

HIGHER EDUCATION ACT

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Parliamentary Acts Collection - APIS, book 1/1996, page 7, book 5/1996, page 509; book 8/1997, page 17

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Chapter 1 GENERAL PROVISIONS

Article 1. This Act shall regulate the structure, functions, management and funding of higher education in the Republic of Bulgaria.

Article 2. The aim of higher education shall be to train highly qualified experts above and beyond secondary education and to promote the progress of science and culture.

Article 3. Higher secular education shall be free of ideological bias, religions, and political doctrines. It will comply with the universal human values and national traditions.

Article 4. No privileges or discriminations shall be allowed in higher education on account of age, race, nationality, ethnic identity, sex, social background, political views and denomination with such exceptions as the Regulations of the Higher Schools Activities shall exclusively make in accordance with the specific features of the training and the future profession.

Article 5. Higher education shall be attained in higher schools which shall be set up under terms and conditions provided for by law.

Article 6. (1) Higher schools shall be legal entities with the following scope of activities:

1. Training of specialists capable of developing and applying scientific knowledge in the different spheres of human activities.

2. Upgrading specialist qualifications.

3. Promoting the progress of science and culture.

(2) Higher schools may engage in research, production, art, sports, medical and other activities in accordance with their specific features.

(3) (New - The State Gazette, issue number 60 of 1999) The teaching, research, artistic and other activities that correspond to the specific features of the higher school shall be provided by a highly qualified teaching, research or artistic staff referred to further on as "academic staff" .

(4) (New - The State Gazette, issue number 60 of 1999) Higher schools shall work on and introduce a system for quality assurance and assessment of the

teaching and of the academic staff , which takes into account *inter alia* the views of the students.

Article 7. (Amendment - The State Gazette, issue number 60 of 1999) (1) Higher schools shall issue diplomas for completed degrees of higher education and certificates for professional qualification.

(2) Diplomas shall be recognised by the state when the training complies with the state requirements.

(3) A seal with the state coat of arms shall be affixed to the diplomas under the conditions of paragraph 2.

Chapter Two
**FUNCTIONS OF THE STATE IN THE MANAGEMENT OF HIGHER
EDUCATION**

Article 8. The State shall provide conditions for the free development of higher education by:

1. Developing and implementing the national policy for the promotion of higher education and safeguarding the academic autonomy of higher schools;
2. (Amendment - SG, issue number 60 of 1999) Taking care of the quality of the training of specialists and the research;
3. (Amendment - SG, issue number 60 of 1999) Funding the training of students in state higher schools and providing under certain conditions scholarships and accommodation;
4. (Amendment - SG, issue number 60 of 1999) Providing under certain conditions loans and social benefits to undergraduates, post-graduates and specialising students;
5. Providing property to the state higher schools and ensuring tax and other relief for the performance of their activities as per Article 6.
6. (New - SG, issue number 60 of 1999) Organising the work of the National Evaluation and Accreditation Agency;
7. (New - SG, issue number 60 of 1999) Setting the conditions for the state recognition of the diplomas issued by higher schools in the country and abroad.

Article 9. (1) The State shall exercise its functions in managing higher education through the National Assembly and the Council of Ministers.

(2) The National Assembly shall:

1. Make decisions to establish, transform or close higher schools;
2. Allocate subsidies for each state higher school on an annual basis with the State Budget Act.

(3) The Council of Ministers shall:

1. Establish the general guidelines of the national policy in higher education;
2. Enter motions to the National Assembly for the establishment, transformation or closing of higher schools as well as for the amount of the annual state budget subsidy for each state higher school;
3. (Amendment - SG, issue number 60 of 1999) Establish, transform or close faculties, institutes, affiliated faculties and colleges of state higher schools on the basis of a request by the respective higher schools and/or a proposal by the Minister of Education and Science;
4. (Amendment - SG, issue number 60 of 1999) Establish the State Register of educational and qualification degrees in the individual specialities;
5. Establish the Unified State Requirements for obtaining a degree by professions or specialities;
6. (Amendment - SG, issue number 60 of 1999) Establish annually the number of students to be enrolled in higher schools, the number of students for each speciality in state higher schools, the total number of students in private higher schools, as well as the number of post-graduates in higher schools, the Bulgarian Academy of Sciences, the Agricultural Academy and other academic and research organisations;

7. (Amendment - SG, issue number 60 of 1999) Determine the amount of the application fees and the tuition fees for state higher schools.
8. Establish the terms and conditions for granting scholarships in state higher schools and for accommodation in students' residence halls and other social benefits for undergraduates, postgraduates and specialising students in all higher schools;
9. Establish the state requirements for the recognition of higher education attained at foreign higher schools;
10. (New - SG, issue number 60 of 1999) Establish the state requirements for student admissions;
11. (New - SG, issue number 60 of 1999) Establish unified state requirements towards the content of the main documents issued by higher schools;
12. (New - SG, issue number 60 of 1999) Establish Regulations for the operation of the National Evaluation and Accreditation Agency following a proposal by the Accreditation Council;
13. (Former point 10 - SG, issue number 60 of 1999) Represent the interests of Bulgarian higher education and science before other states and international organisations and conclude international contracts and agreements.

Article 10. (1) The Ministry of Education and Science shall be the state body implementing the national policy in higher education.

(2) The Ministry of Education and Science shall:

1. (Amendment - SG, issue number 60 of 1999) Make motions before the Council of Ministers as per Article 9, para 3, subparas 1-9;
2. Perform co-ordinating functions in the relationship between the autonomous higher schools and the State;
3. (Amendment - SG, issue number 60 of 1999) Maintain a Register of the higher schools in which data about their main units and the specialities they have launched is entered;
4. Arrange for the recognition and legalising of the diplomas of persons who have completed their studies abroad;
5. (Amendment - SG, issue number 60 of 1999) Appoint acting Rector of new or transformed state higher schools pending the elections to be held there but for no longer than 6 months;
6. (New - SG, issue number 60 of 1999) Exercise control over the higher schools as to the observance of this Act and the state requirements.

Article 11. (1) The National Evaluation and Accreditation Agency under the Council of Ministers shall be the specialised government body for quality assessment and accreditation of the activities under Article 6, para 1.

(2) The National Evaluation and Accreditation Agency shall be a legal entity funded by the budget and with a main office in Sofia.

(3) The National Evaluation and Accreditation Agency shall implement its activities in accordance with the provisions of this Act and Regulations which shall be approved by the Council of Ministers.

Chapter Three

TYPES OF HIGHER SCHOOLS, ESTABLISHMENT, TRANSFORMATION AND CLOSING

Article 12. Higher schools shall be state-owned and private.

Article 13. State higher schools shall be established and shall function by virtue of property and an annual state subsidy secured by the government.

Article 14 (1) Private higher schools shall be established at the request of citizens or organisations hereinafter called "Founding Members".

(2) The Founding Members shall be responsible for the overall activity, management and financial condition of the higher school opened at their request.

Article 15. (1) Higher schools shall be established or transformed on the basis of a project which shall:

1. Set socially acceptable aims before the proposed higher school;
2. ((Amendment - SG, issue number 60 of 1999) Contain a description of the main units of the higher school, the necessary educational documentation and data on the research and teaching staff, the facilities and the funding schemes;
3. Provide for a management which shall guarantee the basic academic freedoms;
4. Comply with the unified state requirements.

(2) The project under para 1 should have received a positive evaluation by the National Evaluation and Accreditation Agency.

(3) The project for the establishment of private higher schools shall have to be accompanied by a Founding Act including the following details:

1. Type, name and location;
2. Scope of activities;
3. Name of the founding member;
4. Property to be used and ways of funding;
5. Management and ways of representation;
6. Rights and obligations of the Founding Members.

Article 16. (1) The decision of the National Assembly shall specify:

1. The type, name and location of the higher school;
2. The scope of activities;
3. The property to be used and the ways of funding;

(2) A higher school shall become a legal entity upon the promulgation of the decision of the National Assembly for its establishment in the State Gazette.

Article 17. (1) (Amendment - SG, issue number 60 of 1999) Higher schools shall be universities, specialised higher schools and independent colleges.

