Minimum salaries of the participants in science and higher education shall be determined by the collective agreement in accordance with law.

Funding of Higher Education Institutions

Article 109

- (1) Public universities, polytechnics and colleges shall be funded from the state budget, taking into consideration the capacities of the particular higher education institution, cost of particular studies and their quality assessment on the basis of evaluation under Article 16 of this Act.
- (2) Private higher education institutions may also be funded from the state budget according to the rules determined by the National Council, taking into consideration available funds and the quality of these higher education institutions, paying attention to whether their capacities correspond to the needs for education in the particular scientific, artistic or professional area.
- (3) Funds from the state budget allocated to universities, polytechnics and colleges shall be remitted to them as a lump sum for their work and they shall distribute them according to their budget to particular cost items, in accordance with the statute and decisions of their competent bodies. The university budget shall be adopted by the Senate at the proposal of the University Advisory Board, and the budget of the polytechnic and the college by the Professional Council at the proposal of the Dean.
- (4) Constituent units of the university shall allocate a part of their own income under Article 107 Section 1 of this Act to the university budget for capital investments and developmental programmes, in accordance with the regulations of the university.

Funding of Public Scientific Institutes

Article 110

- (1) The budget of the public scientific institute shall be adopted by the Managing Board at the proposal of the Scientific Council and with the approval of the Minister.
- (2) An organizational unit of the public scientific institute shall be obliged to allocate a part of its funds earned on the market by performing professional activities to the annual budget of the institute, in accordance with the regulations of the institute.

*Financing of Scientific Projects, Collaborative Scientific Programmes,
Associate Positions and Scientific Equipment*

Article 111

- (1) The Ministry shall announce competitions for financing scientific projects, collaborative scientific programmes, associate employment positions of junior researchers, and the scientific infrastructure and equipment from the state budget funds. Competitions shall be open for applications until their revocation (open competition) and decisions on financing shall be made periodically, at least four times a year for junior researchers and at least once a year for the rest, in accordance with this Act and available funds.
- (2) The Minister shall, at the proposal of the National Council for Science, prescribe by regulations the criteria and procedure of application, evaluation and decision-making on the financing of scientific projects, collaborative scientific programmes, associate employment positions and for the purchase of scientific infrastructure and equipment.
- (3) Scientific organizations, scientists and groups of scientists capable of conducting internationally competitive research may submit their applications for scientific projects and collaborative scientific programmes. Applications for associate positions and purchase of scientific infrastructure and equipment may be submitted by scientific organizations.
- (4) The procedure for evaluation of submitted projects, collaborative scientific programmes and associate positions as well as documentation for the purchase of scientific infrastructure and equipment shall be conducted by the National Council for Science. In the procedure for evaluation, the National Council for Science shall take into consideration priorities of research according to particular scientific areas, as well as adequate criteria for the evaluation of the quality of the research proposal. The evaluation of priorities shall be based on economic, social and other national interests. The evaluation shall be based on anonymous opinion of independent experts from the country and abroad. The decision on financing shall be made by the Minister at the proposal of the National Council for Science.
- (5) The scientific organization shall conclude a contract on the allocation of funds from the state budget for the purchase of capital and medium equipment with the Ministry in which the method of use of the equipment by other scientific organizations and scientists whose work is financed or co-financed from the state budget shall be determined. The Ministry shall keep records of the scientific equipment purchased partially or in full from the state budget.

VI. ETHICS IN SCIENCE AND HIGHER EDUCATION

Committee for Ethics, Code of Ethics and Commissions on Ethics

Article 112

- (1) The Croatian Parliament, at the proposal of the Government, shall appoint the Committee for Ethics in Science and Higher Education which shall consist of 9 members, six of them from among distinguished scientists and university professors, and three persons who enjoy an appropriate public reputation. The mandate of the members of the Committee shall be for four years. The members of the Committee

shall be proposed by the National Council for Higher Education, the National Council for Science, the Croatian Academy of Sciences and Arts, the Rectors' Conference, the Council of Polytechnics and Colleges, scientific organizations, universities, the Minister and other organizations and persons in accordance with the announcement of the call for proposals for members of the Committee.

