

# Act relating to Universities and University Colleges

Cf. Acts of 26 April 1985 No. 21 (Act relating to educational loans and grants), 11 July 1986 No. 53 (Private Higher Education Institutions Act). - Cf. *earlier* Acts of 28 July 1824 containing a Deed of Foundation of the Royal Norwegian Frederik University of Christiania, 9 July 1948 No. 2 relating to the University of Bergen (Universitas Bergensis), 9 December 1955 No. 3 relating to the University of Oslo (Universitas Osloensis), 29 June 1962 No. 1 relating to the Agricultural University of Norway, 15 May 1963 No. 1 relating to the Norwegian School of Economics and Business Administration, 19 June 1970 No. 58 relating to examinations and degrees at universities and colleges, 2 April 1976 No. 16 relating to the Norwegian School of Veterinary Science, 3 June 1983 No. 48 relating to the University of Trondheim, 10 May 1985 No. 26 relating to protection of academic titles, 16 June 1989 No. 77 relating to universities and colleges (Universities and Colleges Act).

## Chapter 1. Scope and purpose

### Section 1. *Institutions to which the Act applies*

Institutions to which the Act applies

1. The present Act applies to state institutions of higher education:

- a) universities
- b) specialized university institutions
- c) state university colleges
- d) university colleges of the arts

2. The overall framework of educational institutions in Norway shall be decided by the King. The category to which any institution belongs shall be decided by the King on the basis of an independent academic assessment. The name of the institution shall be decided by the King.

3. The King may decide that parts of the Act shall apply to other state institutions that provide education at an academic level equivalent to that of universities and university colleges.

### Section 2. *Activities of the institutions*

1. The institutions under the present Act shall provide higher education on the basis of the foremost scientific research, artistic development work and empirical knowledge. The institutions involved in higher education and research shall cooperate and complement each others' academic activities (Network Norway). Educational provisions shall be planned and viewed in relation to other national and international educational provisions.

2. The institutions shall engage in research and academic development work and/or artistic development work.

3. The institutions may not be instructed regarding the academic content of their teaching or the content of research or artistic or scientific development work.

4. The institutions are responsible for disseminating knowledge of their activities and for promoting the understanding and application of scientific methods and results in public administration, cultural life and business and industry.

5. The institutions shall cooperate with civic and working life.

6. The institutions have organizational and academic responsibility to provide continuing and further education in their fields.

7. The universities and specialized university institutions have particular national responsibility for fundamental research and research training, and for building up, running and maintaining research libraries and museums with scientific collections and public exhibitions. Other institutions may be assigned similar responsibilities in their respective special fields. The university colleges of the arts shall have national responsibility for the full breadth of research and development in their fields.

8. The institutions shall have satisfactory internal systems for quality assurance. Student evaluation of courses shall form part of the systems for quality assurance. The Ministry may issue regulations.

### **Section 2a.** *Experimental activities*

On the recommendation of the board, the Ministry may decide that deviations may be made from the provisions of the Act and from regulations laid down pursuant to the Act in connection with time-limited educational or organizational experiments.

## **Chapter 2. Management of institutions**

### **Section 3.** *(Repealed)*

### **Section 4.** *The board of the institution*

1. The board is the highest governing body of an institution. It is responsible for maintaining a high standard of academic activity and for ensuring that the institution is run efficiently and in accordance with the statutes, regulations and rules that apply and the guidelines and objectives laid down by the authorities.

2. The board shall draw up the strategy for the institution's educational, research and other academic activities and lay plans for its academic development in accordance with the objectives established by the authorities for the sector and the institution.

3. The board is responsible for ensuring that the financial resources and property of the institution are utilized in accordance with the relevant provisions issued by the Ministry, and with the conditions attached to allocations of funds or other binding decisions.

4. The board shall itself decide the internal organization of activities at all levels. Such organization must ensure that the views of the students and staff are heard.

5. Pursuant to specific guidelines issued by the Ministry, the board shall each year present an annual financial statement and report on the results of its activities, and propose a budget for the coming year.

### **Section 5.** *Delegation*

1. All decisions taken at the institution by persons or bodies other than the board shall be taken with authority delegated by the board and on its behalf and responsibility.

2. The board may delegate its decision-making powers to other persons or bodies at the institution in so far as it does not follow from the present Act that the decision must be taken by the board itself or that other special restrictions apply to the right to delegate authority.

3. In respect of sections 32 and 50, the Ministry may, if the board so proposes, permit the board to delegate authority to other persons or bodies at the institution.

4. The board rules on appeals against decisions taken by bodies to which authority has been delegated pursuant to section 5 (2), in so far as this authority has not been delegated to the board's appeals committee, cf. section 24 (1). The faculty correspondingly rules on appeals against decisions taken by departments.

### **Section 6.** *Composition of the board*

1. The board consists of the Rector, the Prorector, two members elected from among the academic staff, one member elected from among the technical and administrative staff, two members elected from among the students and four external members. The Rector is the chairman of the board.

2. Members of the board are excused ordinary duties during their terms of office to the extent called for by their duties in office. The board determines the nature and extent of the exemption.

3. External and student members of the board are entitled to reasonable remuneration for functioning as such, pursuant to rules laid down by the board.

4. The Ministry may in special cases establish a different governing system from that laid down in (1).

**Section 7.** *(Repealed)*

**Section 8.** *(Repealed)*

**Section 9.** *The Rector and Prorector*

1. The Rector is the chairman of the board. On behalf of the board, the Rector has overall responsibility for and manages and supervises the institution's activities. The Rector, and in the absence of the Rector the Prorector, is entitled to attend meetings of all the institution's boards, councils and committees.
2. The Rector is the institution's lawful representative, and is its spokesman in relation to the authorities and the public.
3. The Rector decides matters which may not be postponed until the board is able to convene. The Rector may also be authorized to deal with current business which ought to be settled before the next regular board meeting and which is not considered important enough for an extraordinary meeting to be called. In the case of matters relating to personnel, the Rector may only order temporary suspension from service pending the board's consideration of such matters.
4. In the event of the Rector's lawful absence or resignation during the last year of his or her term of office, the Prorector shall take over. If the Rector resigns before that time, a new Rector shall be elected.
5. Subject to the decision of the board, the Rector may be wholly or partly excused teaching and research during his or her term of office. On its expiry, the Rector is entitled to two terms research or updating in his or her field.

