

Law N°2008-19, February 25, 2008 on Higher Education¹

On Behalf of the People,
After the adoption of the Chamber of Deputies and the Chamber of
Advisors,
The President of the Republic enacts the law which reads as follow:

TITLE I

Basic objectives and general organization

Article 1

The objectives of higher education shall be to ensure the academic training, to develop skills, to contribute to building the knowledge society, to enrich knowledge, to develop technology and put it at the service of the national community.

Article 2

The fundamental mission of higher education and scientific research shall be:

- To develop and disseminate knowledge for building a knowledge-based economy. To enhance the employability of graduates within the framework of partnership with the economic, social and cultural environment,
- To carry on, develop and organize scientific research, along with improving its quality. To contribute to technological innovation and valorise research findings in the training and development fields,
- to provide attendance-based training, distance training, continuing training, alternative training, training on demand and lifelong learning,
- to ensure the mastery of new technologies and adapt them to national data in order to take advantage of scientific knowledge, technological skills, and progress of the universal thought in different areas,
- to contribute to spreading the values of citizenship, rooting the values of modernity and affirming the national identity at the level

¹ Preparatory works:

- Discussion and adoption by the Chamber of Deputies on its session of February 6, 2008
- Discussion and adoption by the Chamber of Advisors on its session of February 14, 2008

- of its cultural enrichment and its positive interaction with other humanistic civilisations,
- to contribute to the enrichment of the Arab-Muslim culture and interaction with humanistic cultures,
 - to consolidate the use of the Arabic language and the mastery of foreign languages to interact with the universal progress and develop intellectual exchanges.

Article 3

Higher education includes all post-secondary education training cycles. It is organized into three diploma-awarding cycles according the following system:

- The License is the three years training cycle after the Baccalaureate,
- The Master is the two years training cycle after the License,
- The Doctorate is the three years training and research cycle after the Master.

The engineering, architecture, medicine, pharmacy, dentistry and veterinary studies are organized in accordance with the specificities of these trainings and in accordance with international standards.

In all cases, the general framework of studies and the conditions of obtaining a degree are fixed by a decree, after consulting the scientific council of the institution or the higher institute, after deliberation of the Council of the University, where appropriate, and authorization of the Council of Universities as mentioned in Articles 20, 23 and 27 of this Law.

The stages of training can be exceptionally divided into years of studies or semesters, depending on the needs of training in some specialties.

Article 4

Higher education is organized within multidisciplinary universities and a network of higher institutes of technological studies.

Article 5

The quality of higher education in the fields of training, research, as well as educational, administrative and financial management constitutes a fundamental element of the higher education and research system.

Article 6

Access to higher education is open to all holders of the Bachelor Degree or a foreign recognized degree.

Article 7

Public higher education is free.

Higher education and research institutions are allowed to charge students tuition fees according to conditions set by decree.

Universities and higher education and research institutions shall be allowed to provide specific continuing training within the framework of ad hoc agreements in accordance with the provisions of Article 2 of this Law.

Universities and higher education and research institutions can provide paid services relating to the transfer of scientific and technological expertise, as part of partnership contracts with the economic actors, according to special conditions set by decree.

Article 8

The applied training during studies shall constitute an element of training. Its organization and evaluation shall be determined within studies' regimes.

Article 9

The student shall be the core of the higher education system. In this context, he/she shall have the right to:

- The regular acquisition of lessons,
- Supervision by teachers,
- Contribute to the determination of his/her curriculum in accordance with the regimes of studies,
- Information about all training courses, curricula, programmes and career prospects.

The student shall be obliged to respect the teachers, the administrations and staffs of universities and higher education and research institutions in accordance with regulations in vigour. He/she shall be bound to the inviolability of the academic institutions.

The university life is organized by decree.

TITLE II

On Universities

CHAPTER ONE

The organization of universities

Article 10

Universities are public institutions of an administrative nature. These institutions have their legal personality and financial autonomy. Their budgets are attached by order to the State budget.

The organization and functioning of universities are set by decree.

Universities can be public institutions of scientific and technological nature if they meet the conditions set by decree. Their passage to this status is made by decree.

Universities with a scientific and technological nature are governed by the commercial law, if it is not inconsistent with the provisions of this Law. The staffs of these universities are subject to the general status of employees of the State, local authorities and public institutions of an administrative nature. Public procurements of these universities are subject to the laws and regulations applicable to public institutions of non-administrative nature.