(2) (Amendment - SG, issue number 60 of 1999) A university shall be a higher school which shall:

1. Organise training in a wide range of subjects in at least three of the four major branches of science - humanities, natural sciences, social sciences and technical sciences;

2. Employ a full-time academic staff that teaches at least half of the seminars for each speciality with the habilitated staff delivering at least 70% of the lectures for each speciality;
 3. Have at its disposal facilities providing for the practical education and training in line with the state requirements;
 4. Conduct training for Master's and Doctor's degrees in the respective major branches of science;
 5. Have research and artistic potential and in its activities develop major spheres of science and culture;
 6. Provide to the academic staff, the students and the post graduates conditions for the publishing of research papers, textbooks, monographs and other achievements;
 7. Possess a library with literature for research and for study and other means of information provision;
 8. Maintain international contacts in its training and creative activities.
- (3) (Amendment - SG, issue number 60 of 1999) Higher schools conducting training in one or two major branches of science or culture and meeting the requirements of para 2, subpara 2-8 may be considered universities and shall have names reflecting their specificity.
- (4) (Amendment - SG, issue number 60 of 1999) Specialised higher schools shall perform research or artistic activities and shall conduct training in one of the major branches of science, art, physical education, and defence, meeting the requirements of para 2, subpara 2,3,5,6,7,8. The name of the specialised higher school shall reflect the specific area it is training specialists in.
- (5) Independent colleges shall provide professional qualifications and shall train students acquiring the educational qualification degree "Specialist in ..."
- (6) Colleges may also be established within the structures of universities or specialised higher schools.

Article 18. (1) Higher schools shall be closed by the National Assembly:

1. Where a higher school has violated the provisions of this Act or other acts and Regulations of higher education;
 2. (Amendment - issue number 60 of 1999) Where a higher school has received two successive rejections of accreditation or has not sought one within the time limits provided for by this Act;
 3. At the request of the Founding Members of the private higher school;
 4. At the proposal of the Council of Ministers - for state higher schools.
- (2) The motions for the closing of higher schools under para 1, subpara 1 and 2 shall be made by the Council of Ministers.
- (3) (Amendment - issue number 60 of 1999) The decree for the closing of the higher school in the cases under para 1, subpara 1,2, and 4 shall lay down the conditions and order under which the undergraduates, postgraduates and specialising students shall complete their studies.
- (4) (New - issue number 60 of 1999) The decree for the closing of the higher school shall also settle all property matters.
- (5) (Previous para 4 - issue number 60 of 1999) In the cases under para 1, subpara 3, the Founding Members shall be bound first of all to sort out the property matters and guarantee the rights of undergraduates, postgraduates and specialising students.

Chapter four

ACADEMIC AUTONOMY

Article 19. (1) (Amendment - issue number 60 of 1999) Higher schools shall have academic autonomy. It shall give expression to the intellectual freedom of the academic community and the creative nature of research and education while recognising them as supreme human values.

(2) (New - issue number 60 of 1999) The academic community shall encompass the members of the academic staff, the undergraduates, the postgraduates and the specialising students.

(3) (Previous para 2 - issue number 60 of 1999) The academic autonomy shall include the academic freedoms, the academic self-government and the inviolability of the higher school's territory.

(4) (Previous para 3 - issue number 60 of 1999) Higher schools shall perform their activities under the principle of academic autonomy and in accordance with the legislation of the country.

Article 20. The academic freedom shall find expression in the freedom of teaching, freedom of research, freedom of creativity and freedom of training.

Article 21. Academic self-government shall find expression in:

1. The election of all management bodies and fixed terms of office;
2. The right of higher schools to arrange their structures and activities through their own regulations in conformity with the provisions of this Act;
3. The freedom to choose the teaching staff, the admission conditions and the forms of training the undergraduates, the postgraduates and the specialising students.;
4. The independent development and implementation of curricula and research projects;
5. The choice of specialities to be taught;
6. The right to announce competitions and appoint lecturers under the terms and conditions set forth in the Academic Degrees and Titles Act;
7. The right to raise funds and independently decide on the terms and conditions for their spending;
8. The right to sign independent contracts with the Government or other clients for training or upgrading the qualification of graduates as well as for conducting theoretical and applied research projects;
9. The right to associate with other higher schools and other organisations while performing the activities under subpara 8;
10. (Amendment - issue number 60 of 1999) The right to construct, possess or use facilities needed for educational or research purposes or for rendering social services to lecturers, undergraduates, postgraduates, and specialising students;
11. The right to organise international co-operation, to conclude contracts and to be members of international organisations.

Article 22. The autonomy of higher schools shall not be violated by means of:

1. Interference in the higher school's activity except for the cases exclusively stipulated by law;

2. Entering or continuous presence on the part of the law-enforcing bodies in the higher school without the academic authorities' permission except for the prevention of an impending offence or an offence already in progress, the apprehension of its perpetrator or in the event of natural disasters or accidents;
3. Setting up and operation of political or religious organisation at higher schools;
4. Activities infringing upon the constitutional rights of members of the academic community related to race, ethnic identity, social background, religion, views, or political affiliation.

Article 23. (Amendment - issue number 60 of 1999) (1) The Higher Schools' Rectors' Council shall be the body expressing the common interests of higher schools before the state authorities.

(2) The Rectors' Council shall:

1. Express opinions and propose solutions to problems bearing on higher education and science;
2. Express an opinion on the government's draft budget in its higher education and science part;
3. Express an opinion on the project for state register of the educational and qualification degrees in individual specialities;
4. Express opinion on the criteria for the conferring of academic degrees and titles;

(3) The Rectors' Council shall be represented by an elected Chairman.

Article 24. (1) The managing bodies of the higher school shall be the General Assembly, the Academic Council and the Rector.

(2) The managing bodies of higher schools shall serve a four-year term of office.

(3) The term of office of the higher school managing bodies shall not be discontinued in the event of by-elections. The term of office of the by-elected members shall terminate with the expiration of the term of office of the respective managing body.

(4) The powers of the Rector of a higher school shall be terminated with the expiration of the mandate of the General Assembly that has elected him. The Rector shall continue to perform his duties pending the election of a new Rector.

Article 25. (1) Higher schools shall be comprised of main and auxiliary units.

(2) (Amendment - SG, issue number 60 of 1999) Faculties, affiliated faculties, institutes, branches and colleges shall be considered as main units. The term of office of the management bodies of the main units shall not be discontinued in the event of by-elections. The term of office of the by-elected members shall terminate with the expiration of the term of office of the respective managing body.

(3) (Amendment - SG, issue number 60 of 1999) Sections, centres, clinics, libraries, laboratories, experimental workshops, printing and publishing houses, production units and other relatively self-contained units shall be considered auxiliary units.

(4) (Revoked - SG, issue number 60 of 1999)

Article 26. (Amendment - SG, issue number 60 of 1999)(1) Faculties shall be the higher school's main units, incorporating several departments for training students in one or more related specialities. It shall:

1. Make use of academic staff of at least 40 full-time lecturers at least 20 of whom are habilitated;

2. Maintain active international contacts on educational and creative issues.

(2) The General Assembly, the Faculty Board and the Dean shall be the managing bodies of the faculty. Their term of office shall be four years and it shall not be discontinued in the event of by-elections.

(3) The General Assembly of the faculty shall be comprised of the full-time members of the academic staff, representatives of the administrative staff, of the undergraduates and postgraduates of the faculty. The academic staff members shall be at least 70 % and the students - at least 15% of the total membership of the General Assembly.

(4) The membership of the General Assembly shall be defined by the Faculty Board in accordance with para 3.

(5) The General Assembly of the faculty shall:

1. Elect by secret ballot for the duration of its mandate, a Chairperson and a Deputy Chairperson amongst its habilitated members;

2. Elect by secret ballot a Dean of the faculty amongst its habilitated members;

3. Define the size of the Faculty Board and elects by secret ballot its members;

4. Discuss and adopt the annual report of the Dean on the teaching and research activity in the faculty and on its state.

(6) The General Assembly of the faculty shall be called at least once annually by its Chairperson following a decision of the Faculty Board, at the request of the Dean or of at least one-fourth of its membership.

(7) The Faculty Board shall consist of 25 to 35 members and shall include representatives of the full-time academic staff, undergraduates and postgraduates. No less than three fourths of the membership of the Faculty Board shall be habilitated lecturers.

(8) The Faculty Board shall:

1. Elect by secret ballot Deputy Deans proposed by the Dean;

2. Submit at the Academic Council:

a) projects for the establishing, transformation or closing of departments and auxiliary units of the faculty;

b) projects for curricula and qualificational characteristics of degrees and specialities;

c) announcing of competitions under Article 50;

3. Elect and give promotions to the non-habilitated members of the academic staff;

4. Make a motion to the Rector of the higher school to relieve a member of duties under Article 58, para 2;

5. Make proposals before the General Assembly of the faculty and/or the management bodies of the higher school on issue related to the activity and state of the faculty;

6. Adopt the curricula of the specialities which the faculty teaches and the individual plans for the training of undergraduates, postgraduates and specialising students;
7. Annually adopt and control the teaching load of the members of the academic staff;
8. Recommend for printing research papers, textbooks, monographs and other achievements at the printing house of the higher school and monitor their timely publication;
9. Discuss and adopt the results of the evaluations of the faculty's academic staff members and when needed make a motion before the Rector.
10. Discuss, recommend and take decisions on the operation of the faculty's units;
11. Monitor the state of the library and the information facilities of the faculty and take steps for their upgrading;
12. Take decisions on the faculty's financial issues;
13. Adopt the annual report on the teaching, research and artistic activity of the faculty;
14. Take other decisions related to the activity of the faculty.