**Section 10.** *Election of the Rector and Prorector*

1. The Rector and Prorector are elected for four years at a time.
  2. Holders of at least 50 per cent, permanent academic posts at the institution are eligible as Rector and Prorector. Persons employed on fixed-term contracts in at least 50 per cent academic posts or in posts as heads of faculties or departments are eligible if their contractual terms of employment have a duration at least coinciding with the period of office. No one may be re-elected Rector or Prorector who will have served in the position for a continuous period of eight years at the beginning of the new electoral period.
  3. When counted, votes shall be weighted according to a distribution key decided by the board within the following limits:
    - a. academic staff 51–71 per cent
    - b. technical and administrative staff 5–25 per cent
    - c. students 15–30 per cent
- If the election takes place in a special electoral body (*særskilt valgforsamling*), this shall have a corresponding composition.
4. The board shall itself issue specific rules concerning the elections.
  5. If the board so proposes, the Ministry may provide that the Rector shall be appointed for a fixed term of four years at a time. No one may be appointed as Rector for a continuous period of more than eight years.

**Section 11.** *Election and appointment of board members*

1. Board members who hold posts at the institution and their deputies are elected for four years. Elections are held separately for the two groups of permanently and temporarily appointed academic staff and technical or administrative staff.
2. Student members of the board and their deputies are elected for one year.
3. External board members and their deputies are proposed by the board of the institution. In the case of the Sami University College (*Sámi allaskuvla*), proposals are made by the board of the

university college and by the Sami Parliament. In the case of the university colleges of the arts, proposals are made by the board of the university college and by the Norwegian Council for Cultural Affairs. The Ministry independently appoints external members and their deputies for four years.

4. Pursuant to section 32, senior administrative staff are not eligible for election to the institution's board. The board shall itself issue rules concerning which administrative posts this provision shall apply to.

5. No one may be re-elected to the board who will have served on it for a continuous period of eight years at the beginning of the new electoral period.

6. The requirements laid down in section 21 of the Gender Equality Act concerning representation of both sexes shall be fulfilled within each electoral body (*valgkrets*).

7. The board shall itself issue specific rules concerning the elections.

### **Chapter 3. Body for accreditation and evaluation**

#### **Section 12. Purpose and definition**

1. The body shall be an independent state body which by means of accreditation and evaluation shall control the quality of Norwegian institutions that provide higher education, as well as recognize qualifications awarded by institutions not subject to the present Act. Accreditation and evaluation activities shall be designed in such a way that the institutions can draw benefit from them in their quality assurance and development work.

2. Accreditation is understood in the present Act to mean academic assessment of whether a higher education institution and the courses it provides fulfil a given set of standards. The accreditation shall be based on evaluation conducted by external experts appointed by the body. Accreditation is a precondition for the provision by an institution of courses established pursuant to sections 45 and 46.

3. The Ministry may issue regulations concerning procedures and establishment of standards on which the accreditation shall be based.

#### **Section 13. The responsibilities and authority of the body**

1. The responsibilities of the body are:

a. Evaluation of the institutions' systems for quality assurance.

b. Accreditation of institutions.

c. Accreditation of course provisions.

d. Revision of previously granted accreditation.

e. Evaluations of significance to assessment of the quality of higher education. The Ministry may instruct the body to conduct such evaluations.

f. General recognition of courses provided by institutions not subject to this Act.

2. If the body finds that an institution no longer fulfils the requirements for accreditation, it shall be allowed a time limit to correct matters. If the requirements for accreditation are still not fulfilled, the body shall withdraw the accreditation.

3. The Ministry may not instruct the body beyond what is authorized by statute or laid down in regulations issued by the Ministry, and may not set aside accreditations granted by the body.

4. Decisions made by the body pursuant to section 48 concerning recognition of courses provided by institutions not subject to this Act may be appealed to an appeals body appointed by the Ministry. The Ministry issues regulations concerning right of appeal regarding other decisions. The decisions of the body with regard to private institutions may in regulations be exempted from the provisions concerning appeals laid down in chapter VI of the Public Administration Act.

5. All evaluations conducted by the body are public, and the body shall ensure that they are made known.

#### **Section 14.** *The board of the body*

1. The body shall be governed by a board that shall have overall responsibility for the activities of the body and the decisions made by the body.
2. The board shall be appointed by the King and shall consist of seven members and three deputies, of which one member and one deputy shall be students. The Ministry appoints the chairman of the board.
3. The board's term of office shall be four years. Student members are appointed for two years.
4. Members of the board may not hold leading positions or office at institutions under the present Act.
5. The board shall appoint the director of the body for a fixed term of years. The fixed term shall be six years.

### **Chapter 4. Administration. Financial and property management**

#### **Section 15.** *The Director of the institution*

1. Each institution shall have a Director.
2. Subject to the limits laid down by the board, the Director is the overall head of the institution's administration.
3. The Director serves as secretary to the board and shall, in consultation with the Rector, prepare and make recommendations concerning matters that come before the board. The Director is also, in person or through a subordinate, the secretary of the institution's other governing bodies.
4. The Director is responsible for implementing the resolutions adopted by the institution's governing bodies, and for the utilization of resources and property in accordance with the resolutions adopted by the board.
5. The Director is responsible for ensuring that the overall management of funds and assets accords with the Ministry's general provision concerning financial management and the conditions on which allocations are made. The Director prepares budget proposals and annual financial statements and submits them to the board, and keeps the Rector and the board informed at all times of how the accounts stand in relation to the budget and of other matters with a significant bearing on the activities of the institution.
6. If the board, Rector or Director is uncertain as to whether a decision by the board is in accordance with the rules or the conditions for allocations, etc., the issue in doubt shall be resolved by the Ministry.
7. The Director has general powers to authorize payments and is authorized to issue binding documents concerning the institution's property, cf. section 16, unless otherwise provided in legislation or in the document of title concerned.

#### **Section 16.** *Property management*

1. The board of an institution managing its own property may itself dispose of real property with the consent of the Ministry or according to general rules issued by the Ministry.
2. The Ministry may issue rules concerning the renting and letting of real property.