Property belonging to these universities can not be seized.

In case of disbandment of a university with a scientific and technological status, its properties are returned to the State which ensures the implementation of the university commitments.

Article 11

Universities are autonomous in carrying out their scientific and educational missions. They shall ensure the objectivity of knowledge.

Article 12

Universities shall:

- Meet the local needs in training, produce and disseminate knowledge and develop skills in various fields,

- Develop knowledge, master technology and promote it through research. Encourage individual and collective innovation and creativity in different fields of knowledge,
- Ensure the scientific, educational and administrative coordination between their related institutions,
- Participate in local development activities. Support national activity sectors. Prepare students for the creation of projects and economic enterprises,
- Encourage cultural, sports and social activities
- Establish partnership and cooperation ties with similar foreign bodies in order to provide co-diplomas, co-supervision of academic degrees, exchange of experts and expertise, and conduct joint research in accordance with development priorities.

Article 13

The training, research and technological development activities within universities and academic institutions shall be subject to training and research contracts. These contracts shall be concluded for a period of four (4) years between the State, represented by the Minister responsible for Higher Education, and the Minister concerned, if any, from one part, and universities and higher education institutions, from another part. In all cases, national priorities shall be taken into consideration in training and research contracts.

These contracts shall set out the obligations of universities and higher education institutions in addition to the means and credits allocated by the State, and the individual resources they have to mobilize in accordance with Article 7 of this Law.

Article 14

Each university shall be made up of institutions of higher education and research in form of faculties, schools or institutes of higher education.

The university shall also have other services and bodies jointly with the related institutions, created in accordance with the legislations in vigour.

The number of institutions under each university shall be determined by order of the Minister responsible for higher education and, where appropriate, by joint order of the Minister responsible for Higher Education and the Minister concerned.

The university shall exercise the scientific and educational supervision on all its related higher education and research institutions.

The president of the university shall exercise the administrative and financial supervision on higher education and research institutions under the ministry responsible for higher education.

The conditions and rules of supervision on higher education and research institutions shall be set by decree.

Article 15

Each university shall be headed by a President appointed by decree and chosen among competent academics for a period of four years, renewable once.

Article 16

The president of the university shall ensure the proper operation and maintenance of order within the university. He/She may, where appropriate, call the police force. He/She shall ensure, where appropriate, the proper functioning and the maintenance of order of the related institutions.

Article 17

The president of the university shall recruit administrative, technical and working staff within the limits allowed by the Finance Act. He/She shall appoint the recruited to the services of the university or the related institutions.

Article 18

The president of the university shall have the authority over all personnel within the university.

The president of the university shall exercise disciplinary authority over the administrative, technical and working staff and against students when they commit disciplinary offences, in accordance with conditions set by decree.

He/She shall exercise disciplinary authority over teachers and research staff by delegation of the Minister responsible for higher education. However, that delegation may not include second degree sanctions.

The president of the university shall represent the university before third parties and courts. He/She shall conclude agreements and contracts on behalf of the university, in accordance with the laws and regulations in vigour. He/She shall submit to the supervising authority a copy for

approval. He/She shall submit a notification copy of the agreements covered by Article 7 of this Law.

Article 19

The president of the university shall be assisted, if necessary, by one vice president and, where appropriate, two vice-presidents appointed by decree for a period of four years, in accordance with conditions set by decree.

The vice-president, or vice presidents, as appropriate shall assist the president of the university in the exercise of powers relating to training, scientific research, technological development and relations with economic enterprises.

The president of the university may, by decision, delegate some of his/her powers to his/her vice-president or vice-presidents, according to their field of competence. He/She may delegate some of his/her administrative and financial functions to the secretary general of the university, according to the same formulas and rules.

Article 20

Each university shall have a council, called the University Council, whose composition and working procedures are set by decree.

Article 21

The University Council shall ensure the following missions:

- Identification of the university programmes in scientific and educational fields, training and research areas, and inter-universities cooperation, within the framework of national priorities,
- Organization of university life and implementation of the appropriate methods for improving the scientific and educational performance of the institution under the university,
- All other tasks submitted by its chairman or the Minister responsible for higher education.

Article 22

The university shall ensure the continuous improvement of the quality of training, scientific research, educational, administrative and financial management, and quality assurance within its related institutions. It shall ensure the accreditation of its related institutions, in accordance with Article 54 of this Law.