(9) The Dean shall:

1. Manage the faculty and represent it;
2. Be a member of the Faculty Board and its Chairperson;
3. Propose to the Faculty Board habilitated lecturers for the positions of Deputy Deans;
4. Fulfil functions pursuant to this Act and the regulations of the higher school.

Article 26a. (New - SG, issue number 60 of 1999) (1) The affiliated faculty shall be a main unit of the higher school for the provision of training in one or more subjects which do not comprise a speciality. The affiliated faculty shall have at least 14 full-time lecturers as academic staff.

(2) The affiliated faculty's management bodies shall be the General Assembly, the Affiliated faculty's Board and its Director. They shall be elected for a 4-year term of office.

(3) The Regulations for the activity of the higher school shall lay down the structure of the affiliated faculty, the make-up and the functions of its management bodies.

Article 26b. (New - SG, issue number 60 of 1999) (1) The institute shall be a main unit of the higher school that engages its academic staff in long-term research. It shall employ no less than 20 habilitated persons.

(2) The management bodies of the institute shall be the General Assembly, Institute's Board and its Director. They shall be elected for a 2-year term of office.

(3) The Academic Council of the higher school shall stipulate the structure of the institute, its make-up and the functions of its management bodies.

Article 26c. (New - SG, issue number 60 of 1999) (1) The branch shall be a main unit of the higher school, which is founded in order to meet the needs for a certain type of training in regions with no such university structure. The branch shall have at least 10 full-time academic staff members

- (2) The Academic Council of the higher school shall stipulate the make-up, structure and management bodies of the branch.
- (3) The branch shall be managed by a Director who is habilitated and shall be elected by the Academic Council for a 4-year term of office.
- (4) Branches which meet the requirements of Article 26 or Article 26d may be transformed either into faculties or into colleges.

Article 26d. . (New - SG, issue number 60 of 1999) (1) The college shall be a main unit of the higher school which shall have at least 10 full-time academic staff members.

- (2) The management bodies of the college shall be the General Assembly, the College's Board and its Director. They shall be elected for a 4-year term of office
- (3) The Director shall be a habilitated in the respective sphere of science person.
- (4) The Regulations for the activity of the higher school shall lay down the structure of the college, the make-up and the functions of its management bodies.

Article 26e. (New - SG, issue number 60 of 1999) (1) The department shall be a unit of a faculty, affiliated faculty, branch or college which performs training and research (artistic) activities in one or a group of related subjects. The department shall have at least 7 full-time academic staff members.

- (2) The management bodies of the department shall be the Department Board and the Head of the department. The Department Board shall consist of the full-time members of the academic staff in the department.
- (3) The Head of the Department in a faculty and the Head of a branch shall be a person habilitated in the respective sphere.
- (4) The Head of Department shall be elected by secret ballot for a term of 4 years by the Board of the main unit after a proposal by the Department Board and shall be a full-time employee of the higher school.
- (5) In the cases when there is no proposal in 2 months after the end of the term of office of the previous Head of Department or if the nominated candidate is not elected under the terms provided by para 4, the election shall be carried out by the Board of the main unit on the basis of a competition.

Article 27. (1) (Amendment - SG, issue number 60 of 1999) The higher school's General Assembly shall consist of full-time representatives of the academic staff, of the administrative staff and of the students of all its units.

- (2) Habilitated staff shall account for no less than 70%, while student representatives shall account for at least 15% of the membership of the General Assembly.
- (3) The total number of the members of the General Assembly and the procedure for their election shall be determined in the Regulations for the activity of the higher school.
- (4) (Revoked - SG, issue number 60 of 1999)

Article 28. (1) (Amendment - SG, issue number 60 of 1999) The higher school's General Assembly shall be convened at least once annually by its Chairperson following a decision of the Academic Council, at the request of

the Rector or at the request of a quarter of the membership of the General Assembly.

(2) (Amendment - SG, issue number 60 of 1999) The General Assembly of the newly opened or transformed school shall be convened by the acting Rector.

(3) The General Assembly shall take decisions by a simple majority of the members present except for the adoption of the Regulations for the activity of the higher school and any amendments to it where a majority on the basis of the whole membership of the General Assembly shall be required.

Article 29. The General Assembly of the higher school shall:

1. (Amendment - SG, issue number 60 of 1999) Elect for the duration of its mandate by secret ballot Chairperson and Deputy Chairperson of the General Assembly among the habilitated members;

2. Adopt and amend the Regulations of the activity of the higher school;

3. (Amendment - SG, issue number 60 of 1999) Set the size of the Control Board and elect by secret ballot for the term of its mandate a Chairperson, Deputy Chairperson and Members of the Control Board;

4. (Previous para 3 - SG, issue number 60 of 1999) Elect the Rector by secret ballot;

5. (Previous para 4 - SG, issue number 60 of 1999) Determine the size of the Academic Council and elect its members by secret ballot;

6. (Previous para 5 - SG, issue number 60 of 1999) Discuss and adopt the annual report of the Rector on the state of the higher school.

Article 30 (1) The Academic Council shall be the body managing the training and research activities of the higher school and shall:

1. Determine the educational policy of the higher school, adopt a programme for its mandate and supervise its implementation;

2. Adopt an annual report on the results of the higher school's activity;

3. (Amendment - SG, issue number 60 of 1999) Make proposals on the cases under Article 9, para 3, subpara 3;

3a. (New - SG, issue number 60 of 1999) Take decisions on the establishing, transforming and closing of affiliated faculties, departments and auxiliary units of the higher school;

4. Determine the specialities forms and degrees of learning and propose the number of students to be enrolled;

5. Approve or amend the qualification description and curricula of training for the different degrees of the higher school or in the colleges of the higher school;

6. Determine the research policy of the higher school and take decisions on major issues about the organisation and content of the research activities;

7. Determine the composition of the General Assembly and the procedures for election of its members;

8. (Amendment - SG, issue number 60 of 1999) Determine the personnel policy of the higher school, adopt the job descriptions of the Academic Council and adopt Regulations for its assessment;

9. Elect Deputy Rectors at the proposal of the Rector;

10. (Amendment - SG, issue number 60 of 1999) Take decisions about association with other higher schools and research organisations;

11. (Amendment - SG, issue number 60 of 1999) Adopt the higher school's budget annually and monitor its implementation;
 12. Award the Doctor Honoris Causa honorary title;
 13. Elect extraordinary professors and associate professors;
 14. Adopt regulations on the specific educational, research, artistic or production activities of the higher school.
 15. (New - SG, issue number 60 of 1999) Adopt a system of quality evaluation and assurance of the training and of the academic staff of the higher school pursuant to Article 6, para 4.
- (2). (New - SG, issue number 60 of 1999) The Academic Council shall consist of 25 to 45 members and shall include representatives of the full-time academic staff of the higher school, undergraduates, postgraduates and employees.
 - (3). (Previous para 2 - SG, issue number 60 of 1999) At least three quarters of the members of the Academic Council shall have to be habilitated persons.
 - (4). (Previous para 3, amendment - SG, issue number 60 of 1999) Only the Rector shall be an ex officio member of the Academic Council.

Article 31. (1). (Amendment - SG, issue number 60 of 1999) Rectors, Deans or Directors of branches or colleges shall be habilitated persons who after their election become full-time employees of the higher school.

(2). (Amendment - SG, issue number 60 of 1999) Persons elected as Rectors, Deans, Directors of affiliated faculties, branches or colleges, Heads of departments and their deputies shall not be eligible for re-election for the same position for more than two successive terms of office.

(3) In the event of a discontinued term of office as one term of office shall be considered the time during which the respective person has been occupying the respective position for more than two years.

(4) Persons entitled to retirement as of the election date shall not be eligible for election to management positions.

Article 32. The Rector shall:

1. Represent the higher school;
2. Be a member of the Academic Council and its Chairperson ex officio;
3. Conclude and terminate labour contracts;
4. (Amendment - SG, issue number 60 of 1999) Take a final decision on all issues related to the admittance, discontinuing of studies and transferring of undergraduates, postgraduates, and specialising students.
5. Prepare and propose to the approval of the Academic Council the annual report of the higher school and publish the report;
6. Nominate habilitated persons for Deputy Rectors;
7. (New - SG, issue number 60 of 1999) When needed convene the collective management bodies of the main units of the higher school;
8. (New - SG, issue number 60 of 1999) Appoint for a term of no more than three months acting heads at all the vacant electable positions;
9. (Previous para 7 - SG, issue number 60 of 1999) Perform other functions laid down by law or resulting from the decisions of the Academic Council or the General Assembly.

