

Reports and Documents

THE DANISH UNIVERSITY BETWEEN THE MILLSTONES

THE MANAGEMENT OF INSTITUTIONS OF HIGHER EDUCATION ACT¹

ACT NO. 362 OF 13 JUNE, 1973

Part I: General Provisions

1. This Act shall apply to universities, university centres, and institutions of higher education under the Ministry of Education.

2. (1) Universities, university centres, and institutions of higher education shall do research and give further education up to the most advanced scientific level in such subjects as directed by the Minister of Education for each individual institution. The institutions mentioned shall contribute to the diffusion of the knowledge of the working methods and results of science and scholarship.

(2) The institutions shall alone decide the research to be carried out (see section 31).

(3) The Minister of Education shall lay down the rules for: (a) admission to studies; (b) courses of study; (c) acquisition of licentiate degrees and doctoral degrees; (d) appointment of teachers and research fellows; and (e) expulsion of students.

(4) The institutions shall prepare for and hold the examinations and tests which are referred to them. The examinations and tests are held with the assistance of external examiners appointed by the Minister of Education or any person he shall appoint for this purpose.

(5) The lectures and oral examinations of the institutions are public, within, however, restrictions to be fixed by each individual institution.

3. (1) Each institution shall be managed by a rector (vice-chancellor) assisted by the governing body and the councils, departmental councils, and boards of studies which shall be in charge of the educational and research activities of the institutions.

(2) The actual rules governing the management of each individual institution shall be laid down in a statute to be approved by the Minister of Education. The statute shall be published by order of the Minister of Education.

Part II: Rector (Vice-Chancellor), Pro-Rector (Deputy Vice-Chancellor) and the Administration

4. The rector shall represent the institution publicly. He shall be responsible for the daily management of the administration of the institution

¹ See Pedersen, Mogens N., "The Danish University between the Millstones", in this issue of *Minerva*, pp. 335-376.

and for the immediate management of the matters which have not been referred to any collegiate bodies by this Act.

5. (1) The rector shall ensure that matters on which a collegiate body shall decide or have an opportunity to express its opinion are presented to the body in question. He shall distribute the matters to the collegiate bodies, and shall, if necessary, prepare directions for the settlement of those matters. He shall ensure that the decisions of the collegiate bodies are legal and that they are carried out. He may, by authority from the bodies, settle general, current matters which do not give rise to any doubts.

(2) The rector shall settle matters which admit of no delay and cannot wait for consideration by the collegiate bodies. Such decisions shall be presented without delay to the governing body and the collegiate body concerned.

(3) The rector may direct the collegiate bodies to discuss and express their opinions on subjects of importance to the institution.

(4) The rector may direct one or more teachers or any other employees to discuss and submit a recommendation on subjects of importance to the institution.

6. (1) The pro-rector is the rector's deputy, and shall moreover assist in attending to the duties of the rector.

(2) When the pro-rector acts as the rector in his absence, he shall take over all duties which are imposed on the rector by this Act and the statute.

7. The rector shall have an administration at his disposal headed by an administratively trained manager.

8. The actual rules governing the activities and powers of the rector, pro-rector, and the administration shall be laid down in the statutes.

Part III: The Powers of the Collegiate Bodies

9. (1) The governing body is the highest collegiate body of the institution. It shall decide all matters concerning the institution as a whole or the relation between two or more principal fields.

(2) The governing body shall draw up proposals for the statutes and standard rules of procedure for the collegiate bodies.

(3) Departments shall be established and abolished by the governing body. Interdisciplinary departments of science may be established which shall be placed directly under the governing body or a committee appointed by the governing body.

(4) The governing body shall decide matters concerning the expulsion of students.

(5) The governing body shall decide the awarding of honorary doctorates.

(6) The governing body may set up a budget and executive committee which shall partly draw up the budget of the institution and which may partly, moreover, by authority of the governing body, act for the latter. In case the governing body consists of 12 members or more, a budget and executive committee must be set up.

(7) Moreover, the governing body may from among its own number set up committees and vest its powers in them.