A quality committee shall be created within each university. Its composition and working procedures are set by decree.

CHAPTER II

On The Council of Universities

Article 23

There is established a council, to be known as the Council of Universities chaired by the Minister responsible for higher education. It shall be made of university presidents and general directors of the central administration of the ministry of higher education. The chairman of the Council of Universities may invite any person whose presence would be useful.

The Council of Universities shall deliberate namely:

- Issues relating to coordination between universities,
- The regime of studies of different degrees,
- Habilitation of higher education and research institutions,
- The implementation of programmes for the promotion of scientific research to ensure the academic degree awarded-training while ensuring the monitoring of their performance and their contribution to technological innovation. This shall be within the framework of general guidelines of the policy of training, scientific research and national priorities,
- Any other issues referred by the Minister responsible for higher education.

TITLE III

CHAPTER I

On the organization of higher education and research institutions

Article 24

Higher education and research institutions are public administrative institutions.

These institutions shall have legal personality and financial autonomy. Their budgets are attached by order to the State budget.

Higher education and research institutions may be public institutions of scientific and technological nature if they meet the conditions set by decree. Their transition to this status shall be made by decree.

Supervision of higher education and research institutions shall be carried out in accordance with the laws and regulations in vigour.

Higher education and research institutions of scientific and technological nature shall be governed by the commercial law if it is not inconsistent with the provisions of this Law. The staffs of these institutions shall be subject to the general status applicable to employees of State, local authorities and public institutions of an administrative nature. Public procurements within public institutions with scientific and technological nature shall be subject to the laws and regulations applicable to public non-administrative institutions.

Property belonging to these institutions can not be seized.

In case of disbandment of the higher education and research institution of a scientific and technological nature, its assets shall be returned to the State, which shall ensure the implementation of the institution's commitments.

Defence and security institutions shall remain under the supervision of the ministries concerned.

The modalities of cooperation between universities and defence and security institutions are set by decree.

Article 25

The faculties shall be headed by deans. The schools and higher education institutions shall be headed by directors.

The deans shall be elected by permanent teachers. In the absence of election, they shall be designated. Elections of deans, election preventing cases, and designation shall be fixed by decree.

The directors shall be appointed according to conditions set by decree.

The dean or director shall be appointed by decree for a period of three years renewable once.

Article 26

The dean or director shall run the higher education and research institution, chair the scientific council of the institution and adopt its agenda. He/She shall coordinate the activities of education and scientific research structures related to the institution.

The dean or director shall represent, according to the case, the higher education and research institution before third parties and courts. He/She may conclude agreements and contracts, after authorization by the president of the university. He/She shall be the authorised person responsible for the budget of the institution.

Article 27

The dean or director shall be assisted by an advisory scientific council chaired by the dean or the director, as appropriate. The functions, composition and functioning of the said council are set by decree.

Article 28

Higher education and research institutions are made up of departments in accordance with the provisions of Article 31 of this Law. The composition of departments, their functions and operating systems are set by decree.

Article 29

Each higher education and research institution shall have a committee for quality whose composition and rules of operation shall be set by the president of the university after consulting the scientific council of the institution.

Article 30

Each higher education and research institution shall have a Disciplinary Board whose composition, functions and operating rules are set by decree.

CHAPTER II

On scientific research within higher education and research institutions

Article 31

Scientific research within higher education and research institutions shall be closely linked to higher education. They shall enrich each other to provide training through scientific research and for scientific research.

Scientific research shall be organized within research laboratories or research units established in accordance with the regulations into force and within the framework of national priorities. They shall be created at the request of the institution, upon the proposal of the president of the university and after consulting the University Council.

Article 32

Research structures referred to in Article 31 of this Law shall contribute to the carrying of research and development activities in order to support economic and developmental activities within national priorities, under contracts concluded for this purpose.

Article 33

Research structures shall ensure quality and excellence in research. The concerned evaluation bodies shall ensure the involvement of such structures in national guidelines.

Article 34

Groups of research laboratories and/or units within institutions related to one university or more may be created to achieve synergy between research groups in order to optimize the allocation of resources and the achievement of national priorities.

These groupings shall ensure the achievement of complementary research projects in specific areas to promote scientific and technological innovation, in accordance with conditions determined by decree.