Article 33. The Deputy Rector shall:

1. Assist the Rector in the performance of his duties and when authorised shall represent him/her;
 2. Organise and be responsible for a specific sphere of activity of the higher school;
 3. Participate in meetings of the Academic Council with an advisory vote unless elected by the General Assembly as a member of the Academic Council;
- (2) The term of office of the Deputy Rector shall expire at the same time as the term of office of the Rector who has nominated him/her before the Academic Council.

Article 34. The higher schools shall set up advisory bodies at their discretion. The terms and conditions for their setting up shall be laid down in the Regulations of the higher school.

Article 34a. (New - SG, issue number 60 of 1999)(1) The Control Board shall be the body for internal control of the activity of the higher school.

(2) The Control Board shall consist of a Chairperson, Deputy Chair person and members who are habilitated. They shall not be members of the Academic Council of the higher school.

(3) The Control Board shall:

1. Check the legality of the elections for management bodies of the higher school and its main units within one month of their holding and report to the Academic Council the results;
2. Prepare an opinion on the draft budget of the higher school and its implementation and report before the Academic Council and the General Assembly;
3. Participate in the checks under Article 58a;
4. Report its activity under the General Assembly at least once annually.

Article 35. The Rector, the Deputy Rectors, the Deans and the Heads of units as well as the member of the higher school's Academic Council and Faculty Boards shall be discharged of duties at their request or recalled before the expiration of their mandate at the decision of the body that elected them taken by a majority of more than half its membership.

Article 36. Private higher schools may have different structures, management and management bodies provided these shall not infringe upon academic freedoms.

Article 36a. (New - SG, issue number 60 of 1999) (1) The meeting of the collective management bodies of the higher school and its units shall be considered legal if two-thirds of the membership are present.

(2) When defining the quorum under para 1 the membership shall not include people on leave because of temporary incapacity, pregnancy, birth and adoption, and for the raising of a young child or on business travel abroad. The total number of these shall not be more the one fourth of the total membership.

(3) The decisions of the collective management bodies shall be taken by a simple majority unless this Act provides otherwise.

(4) In case of changes in the number of the members of the collective bodies leading to unsettling of quotas provided by this Act and the regulations then by-elections shall be held before the next meeting.

Article 37. (Amendment - SG, issue number 60 of 1999) All issues related to the higher school's structure and activity which are not settled by this Act shall be laid down in the Regulations of the activity of the higher school and its other regulations.

Article 38. The acts of the higher school's managing bodies shall be actionable in court under the terms and conditions of the Administrative Proceedings Act.

Chapter Five

STRUCTURE AND ORGANISATION OF STUDIES AT HIGHER SCHOOLS

Article 39. (Amendment - SG, issue number 60 of 1999) Studies at higher schools shall be conducted under teaching documentation for each speciality covering a qualification description, curriculum, syllabi of the taught subjects and annual timetable of studies.

Article 40. (1) The educational content for each subject shall be organised in relatively separate modules.

(2) Each module shall include at least 15 academic hours of training. One academic hour shall be 45 minutes.

Article 41. (1) Higher schools shall offer mandatory, electable and optional subjects.

(2) Higher schools shall provide to all students the possibility to choose subjects within the framework of the approved curriculum.

Article 42. (1) The system of higher education shall organise studies after completion of secondary education covering the following degrees:

1. First degree - a minimum of 4 years of training ending with a Bachelor's degree;

2. (Amendment - SG, issue number 60 of 1999) Second degree - at least 5 years of training or at least one year after the Bachelor's degree ending with a Master's degree;

3. (Amendment - SG, issue number 60 of 1999; amendment issue number 66 of 1999) Third degree - a minimum of 4 years training after the Bachelor's degree or three years after a Master's degree ending with a Doctor's degree;

(2) (New - SG, issue number 60 of 1999) The training for the Bachelor's degree shall provide basic studies of a wide range along professional streams and specialities.

(3) (New - SG, issue number 60 of 1999) The training for the Master's degree shall provide fundamental detailed studies alongside selecting an area within the speciality.

(4) (New - SG, issue number 60 of 1999, amendment , issue number 66 of 1999) The training for the Doctor's degree shall be provided along research specialities. The research speciality of the training shall be of the research

stream corresponding to the professional stream in which the person has a Bachelor's degree.

(5) (Previous para 2, amendment - SG, issue number 60 of 1999) The educational qualification degree "specialist in" shall be a degree of professional higher education. It shall be attained after at least three years of studies at a college. The graduates of a college can continue their studies at the Bachelor degree level under terms and conditions set by the state requirements and at the regulations of the higher school.

(6) (Previous para 3 - SG, issue number 60 of 1999) Different degrees may have specific names, depending on the educational traditions and specific features of the respective branch of learning. Names shall be approved by the Minister of Education and Science.

(7) (Previous para 4 - SG, issue number 60 of 1999) Diplomas for completed degrees under Article 7 shall be issued upon the successful completion of all duties included in the curriculum, irrespective of the calendar duration of studies.

(8) (Previous para 5 - SG, issue number 60 of 1999) Higher schools shall create conditions and specify terms for:

1. (Amendment - SG, issue number 60 of 1999) Acquiring a second or new speciality within the studies for one educational degree in keeping with the state requirements and pursuant to para 7;

2. (New - SG, issue number 60 of 1999) Transferring from studies for one educational degree into studies for another;

3. (Previous subpara 2 - SG, issue number 60 of 1999) Acquiring a higher degree;

4. (Previous subpara 3 - SG, issue number 60 of 1999) Earlier completion of one speciality and covering a second one at the request of the trainee;

5. (Previous subpara 4 - SG, issue number 60 of 1999) Acquiring a new speciality in keeping of the state requirements and pursuant to para 7.

6. (Previous subpara 5 - SG, issue number 60 of 1999) Partial training of Bulgarian and foreign students at a higher school, faculty or speciality of their choice;

7. (Previous subpara 6 - SG, issue number 60 of 1999) Transfer of students to another higher schools, faculties, specialities or forms of learning;

8. (Previous subpara 7 - SG, issue number 60 of 1999) Discontinuing and subsequent continuation of studies of undergraduates, postgraduates and specialising students

(9). (Previous para 6 - SG, issue number 60 of 1999) The forms of studies shall be regular, extra mural, evening and distance learning.

Article 43. (1) Higher schools may organise courses for qualification upgrading.

(2) The training in upgrading qualification courses shall be conducted on the basis of teaching documentation the requirements of which shall be specified in the internal regulations of higher schools.

(3) Completed courses for qualification upgrading shall not in themselves serve as grounds to acquire a degree or speciality.

Article 44. (1) Higher schools shall adopt rules for arranging examination procedures.

- (2) The forms to assess and mark the knowledge and skills of students shall be defined in the curricula and syllabi. The main form of assessing knowledge at higher schools shall be the written examination.
- (3) The knowledge and skills of the students shall be assessed on a six mark rating scale, namely: Excellent (6.00), Very Good (5.00), Good (4.00), Satisfactory (3.00) and Poor (2.00).
- (4) An examination shall be considered successfully passed if the mark is at least Satisfactory (3.00).
- (5) Higher schools may introduce rules to practice other rating scales provided that the marks are comparable to those under para 3.

Article 45. (1) The studies in each speciality for first and second degree shall end with a state exam or defense of a diploma thesis;
(2). (Amendment - SG, issue number 60 of 1999) The state exam or the defense of the diploma thesis shall be conducted in accordance with the state requirement for graduation before a panel of habilitated lecturers. In some exceptional cases the panel may include lecturers with a Doctor's degree. The panel shall also include persons from outside.

Article 46. (1) (Amendment - SG, issue number 60 of 1999) The higher school shall be entitled to conduct training for a Doctor's degree only in accredited specialities pursuant to Article 78, para 2.
(2). (Amendment - SG, issue number 60 of 1999) Doctorates shall be based on individual curricula and include training and examinations, teaching hours and defense of a dissertation thesis.
(3). (Amendment - SG, issue number 60 of 1999) The faculty Board of the higher school where the doctorate is conducted shall select a research advisor and approve the curriculum.
(4) The research advisor of a postgraduate may be a habilitated person or a Doctor of Sciences.
(5). (New - SG, issue number 60 of 1999) The doctorate may be concluded through independent research too for which a training is provided in line with the other forms of the doctorate.
(6). (Previous para 5 - SG, issue number 60 of 1999) The Doctor's degree shall be awarded to persons who have passed the required exams and defended their dissertation thesis under the terms and conditions laid down by the Academic Degrees and Titles Act.

Article 47. (Amendment - SG, issue number 60 of 1999) (1) The Bulgarian Academy of Sciences, the Agricultural Academy and other research organisations may offer training for a Doctor's degree in specialities that have been accredited and under the conditions of Article 46, para 2, 4, 6
(2) The Research Council of the unit that is training the postgraduate student shall select a research advisor and adopt a curriculum.
(3) Postgraduates in research organisations shall have the status and rights under Articles 67 and 70.