10. (1) Institutions which have their own research libraries shall set up a library committee with the head of the research library in the chair.

(2) The Minister of Education shall for each individual institution fix the conditions for users inside as well as outside the institution.

(3) The committee shall draw up the budget of the library, decide the purchasing policy of the library and the distribution of books among the central library and the individual department libraries.

11. (1) Research and training at the institutions may take place in several principal fields.

(2) The research and training within each principal field shall be directed by a council which shall decide all matters concerning the principal field as a whole and the matters concerning the relation between two or more subject groups within the principal field (see section 12), or between departmental councils and boards of studies.

(3) The councils shall decide appointment or recommendation of an appointment, dismissal, or leave in respect of full-time teachers and research fellows and external lecturers. The councils shall award licentiate degrees and doctoral degrees and *jus docendi*—the right to teach in a university. The councils shall submit recommendations to the governing body on the awarding of honorary doctorates.

(4) The councils shall decide the distribution of the allocated resources among the individual subjects, departments and boards of studies.

(5) Each council may set up a budget and executive committee which shall partly draw up the budget of the principal field and which may partly, moreover, by authority from the council act on behalf of the latter. In cases where the council consists of 12 members or more, a budget and executive committee must be set up.

(6) Each council shall set up special expert committees to judge any applicants for academic posts, any scientific or scholarly work submitted with a view to acquiring a licentiate degree or a doctorate, and any application for *jus docendi*. The committees shall submit a recommendation to the council concerned.

(7) Moreover, each council may from among its own number set up committees and vest its powers in the latter.

12. It may be laid down in the statutes that one principal field be divided into two or more subject-groups. A subject-group shall be directed by a council which shall take over some of the functions laid down in subsections (2) to (7) of section 11. The actual rules to this effect shall be laid down in the statutes.

13. (1) The research activities of the individual subjects shall normally be carried out in departments. The research fellows and the teachers who are attached to the department shall also be in charge of instruction in the subject, and the premises and the equipment of the departments shall be at the disposal of those charged with instruction in so far as it is necessary.

(2) The department council shall decide the distribution of the duties resting with the department (see section 31). The departmental council may not determine the selection of research problems of the individual research worker.

14. (1) A central board of studies shall be set up for each principal field. Boards of studies may be set up for subject-groups, subjects, lines or parts of subjects. The actual rules shall be laid down in the statute.

(2) The central board of studies shall decide the distribution of powers between itself and the other boards of studies and also among the latter boards of studies.

(3) The central board of studies shall on the recommendation of the boards of studies consider all questions regarding the general rules for examination, marking, teaching, and curriculum. The central board of studies shall further consider any proposals for amendment of the examination regulations. Proposals shall be submitted to the Minister of Education through the board concerned and the governing body, accompanied by proposals or comments, if any, from these bodies.

(4) Within the scope of the existing regulations concerning examinations, marking, etc., and the grants given, the expert boards of studies shall draw up and bring up-to-date a curriculum stating the aim, extent and duration, form and contents of instruction, and a description of the examination syllabus. The boards of studies shall organise instruction and the holding of examinations.

(5) The boards of studies shall ensure that studies can be carried through as provided for in the examination regulations and in the curriculum and within the time fixed, that the co-ordination of the individual parts of the course takes place, that the extent of the individual subjects or disciplines is not altered unreasonably, and that the instruction given is relevant to the aims of the course and the fixed examination syllabus.

(6) The board of studies may grant exemptions from the curricula and the examination systems pursuant to the existing provisions. The decision may be brought before the central board of studies by the applicant.

(7) The board of studies concerned shall further decide, according to rules laid down by the Minister of Education (see part (d) of subsection (3) of section 2) regarding the employment of part-time employees, instructors paid by the hour, and similar teachers. The decisions of the board of studies may be submitted to the central board of studies by the applicants, by any expert who has pronounced on the qualifications of the applicants, or by a member of the board of studies. The board of studies must have an opportunity to pronounce on the establishment and abolition of teaching posts and on the educational qualifications of the applicants for these posts

(8) Any other matter concerning instruction within the scope of a board of studies must be submitted to the board for comment before the matter is settled.