TITLE IV

Financial provisions related to universities and administrative institutions of higher education and research

Article 35

Revenues of universities and their related higher education and research institutions shall consist of:

- Revenues from contracts of training, research, studies, expertise, and all other services,
- Revenues from the exploitation or assignment of properties in accordance with existing regulations,
- Subsidies granted by the State for management, training and research activities,
- Subsidies granted by the State for equipment,
- Revenues from the contribution of students to university life,
- Subsidies granted by other legal entities or any other body,
- Gifts and bequests,
- All other incomes from their activities.

The subsidy granted by the State for management, training and research shall be included in the budget of universities. The university shall distribute the grant to higher education and research institutions under its authority and its financial supervision, according to the needs and activities of each institution.

The subsidies granted by the State for equipment shall be included in the budget of the university in order to implement development projects and programmes for the university or its related institutions. The university shall proceed directly to their distribution.

Article 36

The president of the university shall proceed to the distribution, according to articles, of resources and expenditures included in the management budget of higher education and research institutions following a nomenclature approved by the Minister of Finance.

For the expenditures of equipment included in the budget of universities, commitment appropriations shall be distributed, according to paragraphs and sub-paragraphs, by order of the Minister of Finance. Payment appropriations shall be authorised by the supervising minister, under paragraph and sub-paragraph.

Article 37

Reallocations shall be allowed within the management budgets of institutions related to the ministry of higher education, by the decision of the president of the concerned university.

For equipment expenditures, commitment appropriations shall be made from paragraph to paragraph and from sub-paragraph to sub-paragraph by order of the Minister of Finance.

The supervising minister shall approve, by decree, the transfer of payment appropriations from paragraph to paragraph and from sub-paragraph to sub-paragraph.

Article 38

The budget of the higher education and research institution shall have an evaluative character. It may be modified in terms of revenues and expenditures by the president of the supervising university. However, the ordered expenditures shall be limited to the actual amount of the institution revenue.

The surpluses recorded by the end of the budgetary year at the budget of a higher education and research institution shall be transferred to the budget of the following year and shall be distributed by decision of the president of the concerned university.

Article 39

The expenditures of universities and their related institutions shall consist in management and development expenditures. These expenditures shall be necessarily subject to public expenditure control through the provisional commitment within the limits of half (1/2) of appropriations.

Article 40

A committee for deals shall be created within each university, whose composition and competencies are set by decree.

TITLE V

On evaluation, quality assurance and accreditation

Article 41

Evaluation, quality assurance and accreditation are fundamental mechanisms for achieving the objectives of higher education and scientific research.

Article 42

There is hereby established a public institution with legal personality and financial autonomy called "The National Evaluation, Quality Assurance and Accreditation Authority" (hereinafter referred to as the Authority). Its budget shall be attached by order to the budget of the Ministry of Higher Education.

The composition, functioning of the Authority and allocations for its members are set by decree.

The president and members of the Authority shall be appointed by decree.

Article 43

The Authority shall oversee the evaluation, the quality assurance and the accreditation in higher education.

The evaluation shall be carried out by committees of experts in accordance with the regulations set by the Authority. The allocations for their members are set by decree.

CHAPTER ONE

On evaluation

Article 44

The evaluation of universities, institutions, and training cycles and programmes shall consist in evaluating the academic and institutional performance on the basis of the adopted quality standards. It shall aim to identify the appropriate measures to upgrade the performance of the institution and promote it in terms of efficiency and competency.

Article 45

The evaluation shall be based on objective criteria, methods and procedures which ensure transparency and fairness. The Authority shall

publish evaluation reports to inform universities, higher education and research, teachers, students and administrative staffs.

Institutions

The evaluation work shall include particularly the review of all related documents and the hearing the president of the university, the dean or the director, the chairman for the quality commission referred to in Article 29 of this Law, the teaching staff within universities, students, managers and employing institutions.

Article 46

The evaluation shall include particularly:

- Training courses,
- Programmes,
- Scientific and educational performance of teachers, their scientific production and the valorisation of their research findings,
- The results achieved at the level of learning, employability and creative skills of graduates,
- Doctoral schools and training programmes through scientific research,
- Partnership with universities, national and foreign higher education institutions and socio-economic enterprises,
- Educational, administrative and financial management.

The evaluation shall also include training and research contracts referred to in Article 13 of this Law.

Article 47

The evaluation shall be internal, carried out by higher education and research institutions, or external carried out by teams of experts under the supervision of the Authority referred to in Article 42 of this Law.