#### **Section 17.** *Cooperation and participation in other activities*

1. Subject to general guidelines laid down by the Ministry, an institution may establish or participate in self-owning operations or in companies provided such participation is relevant to the institution's academic activities and beneficial to society. The institution must not limit its independence in academic matters and may not delegate its day-to-day teaching and research.
2. The Ministry shall receive annual reports on the institution's participation in such cooperation and on its importance to the other activities of the institution. The Ministry may order the institution to withdraw from such cooperation if this is considered necessary out of regard for the

primary responsibilities of the institution.

**Section 18.** *Management responsibility for joint national tasks*

The Ministry may in consultation with an institution allocate the management of joint national tasks to that institution without making the governing bodies of the institution responsible for the academic or professional activity in question.

**Chapter 5. General provisions concerning governing bodies**

**Section 19.** *Appointment of committees and boards*

1. Senior administrative employees not eligible to sit on the board pursuant to section 11 (4) may not be members of a committee or board that is authorized to take decisions on questions other than those relating to appointments.
2. Unless the delegating body unanimously decides otherwise, the students must have at least 20 per cent and never less than two of the representatives on all collegiate bodies which are given decision-making powers.

**Section 20.** *Obligation to accept and act in positions of trust*

1. A member of staff who is elected to a position of trust pursuant to the present Act is obliged to accept the position. A person who has served in a position of trust is entitled to be excused re-election to that position for as long as he or she has served in it. A deputy member who has attended meetings as a member for at least half an electoral period may demand to be excused election as a member for the next period.
2. The holder of a position of trust shall retire when he or she ceases to be eligible.
3. A member of a governing body, board or committee is obliged to attend meetings except in the event of valid grounds for absence.
4. A member of a governing body, board or committee is obliged to participate in the proceedings and to vote. Blank ballots are not permitted except at elections.
5. The board shall itself lay down specific rules concerning eligibility to the various positions, what shall be regarded as valid grounds for absence, etc.

**Section 21.** *Meetings of governing bodies, boards and committees*

1. Governing bodies, boards and committees make their decisions in meetings.
2. The Chairman of each governing body, board or committee ensures that meetings are held when necessary. Reasonable notice must be given of meetings.
3. The board of the institution shall convene at the request of one member or of the Director. Other governing bodies, boards or committees shall be convened at the request of the Rector or at least one-fifth of the members.
4. Governing bodies, boards and committees have a quorum when over half the members are present and vote.
5. Meetings of governing bodies, boards or committees are open. The governing body, board or committee in question may decide that a meeting shall be held in camera or that particular matters shall be dealt with in camera. The decision mentioned in the second sentence is taken in camera.
6. The board of the institution or the body, board or committee concerned lays down specific rules for its procedure.

**Section 22.** *Voting*

1. Unless otherwise provided in the present Act or in the regulations relating to the body concerned, resolutions are adopted by simple majority of the votes cast. In tied votes other than in elections, the Chairman has the casting vote. Tied votes in elections are decided by lot.

2. Votes on other matters than elections and appointments are by show of hands. Votes at elections and in connection with appointments shall be by written ballot if one of the members present so requests.

### **Section 23. Minutes**

The board and other governing bodies, boards and committees with decision-making powers shall keep minutes of their meetings. The appointing body may decide that minutes shall also be kept by other committees.

## **Chapter 6. The board's appeals committee**

### **Section 24. Duties of the appeals committee**

1. The board may itself appoint an appeals committee to rule on appeals and other matters on its behalf pursuant to section 42 (3) and section 54. Matters to be dealt with by the appeals committee are defined in general instructions issued by the board itself.
2. An appointment to be decided on by the board at the request of a member of another appointing body may not be referred to the appeals committee. Nor may the appeals committee rule on appeals against decisions as mentioned in section 34.

### **Section 25. Composition of the appeals committee**

1. The appeals committee shall have five members with personal deputies. Two members shall be students. The Chairman and the Chairman's deputy shall satisfy the statutory qualification requirements for judges of the Court of Appeal (*lagdommere*). The Chairman and the Chairman's deputy shall not be members of the institution's staff.
2. A member of the institution's board may not be a member of the appeals committee. A member who participated in the treatment or decision appealed against may not take part in the appeals committee's consideration of that appeal.

### **Section 26. Decisions by the appeals committee**

1. The appeals committee has a quorum when the Chairman and three other members are present.
2. Decisions by the appeals committee are final.
3. The board may issue supplementary rules concerning appeals procedures pursuant to this chapter.

## **Chapter 7. Student bodies**

### **Section 27. The purpose of student bodies**

1. The students at an institution may establish a student body to safeguard the interests of students and present their views to the board and council of the institution. Students at individual faculties or departments may similarly establish student bodies there.
2. Elections to bodies as mentioned in (1) shall be by ballot among the students unless unanimously decided otherwise by a general meeting. A decision to adopt a voting system other than ballot shall only apply to the immediately subsequent election.
3. Institutions shall provide conditions in which student bodies are able to perform their functions in a satisfactory manner. The extent of such arrangements shall be specified in an agreement between the institution and the highest student body.
4. Student bodies shall be heard on all questions concerning students at the level in question.

### **Section 28. The constituent meeting. Bylaws**

1. The constituent meeting of a student body is called at the request of the Rector or of a

reasonable number of students. The constituent meeting of a student body in a faculty or department is also called at the request of the Chairman of the student body for the whole institution or of the head of the faculty or department concerned.

2. The Rector or a person appointed by the Rector calls the meeting and chairs it until a chairman has been elected.

3. Notices of constituent meetings shall be announced at the institution with at least three weeks' notice.

4. The constituent meeting adopts the bylaws of the student body concerned by simple majority. The meeting may adopt rules requiring a qualified majority for amendments to the bylaws, but never requiring more than two-thirds of the votes cast. The provisions in Chapter 5 do not apply to student bodies.

5. The Chairman shall send a copy of the minutes to the Rector and as the case may be to the head of the faculty or department concerned.

## **Chapter 8. Appointments**

### **Section 29.** *Relation to legislation concerning civil servants*

With regard to appointments, etc. at institutions under the present Act, the general provisions in Act No. 3 of 4 March 1983 relating to Civil Servants (the Civil Service Act), with such special provisions as follow from the present Act, apply to posts which fall within the scope of the Civil Service Act.