Part IV: Election of the Rector and the Pro-Rector: Structure of Collegiate Bodies.

15. (1) The rector and the pro-rector shall be elected from among the professors or full-time lecturers of the institution by the members of the councils referred to in sections 11 and 12 and by members of the governing body who are not on these councils.

(2) The candidate who has obtained more than one half of the duly cast votes is elected. If no candidate obtains one half of the duly cast votes, there shall be taken a second vote between the two candidates who obtained the highest number of votes. If more candidates have obtained the same number of votes, they shall all be considered in the second vote. The candidate obtaining the highest number of votes at the second vote is elected. If several candidates have obtained the same number of votes at the second vote, lots should be drawn among these candidates.

(3) The rector is elected for three years and the pro-rector for two years at a time.

16. (1) The governing body and the councils referred to in sections 11 and 12 shall consist of between eight and 32 members.

(2) The *ex officio* members of the governing body are the rector, the pro-rector, and the chairmen of the councils referred to in subsection (2) of section 11. The manager of the administration and the head of the research library at institutions which have their own research libraries shall participate in the meetings of the governing body without the right of voting.

(3) The number of members of the governing body and the councils shall be laid down in the statutes. The Minister of Education shall in special cases be authorised to approve an increase of the number of members beyond 32.

17. (1) The representatives of the full-time research fellows and teachers in the governing body and councils shall be elected for three years at a time and from among those who are employed within the field concerned.

(2) Representatives of the part-time research fellows and teachers in the governing body and the councils shall be elected for one year at a time and from among those who are employed within the field concerned. At least one representative shall be elected for each body. In case no candidates have been nominated for the part-time employees, the mandates of the latter may be taken over by the full-time employees for one year at a time.

(3) Representatives of the technical and administrative members of the staff in the governing body and councils shall be elected for three years at a time and from among those who are employed within the field concerned. The representation of this staff shall constitute one half of the total of teachers' representatives. If the number of this staff is below one half of the total number of teachers, the share shall be reduced to one fourth. The size of the representation in the individual councils shall be laid down in the statutes.

(4) The students' representatives in the governing body and councils shall be elected for one year at a time by and from among the students who have matriculated in the field concerned. The students' representation shall constitute one half of the total number of teachers' representatives.

18. (1) The departmental council shall consist of all full-time teachers and research fellows and representatives of the technical and administrative staff and of the students taking part in the instruction for which the department is responsible. It may be laid down in the statute that the external lecturers and other groups of teachers may be represented in the departmental council.

(2) The number of representatives of the technical and administrative staff and students shall be laid down for each individual department by the governing body or according to its decision by the councils referred to in sections 11 and 12, and the number cannot exceed more than half of the total number of members of the departmental council.

(3) The representatives of the technical and administrative staff and the students shall be elected for up to one year at a time. The actual rules shall be laid down in the statutes.

19. (1) Each board of studies shall consist of an equal number of teachers and students, not exceeding 12. They shall be elected for one year at a time and from among the teachers who give instruction and the students who study within the field of the board of studies concerned.

(2) Members of the central board of studies shall be appointed by the boards of studies of the principal field. The membership of the central board of studies shall be laid down by the governing body. The central board of studies may set up executive committees the membership of which shall be laid down by the governing body. The actual rules shall be laid down in the statutes.

20. (1) Rules governing the exercise of the right of voting shall be laid down by the Minister of Education. The methods of election shall be laid down with a view to securing a reasonable representation of the various subjects and opinions.

(2) The representatives of the individual electoral groups in the governing body and the councils referred to in sections 11 and 12 shall decide, for each election taking place within their field, the method of election to be applied and a division, if any, of the eligible persons into representative fields. In the distribution of mandates among the representative fields, allowance may be made for the number of eligible persons within the field as well as for the concern that professional and other opinions be represented.