Article 48

The concerned ad hoc structures created within the concerned university or institution shall carry out the internal evaluation. They shall prepare annual reports with analysis of the situation and functioning conditions of the institution. They shall develop action plans and propose the necessary measures to improve and upgrade the performance of the institution.

Universities and academic institutions shall submit annual reports of internal evaluation to the Minister responsible for higher education and, where appropriate, to the Minister concerned as well as to the Authority referred to in Article 42 of this Law.

The Authority referred to in Article 42 of this Law shall ensure the external evaluation in accordance with the priorities set by the Minister responsible for higher education and, where appropriate, the Minister concerned.

Study programmes in kindred trainings within various institutions or universities shall be evaluated by one team of experts.

Article 49

The Authority referred to in Article 42 of this Law shall submit to the Prime Minister an annual report on its evaluation activities.

CHAPTER II

On Quality Assurance

Article 50

The quality in higher education and scientific research is to comply with the standards set by the Authority referred to in Article 42 of this Law, particularly at the level of:

- The quality of transmitting knowledge and know-how,
- The professional skills of graduates,
- The effectiveness of scientific research and technological innovation,
- The adaptation of the training needs to the labour market.

Article 51

The quality is assured when the institution meets the necessary conditions which enable it to achieve and maintain quality in a sustainable manner.

Quality assurance shall rely on indicators based on data about the standards referred to in Article 50 of this Law. It can be evaluated objectively and identified by the Authority referred to in Article 42 of this Law.

CHAPTER III

On Accreditation

Article 52

Accreditation is when the Authority referred to in Article 42 of this Law certifies, at the request of the higher education and research institution,

that the institution has met the standards of quality assurance as adopted by the Authority, in accordance with Article 50 of this Law.

Accreditation is granted for a maximum period of four years, either for institutions, or for programmes or courses.

The accreditation may be repealed during that period by the Authority referred to in Article 42 of this Law in case of breaching the standards of quality in accordance with the regulations set by the Authority.

Article 53

The accreditation of the institution shall be granted when the Authority responsible for quality assurance certifies that the structures of a given institution and its human resources are able to provide academic and administrative services, in accordance with the standards of quality referred to in Article 50 of this Law.

The accreditation of the institution shall comprise its applied teaching and research methods and programmes and their adequacy to the level of issued diplomas and to the level of competences and skills expected from graduates.

The accreditation of programmes is the certification of the Authority responsible for quality assurance that teaching and research methods and programmes applied in a given institution are in accordance with the standards of quality referred to in Article 50 of this Law, and are adequate to the competences and skills expected from graduates.

Article 54

The outstanding higher education and research institutions which meet the standards of quality assurance in accordance with Article 50 of this Law may, at their request, obtain accreditation from the National Authority for Evaluation, Quality Assurance and Accreditation. In this case, these institutions shall abide by the mentioned standards of quality in teaching, scientific research and educational, administrative and financial management.

Article 55

Obtaining accreditation shall allow the institution to benefit from additional funding to enable it to respond to its commitments to apply quality standards, according to conditions set by decree. The funding shall be attached to appropriations for supporting quality.

PART VI

Transitional Provisions

Article 56

The deadline for the transition to the regime referred to in Article 3 of this Law shall be set by decree.

Subject to the provisions of Article 3 of this Law, the appliance of the regime under the Law N°89-70 of 28 July 1989 related to higher education and scientific research, and the amending and supplementing texts, including the Law N°2000-67 of 17 July 2000, in regarding the regime of studies, shall expire by the end of the academic year 2011-2012.

For Licence holders under the law referred to in the preceding paragraph, the conditions of enrolment for Master's and Doctorate degrees and of thesis defence shall be set by decree,

In all cases, procedures for the valorisation of students' achievements are set by decree, under the legislations in vigour.

Article 57

A system for evaluation, quality assurance and accreditation, as referred to in this Law, shall be established within a period not exceeding five years from the publication date of this Law.

Article 58

Subject to the provisions of Article 56 of this Law and the Law N° 90-72, of 30 July 1990, related to the establishment of the Institute of Research and Higher Agricultural Education, all previous provisions opposing this Law are repealed and in particular Law N°89-70 of 28 July 1989 related to higher education and scientific research, and the amending and supplementing texts, in particular Law N°2000-67 of 17 July 2000.

This Law shall be published in the Official Journal of the Republic of Tunisia and shall be enforced as a law of the State.

Tunis, February 25, 2008.

Zine El Abidine Ben Ali