### **Section 30.** *Advertisement of and appointments to academic posts*

1. Appointments to academic posts are made by the board or, when so decided by the board, by a subordinate body or by one or more appointments committees. The board shall itself decide the composition of such appointments committees. Unless the board unanimously decides otherwise, the students shall be represented in the appointing body.

2. An appointment to an academic post may be made for a fixed term of years when the appointee is to take part in a project.

3. The appointing body shall itself advertise academic posts. A member of an appointments committee other than the board may however always request that the post be advertised by the board itself. If one sex is clearly under-represented in the category of post in the subject area in question, applications from members of that sex shall be specifically invited. The board may decide that a post shall be advertised as only open to members of the underrepresented sex.

4. Appointments to academic posts are made on the basis of recommendation. Recommendation is made on the basis of expert assessments in relation to the description of the post given in the advertisement and the post specification. The appointing body may decide that in addition an interview, a trial lecture or other tests shall be conducted. The appointing body may in special cases decide that the requirement regarding expert assessment may be departed from in the case of academic posts that are not doctoral or professorial posts. When an expert assessment is conducted, both sexes shall be represented among the experts. When the appointment is made, importance shall be attached to gender equality considerations. In respect of posts for which teaching qualifications are required, the extent to which applicants are so qualified shall be given separate consideration. The board issues specific rules concerning assessment, but cf. (6).

5. The board shall itself decide which body is to issue the recommendation and issues specific rules concerning recommendations, etc.

6. The Ministry may issue specific provisions concerning procedures and criteria for appointment or promotion to academic posts.

### **Section 30a.** *Appointment of head of faculty and department*

1. Heads of faculties and departments may be appointed for a fixed term of years. The fixed term

shall be four years. No one may be appointed to a post pursuant to this section for a fixed term exceeding a total of twelve years.

2. The board shall itself advertise vacant posts and appoint heads of faculties and departments. Appointment is made on the basis of recommendation by a selection committee appointed by the board. Unless the board unanimously decides otherwise, the students shall be represented on the selection committee.

3. When special grounds so indicate, the board may make the appointment itself without prior advertisement of the vacancy.

**Section 30b.** *Appointment of the Rector*

If the Ministry has provided that the Rector shall be appointed for a fixed term of years pursuant to section 10 (5), the board itself shall advertise the post and appoint the Rector. Appointment shall be made on the basis of recommendation by a selection committee appointed by the board. Unless the board unanimously decides otherwise, the students shall be represented on the selection committee.

**Section 31.** *General rules for appointments to technical and administrative posts*

Appointments to technical and administrative posts are made by appointments committees appointed pursuant to the provisions of the Civil Service Act unless the board itself makes such appointments, cf. section 32 (1). The board itself decides whether the institution shall have one or more such appointments committees.

**Section 32.** *Appointments to senior administrative posts*

1. The board itself advertises the following senior administrative posts and makes the appointments: the Director of the institution, the Deputy Director at institutions which have such posts and such other senior administrators as the Board decides. Appointment to the post of Director may be for a fixed term of years.

2. The Director of the institution is appointed on the basis of recommendations from a selection committee appointed by the board. Unless the board unanimously decides otherwise, the students shall be represented on the selection committee. Appointments to other posts pursuant to this section are made on the basis of recommendations by the Director.

**Section 33.** *Rules of appointment procedure*

1. When the board makes appointments, section 5 (3) of the Civil Service Act does not apply. When another body makes appointments, matters raised pursuant to section 5 (3) of the Civil Service Act are put before the board for decision. The request that this be done must be made at the meeting at which the appointment is dealt with.

2. In the cases mentioned in section 4 (5) of the Civil Service Act, decision-making power is vested in the Ministry when the board makes appointments and in the board itself when other bodies make appointments.

**Section 34.** *Summary discharge, notice, suspension and disciplinary measures*

1. The appointing body itself decides cases pursuant to section 17 (3) of the Civil Service Act concerning summary discharge, notice, suspension or disciplinary measures.

2. Section 18 (2) of the Civil Service Act does not apply to the treatment of cases by the board. When decisions are to be taken by other bodies than the board, cases pursuant to section 18 (2) of the Civil Service Act may be brought before the board itself for decision. The request that this be done must be made at the meeting at which the decision was to be taken.

**Section 35.** *Appeals against decisions concerning summary discharge, notice, suspension or*

### *disciplinary measures*

Appeals against decisions concerning summary discharge, notice, suspension or disciplinary measures are ruled on by the Ministry when such decisions have been taken by the board, and otherwise by the board itself.

### **Section 36.** *Supplementary rules relating to combined posts*

The Ministry may issue supplementary procedural rules for dealing with appointments to academic posts which are combined with posts outside the institution.

## **Chapter 9. Student admission. The right to sit examinations. Exclusion from attending courses**

### **Section 37.** *Educational qualifications for entrance to higher education*

1. The general basis for admission as a student (the general entrance requirement) is successful completion of the Norwegian upper secondary school and fulfilment of the requirements regarding subject combinations and hours of study laid down by the Ministry. The Ministry may stipulate that other suitable education or combinations of education and work experience shall constitute a general basis for admission. The institution shall consider whether applicants hold qualifications corresponding to the stipulated entrance requirements.
2. The institutions may grant applicants who are 25 years of age or older in the admission year admission to specific courses if they on the basis of their prior learning (formal and non-formal) are adequate for the course concerned. The Ministry may issue further provisions concerning documentation, procedures and any coordination.
3. The Ministry may in regulations provide that the institutions may in special cases make exceptions from the provision concerning general entrance requirements for applicants under 25 years of age.
4. On the recommendation of the board, the Ministry may exempt particular courses or study programmes from the general entrance requirement.
5. On the recommendation of the board, the Ministry may in certain cases impose special entrance requirements when this is required by the progress of the course of study.
6. The board may lay down special minimum academic requirements for admission to higher degree courses.
7. Those admitted to one institution under the present Act are entitled to admission to open courses of study at the others, provided the entrance requirement is the general entrance requirement and the applicant was not admitted pursuant to (2), (3) or (4).

### **Section 38.** *Student admission*

1. There shall be a separate admission to higher degree courses.
2. The Ministry may issue provisions concerning national coordination of admissions including consideration of appeals.
3. If an institution finds that an applicant has submitted a false diploma or other false documents, other institutions under the present Act may be informed. The Ministry issues specific provisions concerning information routines, etc.