(3) Within each electoral group a number of eligible persons corresponding to one fourth of the number of eligible persons for each seat may claim that the seats be distributed according to the rules for election by proportional representation. Provided that a division into representative fields has been made, each field shall have at least two seats. Electoral pacts between groups or candidates or both shall be allowed.

(4) The application for election by proportional representation must be submitted in writing not later than 30 days before the election is to be held by five eligible persons to the rector and shall be accompanied by personal signatures from the number of persons referred to in subsection (3) of this section.

21. (1) The term of office of collegiate bodies shall be laid down in the statutes.

(2) When collegiate bodies are established during the terms of election, the election of members shall apply for the remainder of the term. If the bodies are abolished, the mandate shall be lost.

Part V: The Functions of the Collegiate Bodies

22. (1) The rector is chairman of the governing body. The chairman of the other collegiate bodies shall be elected by the body concerned for the term laid down in the statutes. In the councils referred to in sections 11 and 12, the chairman shall be elected from among the full-time research fellows and teachers.

(2) The departmental council shall according to rules laid down in the statutes elect from among its full-time staff a head of the department representing the department publicly and being responsible for the daily management of the department. Further, the departmental council may, also according to rules laid down in the statutes, elect a committee. The head of the department is an *ex officio* member and chairman of the committee. Provided the departmental council consists of 40 members or more, the departmental council shall elect a committee which takes over some of the functions of the latter. The actual rules shall be laid down in the statute.

(3) The collegiate bodies shall themselves lay down their rules of procedure within the scope of the regulations of this Act and the standard rules of procedure laid down by the governing body.

23. (1) It shall be laid down in the rules of procedure of the collegiate bodies when and where ordinary meetings shall be held.

(2) Extraordinary meetings shall be held when the chairman considers it necessary; they must be held, however, if one third of the members of the body or at least one of the groups represented demands it.

(3) Before the meeting the chairman shall, to the utmost extent, inform members about the matters to be discussed at the meetings and, wherever possible, see to it that the matters and the documents appropriate to the consideration are open for inspection by the members for a suitable period before the meeting.

(4) The chairman shall be responsible for the announcement of time and place for the holding of the meeting.

24. (1) The collegiate bodies shall perform their functions in meetings. In the event that all members agree, routine matters may, however, be settled in writing. The meetings shall be public unless, on account of the nature of the matter or the circumstances as such, it is considered necessary or desirable that discussion take place *in camera*.

(2) Matters concerning the personal and financial conditions of individuals, including matters concerning appointments, promotions and dismissals, and matters concerning plans or negotiations regarding purchase and sale of real estate, estimates of orders for or offers from suppliers or contractors shall be discussed *in camera*. In such matters the members shall be bound by professional secrecy.

(3) The rector or a person appointed by him shall have a right to attend the discussion of a matter *in camera*.

25. (1) The collegiate bodies shall form a quorum when at least one half of the number of members laid down in the statute is present.

(2) Decisions shall be made by simple majority among those attending unless otherwise laid down by the Minister of Education.

(3) The election by the collegiate bodies of two or more members for committees, commissions, and the like shall be made as election by proportional representation.

26. The decisions of the collegiate bodies shall be recorded in minutes of decisions which shall be submitted for approval at the next meeting. Each member may demand a brief reference in the minutes to his dissenting opinion and, concerning matters to be submitted to another authority, request that the contents of the minutes be presented to the latter. The member concerned may on submitting the matter add a reason for his dissent.

27. (1) A collegiate body may decide whether a member has such an interest in a matter as to exclude him from taking part in negotiations and voting regarding the matter.

(2) A member must inform the collegiate body if there are any conditions which give rise to any doubt about his capacity.

28. If a member of a collegiate body loses his eligibility during the term of election or is declared incompetent, or if a member by absence for at least two months because of illness, study tours or the like, is unable to take part in the work of the collegiate body, the collegiate body shall appoint a substitute for him. A collegiate body shall alone decide whether the conditions of appointment of a substitute exist.

Part VI: Special Rules

29. At institutions exclusively concerned with teaching and doing research within one principal field, the establishment of the council referred to in section 11 may be omitted, and the governing body shall then be in charge of the duties.