Chapter six
ACADEMIC STAFF AT HIGHER SCHOOLS
(Amendment of title - SG, issue number 60 of 1999)

Article 48. (1) The higher school's academic staff shall occupy the following positions:

1. For habilitated staff - associated professors and professors;
2. For non-habilitated staff - assistant professors, senior assistant professors and chief assistant professors.

(2) The positions for non-habilitated staff which are employed only in non-qualified teaching of foreign languages, sports, arts and others shall be of teachers and senior teachers.

(3) Only persons holding the required degree under the Academic Degrees and Titles Act shall qualify for professors and associate professors.

Article 49. The positions under Article 48 shall be occupied after a competition and selection under the terms and conditions set forth in the Regulations of the higher schools.

Article 50. (Amendment - SG, issue number 60 of 1999) (1) The decisions to announce competitions for the positions under Articles 48 and 51 shall be taken by the Academic Council at the proposal of the main units of the higher schools.

(2) Competitions for habilitated lecturers shall be announced in the State Gazette at least 3 months before the deadline for applications.

Article 51. (1) Higher schools shall be entitled to employ persons with academic degrees from this country and abroad on the basis of fixed-term contracts in the capacity of extraordinary professors and associate professors.

(2) Persons under para 1 shall not acquire academic titles within the meaning of the Academic Degrees and Titles Act.

(3). (Amendment - SG, issue number 60 of 1999) The employing of extraordinary professors and associate professors shall be done on the basis of a competition and selection by the Academic Council at the proposal of the main units.

(4) Researchers employed on the basis of fixed-term contracts by the higher school shall be entitled to participate in competitions for extraordinary professors or associate professors.

(5) Higher schools shall be entitled to employ also part-time lecturers. The terms and conditions for this purpose shall be stipulated in the Regulations of the higher schools.

Article 52. (1) (Amendment - SG, issue number 60 of 1999) The Faculty Board of the higher school may invite researchers and lecturers from the country and abroad to teach and pursue research for a fixed period of time as guest lecturers.

(2) No competition shall be organised for guest lecturers.

(3) (Amendment - SG, issue number 60 of 1999) The relationship between the guest lecturer and the higher school shall be settled by virtue of a one-year contract which can be renewed.

Article 53. (1) (Amendment - SG, issue number 60 of 1999) Specialists and experts shall be appointed to facilitate the teaching process and to pursue research or artistic activities.

(2) The terms and conditions for the selection and appointment of such persons as well as the specific titles of their positions shall be determined in accordance with the provisions of the Academic Titles and Degrees Act and the Regulations of the higher school.

Article 54. (Amendment - SG, issue number 58 of 1997 and number 60 of 1999) The positions under Article 48, para 1 shall be filled on a full-time contract basis for an indefinite period of time.

(2) (Amendment - SG, issue number 60 of 1999) The positions under Article 48, para 2 shall be filled on a full-time or retainer contract basis for an indefinite period of time under terms and conditions laid down by the Regulations of the higher school.

(3) (Revoked, previous para 4 - SG, issue number 58 of 1997) The labour contract between the higher school and the successful competitor shall come into force as of the date of the adoption of the competition's results. The Rector shall sign the labour contract within one month of the adoption.

Article 55. (1) (Amendment - SG, issue number 60 of 1999) The members of academic staff shall be entitled to:

1. Elect and be elected to the higher school's managing bodies, unless they are lecturers under Article 51 and 52;
2. Develop and teach their subjects freely and in conformity with the curriculum and the syllabus;
3. Conduct research freely, according to their interests and publish the results thereof;
4. Provide consultancy and other services related to the scope of activities at the higher school under terms and conditions determined in the Regulations of the higher school;
5. Use all the facilities and opportunities offered by the higher school for their academic development.

(2) (Amendment - SG, issue number 60 of 1999) Lecturers under Article 48, para 1 shall be entitled to one sabbatical academic year in every seven years for their academic development. No teaching tasks shall be assigned to them during this year. The time for academic development shall include also the specialisation courses outside the higher school that exceed the duration of three months. The Faculty Board shall take the decision for these.

Article 56. (1) (Amendment - SG, issue number 60 of 1999) The members of the academic staff shall be bound to:

1. Fulfil their duties in accordance with their job description and the individual activity plan;
2. Observe the academic and professional ethics;
3. Abide by the regulation of the higher school;
4. Refrain from performing political or religious activities at the higher school.

(2) (Amendment - SG, issue number 60 of 1999) The higher school shall have the right to impose additional conditions and requirements to the members of

the academic staff in the Regulations of the higher school or in the labour contract.

(3) (Amendment - SG, issue number 60 of 1999) The Regulations of the higher school shall determine the working hours of the members of the academic staff, the volume and type of the teaching and other duties and the conditions for their performance.

Article 57. (Amendment - SG, issue number 60 of 1999) (1) Higher schools shall assess the contribution of each member of the academic staff to the teaching, research, artistic administrative or other activities and once in 3 years shall make performance assessments of non-habilitated staff and once in 5 years - of the habilitated staff.

(2) The evaluation and performance assessment shall be based on indicators and criteria known in advance which are laid down by the Regulation of the higher school and shall include:

1. Meeting the teaching hours norm adopted by the Academic Council;
2. Development of new seminars and/or laboratory practice, textbooks and teaching and learning materials;
3. Research (artistic) outcomes, participation in research contracts and international academic co-operation;
4. Research supervision of undergraduates, postgraduates and specialising students;

Article 58. (1) (Amendment - SG, issue number 60 of 1999) The members of academic staff shall be relieved of duties by an order of the Rector in any of the following events:

1. At their request;
2. Imprisonment because of premeditated crime;
3. Where no conditions could be provided for them to perform their teaching activity and no opportunities exist for their transfer or retraining in related subjects;
4. Proven plagiarism in research works;
5. Divesting of academic degree or title;
6. Two successive negative performance assessments;
7. Violations punishable by disciplinary dismissal;
8. Legal disqualification.

(2) (Amendment - SG, issue number 60 of 1999) The dismissal of the member of the academic staff under para 1, subparas 3,4,6,7 shall be carried out after a decision of the board of the main unit to this effect.

(3) (Amendment - SG, issue number 60 of 1999) The lecturers dismissed under para 1, subpara 3 shall be entitled to severance payment amounting to their monthly salary until the expiration of their labour contract but for no more than 12 months after their dismissal.

Article 58a. (New - SG, issue number 60 of 1999) (1) A member of the academic staff or of the other staff of the higher school shall be disciplinary dismissed if they wilfully perform the following violations:

1. Fill in an examination mark where no examination has been held;
2. Examine and give mark to a student who is not entitled to be examined by him/her;

3. Issue a document on behalf of the higher school or main unit which reflects false information about the completed phases of study of an undergraduate, postgraduate or specialising student.

(2) The procedure for establishing the violations under para 1 shall be established in the Regulations of the activity of the higher school.

(3) A member of academic staff who has been proven guilty of corruption shall be disciplinary dismissed and divested of title.

Article 59. All matters which are not settled by this Chapter shall be settled by the provisions of the Labour Code.

Chapter Seven **HONORARY TITLES**

Article 60. (1) Academic Councils of higher schools may confer to Bulgarian or foreign citizens the honorary title Doctor Honoris Causa for contributions to the progress of science and higher education.

(2) The holders of the Doctor Honoris Causa title shall be entitled to an annual public lecture at the higher school which has conferred the title upon them.

Chapter Eight **ORGANISATION OF THE RESEARCH AT HIGHER SCHOOLS**

Article 61. (1) Research at higher schools shall be aimed at new scientific knowledge or the development of new applied research products as well as the development of education.

(2) The organisation and management of research shall be set forth in the Regulations of the higher schools.

Article 62. (1) Higher schools shall encourage research work and projects in high priority areas.

(2) Higher schools shall be entitled to plan and conduct joint research projects with other higher schools, scientific organisations and institutions in accordance with their interests and in the name of science.

Article 63. (1) (Amendment - SG, issue number 60 of 1999) The pursuance of research activities shall be an integral part of the academic staff's activities.

(2) (Revoked - SG, issue number 60 of 1999)

(3) Research work shall also be carried out by appointed to that purpose researchers as well as by undergraduates, postgraduates and specialising students.

(4) The terms and conditions for the appointment, work and dismissal of researchers shall be defined in the Regulations of the higher schools, the provisions of the Academic Degrees and Titles Act and the Labour Code.

Article 64. (1) Research work shall be funded by subsidies from the state budget and by additional funds raised in compliance with the financial rules under Article 90 and 91.

(2) Higher schools shall be entitled to use the funds allocated to research purposes to pay salaries to the teaching and research staff employed on

fixed-term contracts as well as to pay undergraduates and postgraduates who are involved in the subsidised research assignment.

(3) The conditions for spending the funds shall be defined in the Regulations of higher schools.