### **Section 39.** *Restricted admission (numerus clausus)*

1. When necessary for capacity or resource reasons, the board itself may restrict admission to particular courses or parts of courses within the guidelines and objectives issued by the authorities.
2. The Ministry may impose restriction of admissions when found necessary following a total assessment of educational provision in Norway.
3. The Ministry issues regulations concerning the ranking of applicants.

#### **Section 40.** *The right to sit examinations*

1. Anyone who satisfies the entrance requirements (cf. section 37) and other requirements for taking the examination in a given study programme or course of study is entitled to take the examination. This also applies to students who have not been admitted to the study programme or course of study.
2. Permission to register for an examination pursuant to this section may be refused if the candidate has not attended required courses or completed required practice.
3. The board issues specific rules concerning permission to sit examinations without having been admitted as a student, and may stipulate a separate final date for registration for such examinations.
4. The board may decide that examination candidates who have not been admitted as students on the course concerned shall pay a fee to cover the extra expenses incurred by the institution in holding examinations for this group of candidates. Students with study contracts shall not pay such fees. The Ministry may issue regulations.

#### **Section 41.** *Obligation of students to observe secrecy*

A student who in connection with his or her studies becomes acquainted with anyone's personal circumstances is obliged to observe secrecy according to the rules that apply to professional practitioners in the vocation concerned. The institution shall draw up a declaration of secrecy which must be signed by the students to whom this applies.

#### **Section 42.** *Exclusion*

1. A student who despite written warning by the board repeatedly behaves in a manner which seriously disturbs the work of fellow students or other activities at the institution may be excluded by the board itself from specific parts of the institution for up to one year. If a student after receiving a written warning from the board continues not to respect such exclusion, the board itself may exclude him or her from attending courses for up to one year.
2. A student who has behaved in such a seriously censurable manner as to endanger the life or health of patients, clients, children attending a day care institution, pupils or others with whom the student comes into contact in connection with clinical or practical training or who in relation to such persons commits serious breaches of the obligation to observe secrecy or behaves with gross indecency, may, if the board itself so decides, be excluded from attending courses for up to three years. The institution shall inform the Norwegian Directorate for Health and Social Welfare of any exclusion pursuant to this provision of students attending courses that may result in a right of authorization pursuant to section 48, first paragraph, of the Health Personnel Act.
3. A student who has behaved as described in section 54 (1) or (2), may, if the board itself or the board's appeals committee so decides, cf. section 24 (1), be excluded from the institution and deprived of the right to sit examinations at institutions under this Act for up to one year. The Ministry issues specific provisions concerning information routines, etc.
4. A decision to exclude a student requires a majority of at least two-thirds. The student may appeal against such a decision pursuant to the provisions laid down in the Public Administration Act. The Ministry or a special appeals body appointed by the Ministry is the appeals body.
5. The student is entitled to seek the assistance of a lawyer or other spokesman from the date the question of exclusion is raised or from the date of any written warning pursuant to (1). The cost of such assistance shall be met by the institution.

#### **Section 42a.** *Exclusion from clinical or practical training owing to criminal offences*

1. In the case of studies during which students come into contact with patients, clients, children attending day care institutions, pupils or other persons as part of their clinical or practical training, students may on admission to the course be required to submit certificates of good

conduct issued by the police.

2. The certificate of good conduct shall show whether the holder has been charged or indicted with or convicted of sexual violations, serious crimes of violence, or criminal offences relating to the possession and use or sale of narcotic substances or drugs.

If special provisions have been laid down concerning certificates of good conduct in respect of certain types of occupation, they shall apply correspondingly to students taking part in practical or clinical training.

3. A person convicted on grounds which imply that she or he must be regarded as unfit for work with patients, clients, children attending day care institutions, pupils or others may be excluded from practical or clinical training if participation in it must be regarded as unwarrantable because of the contact the student would have with such persons in that connection.

4. A person charged or indicted with a criminal offence as mentioned in (2), cf. (8), may be excluded from practical or clinical training until a final judgment has been pronounced or the case has been dropped if this is necessary having regard to the safety or the treatment environment of patients, clients, children attending day care institutions, pupils or others with whom the student will come into contact in that connection..

5. Having obtained the opinion of the institution's board, a national committee appointed by the Ministry shall decide whether or not to exclude the student from participation in clinical or practical training. Section 42 of the Public Administration Act applies correspondingly. The committee shall have five members. The chairperson must have the qualifications required of a judge of the Court of Appeal (*lagdommer*) and two of the members shall be nominated by the student organizations.

6. The Ministry is the appeals body for decisions made by the committee.

7. Section 42 (5) applies correspondingly.

8. The King issues regulations concerning which courses of study are to be covered by (1), concerning which criminal offences may result in exclusion, and concerning administrative procedure.

#### **Section 42b.** *Exclusion following aptitude assessment*

1. The King may provide that, in respect of certain courses, the institution shall assess whether individual students are suitable for the profession concerned. Aptitude assessments shall be carried out continuously throughout courses.

2. The diploma certifying completion of the course shall only be awarded to students assessed as being suitable for the profession.

3. On the recommendation of a special aptitude committee, the board may itself decide that a student is unsuitable for the profession. Students found unsuitable for the profession may be excluded from the course.

4. The decision to exclude a student on grounds of unsuitability requires a majority of at least two-thirds. The decision may be appealed by the student pursuant to the provisions laid down in the Public Administration Act. The appeals body is the Ministry.

5. The student is entitled to representation by a lawyer or other spokesman from the date the case is brought before the aptitude committee. The cost of such assistance shall be met by the institution.

6. The provisions laid down in section 43 apply correspondingly.

7. The Ministry issues regulations concerning aptitude assessment in respect of individual courses.

#### **Section 43.** *Review of exclusion decisions by a court of law*

1. Students may have an exclusion decision reviewed by the district court of the jurisdiction in which the institution's head office is located. Such proceedings must be instituted within three

months following the final decision.

2. No arbitration proceedings are conducted. The institution meets all the costs of the case including the plaintiff's lawyer's fees.