- (2) The Committee for Ethics shall have a president and vice-president, elected by the members among themselves.
- (3) The task of the Committee shall be promotion of ethical principles and values in science and higher education, in business relations and in relations to the public, and in the application of current technologies as well as in the protection of the environment.
- (4) The Committee shall adopt the Code of Ethics by which it shall determine principles of ethics in higher education, scientific work, publication of results, relations among scientists, teachers and other participants in the scientific and teaching process, conduct and actions connected with competition on the market, and the relation towards the public and the media.
- (5) The Committee shall work in sessions. The Committee shall express its opinions and attitudes on ethical adequacy or inadequacy in the considered cases in the form of recommendations, suggestions or remarks by a majority of votes. The members of the Committee may give their dissenting opinion.
- (6) At least once a year, the Committee shall submit a report on its work to the Croatian Parliament.
- (7) Higher education institutions, institutes and other scientific organizations may, in accordance with the statute, establish their own commissions on ethics, and adopt their codes of ethics. At higher education institutions, at least one of the members of the commission on ethics shall be a student.

VII. SUPERVISION

Supervision of Legality

Article 113

- (1) Administrative supervision of legality of the work and regulations of higher education institutions shall be carried out by the Ministry.
- (2) Supervision under Section 1 of this Article shall be carried out in such a way as not to impair the autonomy of the university and disturb regular work of higher education institutions and other scientific organizations.
- (3) On the basis of the results of supervision, the Ministry may halt the implementation of unlawful decisions and actions of higher education institutions and scientific organizations.

VIII. TRANSITIONAL AND CONCLUDING PROVISIONS

Organizational Changes

Article 114

- (1) The founders of higher education institutions, public scientific institutes and other scientific organizations shall adjust their acts of foundation, and the respective scientific organizations and higher education institutions their statutes and other regulations necessary for the adjustment of the organization with this Act within the term of six months from the date of entry into force of this Act.
- (2) Upon entry into force of this Act, higher education institutions and other scientific organizations established according to previous regulations shall continue their work in accordance with previous regulations until their adjustment pursuant to Section 1 of this Article.
- (3) Rectors and Vice-Rectors of universities and polytechnics and Deans and Vice-Deans of university constituent units and colleges and directors of public scientific institutes elected before entry into force of this Act shall remain on their duty until the expiry of the mandate for which they have been elected, except that with the date of the adjustment under Section 1 of this Article, Rectors and Vice-Rectors of polytechnics shall become their Deans and Vice-Deans.
- (4) Legal integration of the university shall begin on the date of entry into force of this Act, and it shall be completed by 31 December 2007 at the latest.
- (5) In the process of changing the status of higher education institutions by which they will be either integrated or dissolved, the transfer of property from one higher education institution to another shall not be taxable.
- (6) Universities and their educational institutions (faculties and academies of arts) may admit first year students to professional studies until the academic year 2010/2011 inclusive.

Appointment of the First Term National Council for Higher Education and National Council for Science, Other Bodies Provided by the Act and the Establishment of the Science and Higher Education Agency

Article 115

- (1) The first term National Council for Higher Education and National Council for Science shall be appointed at the latest six months from the date of entry into force of this Act.
- (2) Without prejudice to the provisions of Article 9 Section 2, Article 10, Section 2 and Article 11 Section 2 of this Act, at the appointment of the first term National Council for Science and National Council for Higher Education respectively, the Croatian Parliament shall appoint all the twelve members, and it shall be decided by draw which six members shall have the mandate of two years, while the remaining six shall have the mandate of four years.

- (3) Until the appointment under Section 1 of this Article, the National Higher Education Council established in accordance with the Higher Education Act and the National Scientific Research Council established in accordance with the Scientific Research Act shall continue their work and perform activities from their competence in pursuance of the provisions of these Acts.
- (4) Upon the appointment of the first term National Council for Higher Education and National Council for Science, the said bodies shall take over all the activities under Section 3 of this Article, and the existing National Higher Education Council and the National Scientific Research Council shall cease to work.
- (5) The National Council for Science shall within the term of sixty days from the date of the appointment adopt the regulations by which scientific areas, fields and branches shall be determined, specify the conditions for the election to scientific titles and elect area councils and field committees.
- (6) The Government of the Republic of Croatia shall by a Decree establish the Science and Higher Education Agency at the latest six months after the date of entry into force of this Act.
- (7) All the other bodies provided by this Act shall be organized at the latest nine months from the date of entry into force of this Act. Until then, the existing bodies shall continue their work according to previous regulations and perform corresponding activities pursuant to this Act.