Article 65. (Amendment - SG, issue number 60 of 1999) (1) The higher school shall hold an annual meeting at which the academic staff shall report the research achievements.

(2) In the annual report of the higher school the Rector shall also include information on the organisation, results and costs of the research.

Article 65a. (New - SG, issue number 60 of 1999) The artistic activities of the arts higher schools shall be organised pursuant to Articles 61 through 65.

Chapter Nine

UNDERGRADUATES, POSTGRADUATES AND SPECIALISING STUDENTS

Article 66. (1) Higher schools shall train undergraduates, postgraduates and specialising students.

(2) Undergraduates shall be people studying to acquire a Bachelor's, Master's or Specialist in degree.

(3) Postgraduates shall be people with a Master's degree who are studying to acquire a Doctor's degree.

(4) Specialising students shall be people upgrading their qualification on the basis of a specialised training programme without acquiring a higher degree or new speciality.

Article 67. The status of an undergraduate, postgraduate or specialising student shall be acquired upon enrolment at the higher school and shall be lost upon leaving the higher school.

Article 68. (1) (Amendment - SG, issue number 60 of 1999, coming into force as of the academic 2000/2001) Admission of students shall be done on the basis of an entrance examination within the framework of the established number under Article 9, para 3, subpara 6, in compliance with:

1. The state requirements;

2. The requirements in the Regulations of the higher schools unless they run contrary to the state ones.

(2) (Amendment - SG, issue number 60 of 1999) Candidates who have successfully passed the entrance examination of the higher school shall be given advantages in any of the following cases: candidates with the same grades; disabled persons of first and second degree of disability; war invalids; orphans; mothers of three or more children; twins where both apply for the same school and one of them is admitted.

Article 69. (Amendment - SG, issue number 60 of 1999) The admission of specialising students in the higher school shall be granted under terms and conditions set forth in the higher school's Regulations.

Article 70. Undergraduates and postgraduates shall be entitled to:

1. Choose subjects under the conditions specified in the curriculum;
2. Receive qualified assistance and tutelage for their academic and professional development;
3. Study more than one speciality at a time or attend additional courses under terms and conditions specified by the higher school;
4. Participate in the research activities of the higher school with guaranteed copyright and related rights and fees;
5. Elect and be elected to the higher school's management bodies;
6. Make use of students' residence halls, canteens, health-care services, discounts in public transport and all the higher school's facilities intended for educational, research, sports and cultural activities as well as other benefits for a normal living and studying under terms and conditions specified by the state and by the higher school;
7. Establish academic, cultural and sports associations to meet and satisfy their interests and join international organisations whose activities do not contravene the laws of the Republic of Bulgaria;
8. Move to other higher schools, faculties, specialities, degrees or forms of studies in accordance with the Regulations of the higher school;
9. Discontinue their studies and later resume them under the terms and conditions laid down in the Regulations of the higher school;
10. (Revoked - SG, issue number 60 of 1999)
11. Have holidays of at least 30 days in one academic year.
12. (Amendment - SG, issue number 60 of 1999) Receive scholarships;
13. (New - SG, issue number 60 of 1999) Receive credit for the payment of fees and/or for their costs during their studies.

(2) Undergraduates, postgraduates and specialising students - orphans, deaf, blind, disabled persons of first and second degree of disability, war invalids, mothers of children below the age of six and persons under regular medical surveillance shall enjoy special benefits set forth in the Regulations of the higher school.

Article 71. The obligations of undergraduates, postgraduates and specialising students shall be defined in the Regulations of the higher school.

Article 72. (1) The Students' Council shall be the body defending the common interests of students. It shall consist of representatives of the undergraduates and postgraduates in the higher school's General Assembly.

(2) The Students' Council shall adopt rules for its organisation and activities and shall submit them to the higher school's Academic Council. The Academic Council may object to texts which contravene the laws and Regulations of the higher school.

(3) Controversial texts shall not be applied pending the settlement of the dispute by the minister of Education and Science.

(4) (Amendment - SG, issue number 60 of 1999) The activity of the Students' Council shall be funded by the higher school up to 1 % from the cost of education. The funds shall be used for protection of the social interests of students, for cultural events, sports, research, artistic and international activities.

Article 73. The Students' Council shall be entitled to:

1. Organise the election of its representatives in the higher school's managing bodies;
2. Make proposals for the introduction of additional subjects;
3. Make proposals for inviting external lecturers;
4. Organise the setting up of specialise students communities and publish their works;
5. Establish if necessary and manage its own organisational units;
6. Establish national and international educational, cultural and postgraduate contacts between students;
7. Express an opinion and make proposals for promoting the sports at the higher school;
8. Participate in the management of the students' residence halls;
9. Participate in the organisation of the training, the allocation of the scholarships and financial aid to students.

Article 73a. (New - SG, issue number 60 of 1999) (1) The Delegation of the Students' Councils shall be the national body representing the common interests of undergraduates and postgraduates.

(2) The Delegation of Students' Councils shall consist of the Chairperson or the delegated representatives of each Students' Council.

(3) The Delegation of Students' Councils shall be a legal entity. Its activity shall be funded by resources from the budgets of the Students' Councils.

(4) The Delegation of Students' Councils shall:

1. Adopt Regulations for its activity;
2. Elect a Chairperson who shall represent it and manage its activity;
3. Draft opinions and proposals on the problems of higher education and science in the higher schools related to the students there;
4. Express an opinion on the draft state budget in its part for education and culture.

Article 74. (Amendment - SG, issue number 60 of 1999) (1) An undergraduate, postgraduate or specialising student shall cancel his/her admission at the higher school in any of the following events:

1. Successful completion of studies;
2. Leaving or moving to another school;

(2) An undergraduate, postgraduate or specialising student shall be under suspension from the higher school for a fixed period of time in any of the following events:

1. Supplying false information which has served as a basis for his/her admission, or falsifying the documents for his/her student status;
2. Systematic failure to fulfil his/her obligations under the curriculum or the Regulations of the higher school;
3. Imprisonment because of premeditated offence

Chapter ten

ACCREDITATION OF HIGHER SCHOOLS (Amendment - SG, issue number 60 of 1999)

Article 75. (1) Accreditation shall be recognition by the National Evaluation and Accreditation Agency (NEAA) of the correspondence between the activities and the quality of education at a higher school with this Act and the state requirements.

(2) The main aim of accreditation shall be to promote the higher schools in developing their potential and in enhancing and maintaining the quality of their activity.

(3) Accreditation shall grant the right to a higher school to operate and to conduct training in accordance with the grade received.

(4) The accreditation outcomes shall be taken into account when forming the policy of the state towards the higher school

(5) NEAA shall evaluate projects for the opening and transforming of a higher school, faculty, institute, branch or college as well as the opening of new specialities.

Article 76. (1) There shall be institutional and programme accreditation.

(2) The institutional accreditation shall establish the correspondence between the structure and overall activity of the higher school and its units, and this Act.

(3) The programme accreditation shall evaluate the quality of training in the higher school in specialities within the frameworks of the individual professional streams.

(4) The institutional evaluation shall precede the programme accreditation.

(5) Evaluation of projects for the opening of faculties, branches, institutes, colleges and specialities may be requested by a higher school which has received institutional accreditation.

Article 77. (1) Accreditation evaluation shall be conducted along a four-grade scale namely: very good, good, satisfactory, unsatisfactory.

(2) The accreditation shall be valid for 5 years when the grade is Very Good or Good, and 3 years when the grade is Satisfactory.

(3) Accreditation shall not be granted when the grade is Unsatisfactory.

Article 78. (1) Higher schools shall not have the right to conduct training in unaccredited specialities and to issue diplomas to the people who have finished them pursuant to Article 7, paras 2 and 3.

(2) Higher schools and organisations under Article 47 may conduct training for a Doctor's degree in specialities that have received a Very Good mark.

(3) Unaccredited higher schools and specialities shall not admit students pursuant to Article 9, para 3, subpara 6.

(4) Unaccredited higher schools shall not receive a state subsidy and shall not be funded in any way by the state.

(5) The provisions under paras 1, 3 and 4 shall not be applied to newly opened higher schools, main units or specialities until the expiration of the term specified in the decision under Article 82, para 2.

(6) The provisions under paras 1 and 4 shall not be applied also for state higher schools which have been rejected accreditation for the first time until the expiration of the term specified in the decision under Article 81, para 4, subpara 2.

Article 79. (1) An accreditation procedure or a project evaluation procedure shall be opened at the request of:

1. Higher school, organisation under Article 47 or Founding Members pursuant to Article 14.

2. The Minister of Education and Science.

(2) The request for the opening of an accreditation procedure or project evaluation procedure under para 1, subpara 1 shall contain information pursuant to Article 87, para 4.

(3) The Regulations of the activity of NEAA shall set forth the circumstances under which the applicant submits the respective documentation and the needed information.