3. The court shall review every aspect of the decision.

## **Chapter 10. Learning environment. Degrees. Examinations**

### **Section 44. *The learning environment***

1. The board has overall responsibility for the students' learning environment. In cooperation with student welfare organizations, the board shall seek to provide suitable conditions for a good studying environment and to enhance student welfare at the educational institution.

2. The board is responsible for ensuring that the learning environment at the institution, including the physical and mental working environment, is fully satisfactory on the basis of an overall assessment of considerations regarding the health, safety and welfare of the students. The design of the physical working environment shall as far as possible and reasonable, ensure:

a. that premises, access roads, staircases, etc. are dimensioned and equipped for the activities that take place there.

b. that the premises have satisfactory lighting and acoustics and sound indoor climate and air quality.

c. that the premises are properly maintained and are clean and tidy.

d. that the premises are equipped so as to avoid detrimental physical strain for the students.

e. that activities are planned so as to prevent injuries and accidents.

f. that technical installations and equipment are provided with protective devices and are maintained so as to protect students from danger to life and health.

g. that premises, access roads, sanitary facilities and technical installations are designed in such a way as to enable persons with disabilities to study at the institution.

h. that the learning environment is well adapted for students of both sexes.

i. that the learning environment is designed according to the principles of universal design.

The Ministry may issue regulations.

3. At the institution there shall be a learning environment committee to assist in ensuring implementation of the provisions laid down in (1) and (2). The committee shall take part in the planning of measures relating to the learning environment, and closely follow developments in matters concerning the safety and welfare of the students. The board may also assign other duties to the committee. The learning environment committee shall be kept informed of complaints concerning the learning environment that the institution receives from students. The learning environment committee may submit opinions concerning such matters. The learning environment committee shall be informed of instructions and other individual decisions issued by the Norwegian Labour Inspection Authority.

The learning environment committee reports directly to the board and shall submit a report each year concerning the institution's work on the learning environment. The students and the institution shall each have an equal number of representatives on the committee. The committee shall elect a chairman each year alternately from among the institution's and the students' representatives.

4. The institution's work on the learning environment shall be documented and be included as part of the institution's internal systems for quality assurance pursuant to section 2 (8).

5. The institution shall, to the extent possible and reasonable, adapt study provisions for students with special needs. This adaptation must not result in a reduction of the academic requirements of the individual courses.

6. The Norwegian Labour Inspection Authority supervises compliance with the requirements laid down in (2). The provisions of chapter XIII of the Working Environment Act concerning supervision and coercive measures, etc. shall apply correspondingly in so far as they are

applicable. The Ministry may issue regulations.

**Section 44a. Teaching**

1. The academic year is normally 10 months. Teaching terms shall be decided by the board. A full academic year shall be equivalent to 60 credits.
2. Lectures are public. If the nature of the lectures so indicates, the board may nevertheless decide that certain lectures shall only be open to the institution's students or certain groups of students.
3. The board may decide to permit persons other than students attending a study programme to participate in courses and exercises if there is vacant capacity.

**Section 44b. Study contract**

During the first study term, the institution and students admitted to courses of 60 credits or more shall enter into a study contract. The study contract shall contain provisions concerning the institution's responsibility and obligations to the student and the student's obligations to the institution and fellow students. The Ministry may issue regulations concerning the content of the study contract.

**Section 45. Degrees and professional training courses. Titles**

1. The King decides which degree programmes and professional training courses an institution may offer, the length of time in which it should be possible to complete the course of study, and which title each degree or professional training qualification confers the right to. The Ministry may issue regulations concerning requirements regarding higher degrees and concerning the extent of independent work in higher degrees.
2. An institution which has the right to award a doctorate may in the same subject areas award honorary doctorates (doctor honoris causa) for important scientific or artistic contributions or outstanding work for the benefit of science or art.
3. The King may, by regulation or individual decision, prohibit the use of titles which give a false impression of being of the same nature as titles that are protected pursuant to (1) or (2), or which are misleadingly likely to be confused with them.
4. The deliberate or negligent award or use of a title, alone or as part of another title, by someone not so entitled pursuant to (1) or (2), or in contravention of a provision laid down in pursuance of subsection 3, is punishable by fines.

**Section 46. Study programmes, disciplines and modules. Curriculum regulations. Programme description**

1. Universities shall themselves decide which study programmes, disciplines and modules the institution shall offer, and which may form part of the basis of a degree programme or professional training course established pursuant to section 45 (1).
2. Specialized university institutions, state university colleges and university colleges of the arts shall themselves decide which study programmes, disciplines and modules the institution shall provide and which shall form part of the basis of lower degree studies or professional training courses established pursuant to section 45 (1). In those fields where they have the right to award doctorates, they shall themselves decide which study programmes, disciplines and modules shall be provided by the institution and shall form part of the basis of other lower degree studies or professional training courses established pursuant to section 45 (1). In the case of fields in which the institutions do not have the right to award doctorates, such provisions shall be decided by the Ministry.
3. The Ministry may provide that specific disciplines of up to 20 credits shall form part of a degree programme.

4. The Ministry may establish national curriculum regulations for certain courses.
5. The board approves the programme description for each study programme, including provisions concerning required courses, practice and the like and concerning forms of assessment.
6. Authority provided in section 46 (1)–(2) may be withdrawn by the Ministry if the institutions do not have satisfactory internal systems for quality assurance, cf. section 2 (8).

**Section 47.** *Credit for degrees, professional training, study programmes or disciplines from institutions under the present Act*

A student who has taken a degree programme, professional training course, study programme, discipline or module at an institution within the scope of the present Act shall be granted the same number of credits for it by other such institutions. The institution concerned shall ensure that double credit is not awarded for the same academic content.

**Section 48.** *Recognition of degrees or other qualifications awarded by foreign or Norwegian institutions that do not fall within the scope of the present Act*

1. A person who holds a degree or other qualification from a foreign or Norwegian institution that does not fall within the scope of the present Act may apply to the body for accreditation and evaluation to have the qualification generally recognized as equivalent to a degree, part of a degree or other qualification awarded by the institutions pursuant to sections 45 and 46. The Ministry may issue regulations concerning recognition and the right of appeal, cf. section 13 (4).
2. Individual institutions under the present Act have the authority to decide applications for recognition as academically equivalent to a degree, part of a degree or course provided by the institution. Pursuant to this provision, recognition gives the right to use the title established for the degree or professional training course to which equivalence is granted.
3. Students attending institutions under the present Act shall be granted the same number of credits as already awarded for degree programmes and other course provisions recognized pursuant to section 9 of the Private Higher Education Institutions Act.
4. In special cases, recognition may be granted wholly or partly on the basis of competence documented in other ways than by examinations. Applicants may be required to take tests to check the documented competence or to take supplementary tests.