30. An institution shall be entitled to receive grants from quarters other than the Treasury and to set up funds and scholarships for such means. These funds and scholarships shall be kept apart from the Treasury and only the managements which have been appointed by the institution itself in accordance with the rules laid down for each individual fund or scholarship may deal with them.

31. The Minister of Education shall lay down further rules for the departments, etc., which are obliged to carry out certain duties according to legislation.

32. The Minister of Education shall lay down further rules for the management of the museums and collections belonging to the institutions referred to in this Act.

33. The Minister of Education may give the students' council grants from the Treasury for the safeguarding of the interests of the students.

34. The institutions shall place premises and office assistance at the disposal of the groups represented in the bodies in charge, according to rules laid down by the Minister of Education.

Part VII: Supervision and Complaint

35. (1) The Minister of Education shall be the highest administrative authority for the institutions referred to in this Act.

(2) The Minister of Education may, however, rescind the decisions referred to in Part III only if they are found to be contrary to legislation and general legal principles. The expulsion of a student may, however, always be brought before the Minister of Education by the student in question.

36. (1) Complaints from a candidate regarding an examination or its marking may be brought before a committee of complaints by the candidate in question.

(2) The members of the committee of complaints shall consist of the chairman of the external examiners or the vice-chairman of the external examiners and four members, including two external examiners, appointed by the board of studies of the subject.

(3) A decision by the complaints committee may concern: (1) an alteration of the mark awarded; (2) a re-examination by an oral or written examination; (3) a revaluation of the written examination papers by other external examiners; and (4) a rejection of the complaint.

(4) The decisions of the committee of complaints cannot be brought before any other administrative authority.

(5) The actual rules relating to the treatment of complaints referred to in subsection (1) of this section, including a time-limit for the lodging of the complaints, shall be laid down by the Minister of Education.

37. If a collegiate body does not function or functions contrarily to this Act, the Minister of Education may, on the recommendation of the governing body, fix a temporary arrangement for the government of the field in question, implying a deviation from sections 10 to 14.

Part VIII: Temporary Provisions and Commencement Provisions

38. The Minister of Education may lay down rules for the university centres in Odense and Alborg implying deviations from the provisions of this Act to the extent which is required during the establishment of the centres.

39. This Act shall take effect upon the publication of the notice in the *Law Gazette*.

40. (1) This Act shall take effect for the individual institution from the time the statutes of the institution (see subsection (2) of section 3) have become operative, however no later than 1 September, 1974. The Minister of Education may grant an exemption from this provision in special cases.

(2) In the collegiate bodies set up on the coming into effect of this Act (see section 39) the mandates of the members shall be prolonged until the statutes have taken effect. The joint committees shall appoint representatives for the technical and administrative staff to the governing body and councils for the term mentioned. These members shall have full voting rights in all statutory matters. The share of representation shall be laid down in accordance with the rules of this Act. At the institutions where the

share of representation of the students does not correspond to the rules of this Act, supplementation of the representation shall be made for the term mentioned according to the electoral rules in force at the institution in question.

(3) The other administrative directions applying to individual institutions shall remain in force until they are revoked by the Minister of Education after the coming into effect of the statutes.

(4) The Minister of Education shall be authorised, after negotiations with the schools of economics and business administration in Copenhagen and Aarhus, to decide when and to which extent these institutions shall fall under this Act.

41. The following provisions shall be revoked (see, however, subsection (1) of section 40):

(a) The Management of Universities Act No. 271 of 4 June, 1970, (*Lov om universiteternes styrelse*).

(b) The College of Education Act No. 50 of 25 February, 1963, sections two and four (*Lov om Danmarks Lærerhøjskole*).

(c) The Royal Veterinary and Agricultural College Act No. 177 of 7 June, 1958 (*Lov om den kgl. Veterinæroeg Landbohøjskole*).

Made at Christiansborg Castle this thirteenth day of June, 1973.

Under our Royal Hand and Seal

MARGRETHE R

/Knud Heinesen