*New Organization of Study and Continuation of Study according to
Previous Regulations*

Article 116

- (1) The formation of studies at higher education institutions shall begin on the date of entry into force of this Act. The formation shall be completed and the organization of studies shall start according to the provisions of this Act at the latest beginning from the academic year 2005/2006, since when the ECTS shall obligatorily be introduced. Postgraduate studies shall be organized and start being conducted according to the provisions of this Act at the latest beginning from the academic year 2004/2005.
- (2) Students enrolled in undergraduate study and postgraduate master's or doctoral study on the date of entry into force of this Act shall have the right to complete the study according to the curriculum and conditions required at the enrolment in the first year of study and obtain the appropriate academic degree according to the regulations in force before entry into force of this Act. Students to whom the topic of their doctoral dissertation without the doctoral study has been approved according to the previous regulations shall have the right to defend their doctoral dissertation and obtain the scientific doctoral degree according to the regulations in force before entry into force of this Act.
- (3) The higher education institution may restrict the duration of the right to complete the study, pursuant to Section 2 of this Article, to a certain number of years, but not to a smaller number of years than necessary to the student for the completion of the study according to the programme by which he or she has started the study extended for two years.
- (4) Upon the introduction of study according to this Act, students under Section 1 of this Article who have not completed the study according to the previous programme of

study may continue the study according to this Act and the curriculum based on it pursuant to the regulations of the higher education institution.

- (5) The National Council may exceptionally, three years from the date of entry into force of this Act, issue the licence for a new study to the higher education institution which does not fulfill the condition under Article 51 Section 3 Item 2, with the requirement that the higher education institution fulfills this condition within the term not longer than five years.

Previously Held Titles

Article 117

Persons elected to scientific, scientific-educational, artistic-educational, educational and associate positions who hold these titles on the date of entry into force of this Act, shall retain these titles, and their scientific titles shall be entered into the Register of Scientists, in accordance with Article 23 of this Act. If this Act or regulations on previously held titles or employment positions which have been in force before its entry into force require re-election or election to a higher title, the re-election or election procedure for the same title shall be conducted within the term provided by the regulation according to which it has been carried out. If the term is not provided by this regulation, election or re-election shall be carried out within the term provided by this Act from the date of its entry into force. In all cases re-election or election shall be appropriately conducted according to the provisions of this Act.

Initiated Elections to Titles and Corresponding Employment Positions

Article 118

- (1) Elections to scientific-educational, artistic-educational, scientific and educational titles and the election to corresponding employment positions initiated according to the provisions of the regulations which have been in force before entry into force of this Act shall be concluded according to these provisions at the latest within the term of one year from the date of entry into force of this Act.
- (2) Competition for election to scientific-educational, artistic-educational, scientific and educational titles and corresponding employment positions may be announced according to the provisions of the Higher Education Act and the Scientific Research Act at the latest three months from the date of entry into force of this Act and shall obligatorily be concluded by the term under Section 1 of this Article.
- (3) Procedures under Sections 1 and 2 of this Article which are not concluded within the term under Sections 1 and 2 of this Article shall be invalidated.
- (4) To the persons elected according to the provisions under Sections 1 and 2 of this Article, the provisions under Article 117 of this Act shall be applied.

Regulations on Associates

Article 119

- (1) Upon entry into force of this Act, with persons elected to the associate titles of junior assistant, assistant or senior assistant and elected to the corresponding employment position, as well as with persons who have held the employment position of junior researcher without the associate title or with the research title of junior assistant, assistant or senior assistant according to the provisions of the Higher Education Act or the Scientific Research Act, a new employment contract shall be concluded for the employment position of assistant or senior assistant according to this Act with the term corresponding to the previous contract.
- (2) The contract under Section 1 may be extended, beginning from the date of the conclusion of the first employment contract, at the latest until the expiry of eight years in the corresponding employment position with the title of assistant. The employment contract for the position of senior assistant may be for the term provided under Section 3 of this Article.
- (3) Overall duration of the concluded employment contract, beginning from the date of conclusion of the first employment contract according to the Higher Education Act or the Scientific Research Act, may not be longer than eleven years.
- (4) Upon the expiry of the employment contract under Sections 1-3 of this Article, a person may not be elected to the associate title according to this Act.