**Section 49.** *Exemption from examinations or tests*

Exemption from an examination or test shall be granted when it has been shown that a corresponding examination or test has been taken at the same or another institution. Such exemption may also be granted on the basis of another suitable examination or test. Documentation of prior learning (formal and non-formal) may also provide a basis for exemption. The board decides whether the faculty concerned or a special body at the institution shall decide on exemptions. The Ministry may order the institutions to coordinate their practice.

**Section 50.** *Examinations and marking*

1. The board shall ensure that students' knowledge and skills are tested and assessed in a manner that is impartial and academically sound. Assessment shall also safeguard the academic standards of the course of study in question. An external evaluation shall be made of the assessment or assessment arrangements.
2. The board appoints examiners for examinations, tests, assessments of assignments or other assessments the results of which are entered on the diploma or included in the mark given for the course of study in question. When assessing candidates' independent work in higher degree courses, each candidate shall be assessed by at least two examiners, of whom at least one shall be external.

3. The oral parts of examinations and tests shall be public unless regard for the examination or test arrangements indicates otherwise. The board may make exceptions to the rule concerning public examinations in particular cases at the request of the examination candidate concerned when particularly weighty reasons so indicate.

4. Marks shall be made known within three weeks unless for special reasons more time is required. The board may itself make exceptions in respect of specific examinations and may in temporary regulations pursuant to (7) set a longer time limit when it is not possible to provide the number of qualified examiners required to complete the marking within three weeks. The board may itself in a regulation pursuant to (7) set a longer time limit for dissertations and similar large written works.

5. Re-marking pursuant to section 51 (2) and section 52 (4) shall be carried out by at least two new examiners, of whom at least one shall be external. Marks may be changed in the appellant's favour and disfavour. If the final mark is set on the basis of both a written and an oral test and an appeal against a mark for the written part of the examination is upheld, a new oral test shall be held to determine the final mark.

6. The mark awarded following an examination, test, assessment of an assignment or other assessment shall either be pass/fail or be based on a graded scale of six marks from A to F, where A to E indicate a pass and F indicates a fail.

7. The board itself issues regulations governing the taking and arrangement of examinations and tests, including the conditions for retaking an examination or test and for permission to retake a practice period, and provisions concerning registration and the conditions for registration for examinations. In the case of courses for which national curriculum regulations have been established pursuant to section 46 (4) the regulations must be based on any general provisions concerning examinations and assessment contained in the curriculum regulations. The board may delegate the issue of supplementary provisions concerning special circumstances relating to particular examinations to a faculty or department.

8. When the academic requirements so indicate, the Ministry may lay down alternative forms of assessment for examinations in art.

### **Section 51.** *Complaints against procedural errors in connection with examinations*

1. A candidate who has taken an examination or test may complain of procedural errors within three weeks of the date when he or she became or should have become aware of the circumstance on which the complaint is based. Such complaints are ruled on by the board itself or by the board's appeals committee on behalf of the board.

2. If an error was committed which may have affected the student's performance or its assessment, the mark shall be rescinded. If the error can be corrected by re-marking the papers submitted, they shall be re-marked. Otherwise a new examination or test shall be held with new examiners. The mark awarded in a second assessment pursuant to the present section may be appealed against pursuant to the provisions laid down in section 52.

3. If a request for explanation of or an appeal against a mark has been submitted, the time limit for an appeal pursuant to this section is reckoned from the date when the student receives the explanation or when the appeal is finally ruled on.

4. If the board or the board's appeals committee finds that formal errors were committed and that this can reasonably be supposed to have affected the performance of one or more candidates or the assessment of that performance, the decision may be taken to carry out a new assessment or to hold a new examination or test.

### **Section 52.** *Explanations of and appeals against marks*

1. A student is entitled to an explanation of the marks awarded for his or her performance. At oral examinations or assessments of practical skills, a request for such an explanation must be

made immediately on notification of the mark. Requests for explanations of other assessments must be submitted within one week after the candidate learned of the mark, but never more than three weeks after the announcement of the mark.

2. Explanations shall normally be given within two weeks after the candidate requested them. They shall state the general principles on which the assessment was based and explain the assessment of the candidate's performance. Explanations may be given orally or in writing at the examiner's discretion.

3. If written guidelines for assessments have been issued, they shall be available to students after the marks have been decided.

4. A student may appeal in writing against a mark awarded for his or her performance within three weeks of the announcement of the examination results. The performance shall then be reassessed. If a request for an explanation of a mark or a complaint of procedural errors in the question-setting, the examination procedure or the assessment procedure has been made, the time limit for appeals pursuant to this section is reckoned from the date when the student receives the explanation or when the appeal is finally ruled on. In connection with the use of continuous assessment, the institution may decide whether the student shall submit an appeal following the assessment of a separate examination, assignment or other assessment or whether an appeal shall be submitted on announcement of the result of assessment of the study programme, discipline, or module.

5. Appeals may not be lodged against marks awarded for oral performance and assessment of practical training or the like which, owing to the nature of the test cannot be reviewed. The results of preliminary examinations (*forprøvet*) may only be appealed against when the examination is failed.

6. Marks awarded following re-marking pursuant to this section may not be appealed against.

### **Section 53. Diplomas**

1. The institution shall issue a diploma for a completed course. At the same time, a Diploma Supplement shall be issued.

2. A person who has not completed a course shall on request be provided with transcripts of the marks he or she obtained in examinations or tests passed.

3. In the case of candidates who sit examinations pursuant to section 40 (1), second sentence, it shall be indicated on the diploma or transcript of marks if the candidate's knowledge and skills have been assessed in a different way than those of students admitted to the course.

4. The institution shall grant authorization to health personnel, in connection with the issue of diplomas in so far as this is provided in regulations issued pursuant to the Act of 2 July 1999 No. 64 relating to health personnel.