(4) The costs of the procedures shall be paid by the applicant in line with the norm approved by the Minister of Finance.

Article 80. The procedure shall be opened within one month of the submittance of the request.

Article 81. (1) The accreditation procedure shall concluded with a substantiated decision of the Accreditation Council which is voted on within 6 months of its opening.

(2) The decision under para 1 shall contain an evaluation pursuant to Article 77, para 1.

(3) The Accreditation decision containing a Satisfactory grade shall also contain:

1. The length of validity of the accreditation;

2. Recommendations which the higher school shall have fulfilled as a mandatory condition for the opening of a new procedure.

(4) The decision containing a rejection of accreditation shall also contain:

1. Recommendations which the higher school shall have fulfilled as a mandatory condition for the opening of a new procedure.

2. A term after the expiration of which the opening of a new procedure can be requested ; this term shall not exceed 18 months.

Article 82. (1) The project evaluation procedure shall end with a substantiated decision of the Accreditation Council which is voted on within 3 months of its opening.

(2) The decision on project evaluation with a positive grade shall contain the term for applying for accreditation after the opening of the higher school, its main unit or speciality.

(3) The newly opened higher schools, their main units and specialities shall have the status of successfully accredited for the term specified under para 2.

Article 83. (1) The National Evaluation and Accreditation Agency shall:

1. Develop and adopt evaluation and accreditation criteria in accordance with this Act and the adopted state requirements;

2. Develop and adopt the concrete evaluation and accreditation procedures and the related documentation;

3. Evaluate projects for the opening and transforming of higher schools, their main units and specialities;

4. Evaluate the activities and the quality of the training in the higher schools on the basis of which accreditation is given or rejected;
 5. Set up and maintain information system with data on the accredited higher schools, their main units and specialities;
 6. No later than May each year publish in the State Gazette the list of accredited higher schools, their main units and specialities together with the grades.
- (2) The Accreditation Council and its Chairperson shall be the management units of NEAA.
 - (3) The Chairperson of the Accreditation Council shall also be the Chairperson of NEAA. He/she shall represent the agency and manage its activity.

Article 84. (1) The Accreditation Council shall consist of a Chairperson and eight members all of them habilitated and representative of the main areas of science including:

1. Four higher schools' representatives;
 2. Two representatives of the Bulgarian Academy of Sciences and the Agricultural Academy;
 3. Two representatives of the Minister of Education and Science;
- (2) The candidates for representatives of higher schools shall be nominated by the Rectors' Council by secret ballot at the proposals of the Academic Councils of the higher schools.
 - (3) The candidates for representatives of the Bulgarian Academy of Sciences and the Agricultural Academy shall be nominated by their management councils by secret ballot at the proposals of their research boards.
 - (4) The number of nominees shall be twice the number of representatives laid down in para 1.
 - (5) The Prime Minister shall establish the membership of the Accreditation Council on the basis of the proposals of the Minister of Education and Science, the Rectors' Council, the Bulgarian Academy of Sciences and the Agricultural Academy. The Prime Minister shall appoint the Chairperson of the Agency at the proposal of the Minister of Education and Science.

Article 85. (1) The term of office of the Chairperson and the members of the Accreditation Council shall be a six year one.

- (2) Half the membership of the Accreditation Council shall be renewed in quotas every three years.
- (3) The positions of Chairperson and member of the Accreditation Council shall not be eligible to people elected as Rector, Deputy Rector and Dean of a higher school, respectively Chairperson, Deputy Chairperson and Director of an institute of the Bulgarian Academy of Sciences and the Agricultural Academy.
- (4) The Chairperson or a member of the Accreditation Council shall be relieved of duties before the expiration of the term of office in any of the following cases:
 1. At his/ her written request;
 2. Systematic failure to fulfil their obligations;
 3. Factual impossibility to fulfil their obligations for more than 6 months;
 4. Incompatibility of positions under para 3;

(5) The decision to relieve of duties the Chairperson or member of the Accreditation Council pursuant to para 4, subparas 2 and 3 shall be passed with a majority of the total membership of the Council.

(6) The filling of vacancies in the Accreditation Council shall be pursuant to Article 84.

Article 86. The Accreditation Council shall:

1. Adopt evaluation and accreditation criteria;
2. Adopt the concrete evaluation and accreditation procedures and the related documentation;
3. Take decisions for the opening of accreditation and project evaluation procedures;
4. Set up standing committees in professional areas and expert panels under them; at the proposal of the standing committees establish the tasks and the members of the expert panels in line with the procedures;
5. Take decisions for accreditation or for the evaluation of projects on the basis of the reports of the standing committees;
6. Inform the Minister of Education and Science as well as the higher schools about the performed evaluations and accreditations;
7. Draft Regulations for the activity of the National Evaluation and Accreditation Agency and submit it to the Minister of Education and Science for approval.

Article 87. (1) The standing committees in professional areas shall have 3 to 7 members with a three year term of office and shall be appointed by Chairperson of the Accreditation Council.

(2) The standing committees shall control the work of the expert panels and adopt their reports.

(3) The standing committees shall prepare and introduce in the Accreditation Council a report on the results of the evaluation.

(4). Depending on the requested procedure the report shall contain information about and an evaluation of:

1. The educational aims before the higher schools, its main unit and speciality;
2. The correspondence of the internal structure, the internal normative documentation and the decisions of the managing bodies of the higher school or main unit with this Act;
3. Teaching documentation;
4. Academic staff;
5. The material provisions for the teaching process;
6. Library, printing and publishing capacity and other means of information provision of the teaching and research;
7. The examination procedures and the criteria for admission, evaluation and graduation of undergraduates, postgraduates and specialising students;
8. The system for selection, evaluation and assessment of the academic staff;
9. The research (artistic) activity of the higher school, its main units and specialities;
10. The realisation of the graduates of the higher school or main unit on the labour market;
11. The observance of academic freedoms and students' rights;

12. The compliance of the education with the state requirements;
13. A quality evaluation and assurance system for the teaching and the academic staff;

Article 88. The National Evaluation and Accreditation Agency shall publish a bulletin which shall contain the following:

1. The general requirements for opening of accreditation and evaluation procedures;
2. Evaluation and accreditation criteria for higher schools, their main units and specialities;
3. Annual report of the National Evaluation and Accreditation Agency with the outcomes of its activity;
4. Materials for the promotion of the best practice in higher schools as well as methodological articles.

Chapter Eleven

PROPERTY AND FINANCES OF THE HIGHER SCHOOL

Article 89. (Amendment - SG, issue number 60 of 1999) The property of higher schools shall consist of the right of ownership and other proprietary rights.

Article 90. (1) State higher schools shall draw up, implement balance and report on their budgets.

(2) (Amendment - SG, issue number 60 of 1999) Within the framework of the total budget the Academic Council shall approve budgets for its main units annually. The rules of forming the budget of main units shall be laid down by the Regulations of the activity of the higher school.

(3) The income part of the budget of the higher school shall accumulate funds from:

1. Subsidies from the state budget;
2. (Amendment - SG, issue number 60 of 1999) Financial assistance from municipalities;
3. Donations, inheritance, sponsorship;
4. Self-generated income from:
 - a) Research, consultancy and artistic, therapeutic and sports activity as well as from rights over industrial property, copyright and other related rights;
 - b) (Amendment - SG, issue number 60 of 1999) Admission and tuition fees
 - c) Postgraduate qualification courses;
 - d) (Amendment - SG, issue number 60 of 1999) other activities related with the teaching process;

(4) (Amendment - SG, issue number 60 of 1999) The income and expenditure part of the budget shall follow the state budget's income and expenditure classification.

(5) The surplus income at the end of the year shall be rolled over as cash availability at the higher school's budget for the next year;

Article 91. (1) The state budget subsidy shall provide funds for:

1. Covering the costs of the teaching and learning process;

2. (Amendment - SG, issue number 60 of 1999) The higher school's research or artistic activities;
 3. (New - SG, issue number 60 of 1999) Publishing of textbooks and research papers;
 4. (Previous subpara 3 - SG, issue number 60 of 1999) Social expenses;
 5. (Previous subpara 4 - SG, issue number 60 of 1999) Capital investments
- (2) (Amendment - SG, issue number 60 of 1999) The cost of the teaching and learning process shall be calculated on the basis of:
1. Differentiated rates per student in professional trends set by the Council of Ministers;
 2. The number of undergraduates and postgraduates;
 3. The results of the evaluation at the accreditation of the higher school and its specialities.
- (3) (Amendment - SG, issue number 60 of 1999) The resources under para 1, subpara 2 shall be no less than 10% of the cost the teaching and learning process.
- (4) (Amendment - SG, issue number 60 of 1999) The funds for social costs shall be allocated on the basis of the operating regulations.