Previously Obtained Academic Titles and Degrees

Article 120

- (1) Persons who have obtained certain academic titles and degrees shall retain the right to their use in accordance with the regulations under which they have obtained them.
- (2) Persons under Section 1 of this Article may require from the higher education institution at which they have obtained the academic title to issue them, in the procedure and under the conditions provided by the regulations of the higher education institution, a document (certificate or diploma) certifying that the previously obtained academic title corresponds to some of the academic titles under Articles 71-74 of this Act, and upon the receipt of such a document may use the academic title according to this Act. If the higher education institution at which the academic title has been obtained or its legal successor does not exist, the National Council for Higher Education shall determine which higher education institution shall decide on the claim.
- (3) The higher education institution may, in cases when the previously obtained academic title does not correspond to the title awarded according to this Act due to the difference in the programme, length of study or other important reasons, reject the claim under Section 2 of this Article or require additional examinations and/or the completion of a work which corresponds to the final or diploma work at the faculty. Upon passing the examinations or completing the final or diploma work, the certificate shall be issued by which the academic title of the person is certified.
- (4) The doctoral degree obtained according to the regulations in force before entry into force of this Act shall be equivalent to the doctoral degrees obtained according to this Act, and the persons who have obtained them shall have the same rights as the persons who have obtained doctoral degrees in accordance with this Act.
- (5) Persons who have obtained the master's degree according to the regulations in force before entry into force of this Act may, in accordance with the regulations of the university, obtain the doctoral degree by defending the doctoral dissertation according to the regulations in force on the date of entry into force of this Act, at the latest within the term of eight years from the date of entry into force of this Act.

- (6) Persons who have registered for postgraduate scientific study (master's) according to the regulations in force before entry into force of this Act, at their own request and upon passing all the necessary examinations and possible differences from the examinations which may be determined by the relevant higher education institution, shall be allowed to complete the postgraduate study by producing the doctoral dissertation.

Adoption of Subordinate and Other Regulations

Article 121

- (1) The Minister shall, in cases provided by this Act, adopt subordinate regulations and introduce necessary registers at the latest three months from the date of entry into force of this Act, unless the regulations are adopted at the proposal of a body. In this case, he or she shall adopt the subordinate regulations at the latest two months after the proposal of the competent body.
- (2) Other bodies authorized to adopt subordinate regulations or other regulations provided by this Act, shall do so at the latest three months from the date of their establishment.

Application of Regulations on Financing

Article 122

- (1) Financing of science and higher education, in accordance with the provisions of this Act, shall begin on 1 January 2004. Until then, financing shall be performed according to the regulations which have been in force before entry into force of this Act.
- (2) Scientific projects for which the contract on financing has been concluded, shall continue to be financed according to the contract in force until its expiry, unless by a new contract, with the consent of both parties, a more favourable method of financing may be concluded.

Termination of Legal Force of Previous Regulations

Article 123

- (1) By the date of entry into force of this Act, the legal force of the Scientific Research Act (The Official Gazette "Narodne Novine" No. 59/96) and the Higher Education Act ("Narodne novine" Nos. 59/96, 14/00 and 26/00, 67/00, 02/99, 94/00 and 129/00) as well as regulations based on them shall terminate, except for those provisions of these Acts which shall be according to the provisions of this Act applied within the fixed term after entry into force of this Act.
- (2) Subordinate regulations adopted on the basis of the Scientific Research Act and the Higher Education Act shall also be applied after the termination of legal force of these Acts until the adoption of appropriate regulations in accordance with this Act, unless they are in collision with the provisions of this Act.

Entry into Force of the Act

Article 124

This Act shall enter into force 15 days from the date of its publication in the Official Gazette "Narodne novine".

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Zagreb, 17 July 2003

THE CROATIAN PARLIAMNET
President
of the Croatian Parliament
Zlatko Tomčić

The Science and Higher Education Act – The Official Gazette "Narodne novine" No. 123 of 31 July 2003.

Translated by Mr.Sc. Marija Dunja Vićan and Prof. Dr. Sc. Branko Smerdel

Zagreb, 29 September 2003