### **Section 54. Annulment of examinations or tests**

1. The board itself or the board's appeals committee, cf. section 24 (1), may annul an examination or test or recognition of a course if the student

a) by using a false diploma or by other dishonest means, gained admission to the examination or test or to attend the course concerned, or

b) wilfully or through gross negligence cheated or attempted to cheat in the course of or prior to the final assessment of the examination or test concerned, or while taking the course in question.

2. The board itself or the board's appeals committee, cf. section 24 (1), may annul credit for or recognition of a course or exemption from an examination or test if the student obtained it by using a false diploma or by other dishonest means.

3. Annulment decisions pursuant to (1) or (2) may be appealed to the Ministry or to a special appeals body appointed by the Ministry.

4. The right to annulment has no time limit.

5. An annulment decision entails an obligation to return any diplomas or mark transcripts to the institution. If such diploma or mark transcript is not returned to the institution at the proper time, the institution may obtain the assistance of an enforcement officer (*namsmann*) to secure its return, pursuant to the provisions laid down in Chapter 13 of the Enforcement Act.
6. If the diploma can form the basis of authorization for the exercise of a profession or trade, the institution shall notify the authority concerned of the annulment.
7. Other institutions under the present Act may be informed of the annulment of an examination or test. The Ministry issues specific provisions concerning information routines, etc.

## **Chapter 10a. Teacher education**

### **Section 54a. Purpose**

1. Through teaching, research and scientific development, teacher education shall provide the professional and educational knowledge and practical training needed for the planning, implementation and assessment of teaching, learning and nurture. Teacher education shall take as its point of departure the various requirements of children attending schools and day care institutions, and shall accord with the objectives of the level of education aimed at in the teacher education.
2. The education shall promote the personal development and professional ethics of the students, develop their capacity for reflection, rouse their interest in academic and educational development relevant for work in schools and day care institutions, and provide an understanding of the relationship between the teaching profession and the function of the educational system in society.

### **Section 54b. The content of teacher education**

1. Teacher education, as set out in (2)–(6) shall be provided in accordance with curriculum regulations established by the Ministry.
2. Pre-school teacher education shall include:
  - a. Educational theory
  - b. Practical training
  - c. Educationally oriented studies of individual subjects, fields or areas of work. The study of at least one subject, field or area of work shall normally have a duration of at least half a year.
3. General teacher education shall include:
  - a. Educational theory
  - b. Practical training, including at least 18 weeks guided practice within the compulsory elements of the education.
  - c. A compulsory element consisting of individual disciplines, modules or areas of practical application including major compulsory subjects in the primary and lower secondary school. An optional element may consist of other individual disciplines, modules or areas of practical application relevant for teaching in the primary and lower secondary school.
  - d. Subject didactics
4. Special subject teacher education shall include:
  - a. Educational theory
  - b. Practical training
  - c. One or more individual disciplines or modules
  - d. Subject didactics
5. Vocational teacher education shall include:
  - a. Educational theory
  - b. Practical training
  - c. Vocational subjects and fields
  - d. Vocational didactics

6. Practical and didactic education shall include:
  - a. Educational theory
  - b. Practical training
  - c. Subject didactics or vocational didactics

**Section 54c.** *(Repealed)*

## **Chapter 11. Legal actions**

**Section 55.** *The parties*

1. The State, represented by the Ministry, is a party in legal actions concerning the business of the institution, unless the contrary follows from (2).
2. The State, represented by the institution, is a party when the matter in dispute originates in an individual decision taken by the institution pursuant to the Public Administration Act and the decision may not be appealed to the Ministry or to another body outside the institution.
3. The Ministry may decide that the State represented by the institution shall be a party also in other cases concerning the institution.

**Section 56.** *The institution's lawful representative*

1. The Rector is the institution's lawful representative in cases to which section 55 (2) or (3) applies.
2. In particular cases, the Rector may appoint a representative in his or her place. Such a representative may be a member of the board, the Director, or someone selected by the Director.

## **Chapter 12. Miscellaneous provisions**

**Section 57.** *Exclusive rights to the use of certain titles*

1. The title Professor may only be applied to positions at the highest scientific or artistic level at institutions which fall within the scope of this Act.
2. The King may issue regulations making the rule laid down in (1) applicable correspondingly to certain other academic titles.
3. The Ministry may give institutions engaged in higher education and research or artistic development permission to use titles which are protected pursuant to (1) and (2). Non-state institutions which have been approved pursuant to the provisions in Act no. 53 of 11 June 1986 (Private Higher Education Institutions Act) may use titles protected pursuant to (1). The assessment of qualifications shall be essentially the same as at institutions which fall within the scope of the present Act.

**Section 57a.** *Licence to practise as a state authorized translator*

The Ministry issues licences to practise as a state authorized translator. The Ministry may issue regulations concerning the conditions attached to such licences. The title State Authorized Translator may be used only by persons who have been granted a licence pursuant to this provision.

**Section 58.** *Use of a protected title after the termination of the appointment*

1. A person who has held a post with a title protected pursuant to section 57 (1) for at least ten years, or who after a shorter period of service retires from such a post on a pension, is entitled to continue to use the title.
2. A person who has been dismissed from his or her post or deprived of it by court judgment is not entitled to use a protected title.

**Section 59.** *Breach of the protection of a title*

The deliberate or negligent use of a protected title alone or as part of a title in violation of the provision in the present Chapter is punishable by fines.

**Section 60.** *Persons appointed senior officials*

The provision in Chapter 8 of the present Act do not change the terms of appointment of persons appointed senior officials prior to 1 January 1990.

**Section 61.** *Staff of scientific collections*

A person holding a post at a scientific collection must not without the consent of the board keep private collections of the same or a similar kind or trade in or exchange items belonging to such a collection on his or her own account.

**Section 62.** *Basic material for almanacs*

The University of Oslo shall prepare the basic astronomical information necessary for the publication of almanacs and calendars in Norway.

**Chapter 13. Concluding provisions**

**Section 63.** *Entry into force*

1. The present Act shall enter into force from 1 January 1996.
2. The Ministry may issue transitional provisions.

**Section 64.** *Repeal of Acts*

From the entry into force of the present Act, the following Acts are repealed: - - -

**Section 65.** *Amendments to other Acts*

With effect from the entry into force of the present Act, other Acts are amended as follows: - - -