Article 92. The Council of Ministers shall adopt rules for determining the salaries of the people employed in a state higher school.

Article 93. The imported or donated from abroad literature, machines and equipment for the purposes of the teaching or research process at the higher schools shall be exempt from duty, VAT and charges.

Article 94. (1) The undergraduates and postgraduates shall be entitled to apply for state budget scholarships, scholarships established by the higher schools or scholarships granted by natural or legal persons.

(2) The amount, terms and conditions for granting scholarships to undergraduates and postgraduates under para 1 shall be laid down by the Council of Ministers, the Regulations of the higher schools, and the will of the donor respectively.

Article 95. (Amendment - SG, issue number 60 of 1999) (1) (In power as of the academic 1999/2000) The undergraduates, postgraduates and specialising students shall pay tuition fees for their studies.

(2) (In power as of the academic 1999/2000) The annual tuition fees in the state higher schools shall be set by the Council of Ministers. The students shall pay the fees in equal instalments in the beginning of each semester.

(3) (In power as of the academic 1999/2000) The amount of the tuition fees under para 2 shall not exceed 30% of the rates pursuant to Article 91, para 2, subpara 1.

(4) (In power as of the academic 1999/2000) Tuition fees at state higher schools shall not be paid by:

1. Orphans;
2. People with first and second degree of disability;
3. War invalids;
4. Persons raised in Homes for abandoned children by the Ministry of Education and Science;

5. Cadets at higher defence schools for the duration of the studies which are considered as equal to national service under conscription.

6. The postgraduates in the last two years of the programme for a Doctor's degree.

(5) (In power as of the academic 1999/2000) The foreign students, postgraduates and specialising students shall pay tuition fees which cannot fall below the differentiated rate for the cost of the tuition at the higher school.

(6) The fees under para 5 shall not be paid by undergraduates, postgraduates and specialising students enrolled on the basis of decrees of the Council of Ministers or intergovernmental agreements treating such matters. The tuition costs shall be covered by the budget.

Article 96. Undergraduates and postgraduates shall be entitled to receive loans for the paying of tuition fees and for supporting themselves under terms and conditions stipulated by law.

ADDITIONAL PROVISIONS

§1. The academies and higher schools within the structure of the Ministry of Defence, the Ministry of Internal Affairs, the Ministry of Transport, and the Ministry of Territorial Development and Construction shall apply this Act in accordance with the statutory regulations for their establishment and the provisions of the special acts regulating their organisation and activities.

§2. The draft of the annual state subsidies for the higher schools within the structure of the Ministry of Defence, the Ministry of Internal Affairs, the Ministry of Transport, and the Ministry of Territorial Development and Construction shall be submitted to the Council of Ministers by the respective Minister in co-ordination with the Minister of Education and Science.

§3. (1) (previous text of 3 SG, issue number 60 of 1999) Theological higher schools and faculties shall apply this Act in accordance with the statutory regulations for their establishment and the normative acts regulating the relationship between the State and the religious denominations.

(2) (New - SG, issue number 60 of 1999) The provisions of Article 26 , paras 1 and 7 shall not be applicable for faculties under para 1.

§4. (1) Foreign higher schools may not open branches on the territory of the Republic of Bulgaria.

(2) Joint units with foreign higher school participation may be opened within the framework of Bulgarian higher schools in accordance with international agreements.

§4a. (New - SG, issue number 60 of 1999) The provisions of Article 68, para 1 shall not be applicable to applicant students, laureates of national and international science competitions, and applicants for doctorate on self-training.

TRANSITIONAL AND CONCLUDING PROVISIONS

§5. Diplomas for semi-higher education issued by semi-higher institutes prior to the entry into force of this Act shall give the graduates the rights of Specialist in ... degree.

§6. Diplomas for higher education issued by higher schools prior to the entry into force of this Act shall give the graduates the rights of Master's degree.

§7. Holders of Candidate of Sciences degree shall be entitled to the rights of the Doctor's degree holders.

§8. Higher school graduates who shall not have sat for the final state examinations prior to the entry into force of this Act shall complete their studies in accordance with the law in force as of the date of their enrolment and shall have the rights of Master's degree.

§9. Students enrolled prior to the entry into force of this Act shall continue their studies and receive a degree depending on the schedule of their studies and the curriculum.

§10. (1) (Revoked - SG, issue number 60 of 1999)

(2) Semester tuition fees paid by students enrolled prior to the entry into force of this Act shall not be adjusted in accordance with the provisions of Article 90, para 3, subpara 4, item (b).

§11. (1) (Revoked, previous para 2, amendment , SG, issue number 28 of 1996 - number 58 of 1997) Labour contracts of habilitated staff may be continued at the decision of the Academic Council for up to one year after retirement age in accordance with Article 328, para 1, subpara 10 of the Labour Code but for no more than a total of two years. The extension of the labour contract shall not entitle such persons to hold management positions.

(2) (Previous para 3 - SG, issue number 58 of 1997) Full-time senior researchers and researchers at the departments and faculties of higher schools who shall have also performed teaching functions for three academic years prior to the entry into force of this Act shall be re-appointed as teaching members of the academic staff in accordance with their academic title.

§12. (Amendment - SG, issues number 56 of 1997, issue number 60 of 1999) The training for educational qualification degrees shall be introduced by higher schools after the adoption of the state requirements for the respective speciality or professional stream.

§13. Within six months after the entry into force of this Act the Council of Ministers shall issue a decree for adoption of regulations for the National Evaluation and Accreditation Agency and its staff at the proposal of the Minister of Education and Science.

§14. The Council of Ministers shall transform or close the existing semi-higher learning establishments at the proposal of the Minister of Education and Science within one year after the entry into force of this Act pursuant to the provisions of Article 17.

§15. Higher schools and their main units which shall not have participated or volunteered to participate in an accreditation or evaluation procedure for three years after the entry into force of this Act shall not receive state subsidies or any other financial aid by the State.

§16. Higher schools may conduct studies in unaccredited specialities for up to three years after the entry into force of this Act.

§17. Higher schools shall adopt their Regulations within one year after the entry into force of this Act.

§18. The entry into force of this Act shall not terminate the terms of office of the elected managing bodies of higher schools.

§19. The following corrections shall be made in the Academic Degrees and Titles Act (Promulgated, SG, N:36 of 1972, Amended N:43 of 1975, N: 12 of 1977, N: 61 of 1981, N:94 of 1986, N:10 of 1990 and N:59 of 1992):

1. The wording *Candidate of Sciences* shall be replaced by *Doctor*;
2. The words *postgraduate covering a Candidate's programme* and *postgraduate programme for a Candidate's degree* shall be replaced by *postgraduate covering a Doctor's degree programme* and *postgraduate programme for Doctor's degree*;
3. The words *establishments of higher learning* shall be replaced by *higher schools*.

§20. This Act shall repeal:

1. The Higher Education Act (promulgated, Izvestiya, N: 12 of 1958, Amended SG, N: 99 of 1963, N: 36 and 65 of 1972, Amended N: 81 of 1972, Amended N: 58 of 1978, N:68 of 1988, N:82 of 1989, N:10 of 1990 and N: 100 of 1992);
2. The Academic Autonomy Act (Promulgated, SG, N:10 of 1990, Amended N:12 of 1990; Amended, N:90 of 1993);
3. The Decree on the Recognition of Higher Education Diplomas Issued by Foreign Establishments of Higher Learning (promulgated, SG, N:95 of 1949; Amended N:68 of 1988)

§21. The enforcement of this Act shall be assigned to the Council of Ministers.

TRANSITIONAL AND CONCLUDING PROVISIONS
to the Act for the Amendment of the Higher Education Act
(SG, N: 60 of 1999)

§56. (1) The provisions of Article 95, paras 1,2,3,4,5 shall enter into force as of the academic 1999/ 2000.

(2) Students enrolled prior to the entry into force of this Act shall continue their studies under the conditions operating at their admission and for the term envisaged for the completion of the training in the curriculum.

(3) The provisions of Article 68, para 1 on the admission of undergraduates and postgraduates on the basis of an admission examination shall enter into force as of the academic 2000/ 2001.

§57. (1) The Accreditation Council shall be constituted in 2 months after the entry into force of this Act and in line with the requirements of Article 84. The mandate of the present Accreditation Council shall be terminated with the establishment of the new Accreditation Council.

(2) The evaluation and accreditation procedures shall be discontinued at the moment of entry into force of this Act and new ones shall not be launched.

§58. The membership of the Accreditation Council in its first mandate shall be renewed in half with the representatives of the quotas of the higher schools and the Bulgarian Academy of Sciences and the Agricultural Academy after the drawing of lots, as well as in half of the representatives of the Ministry of Education and Science.

§59 The Council of Ministers shall adopt the Regulations of the National Evaluation and Accreditation Agency and its full-time staff within 4 months of the entry into force of this Act.

§60. (1) The higher schools shall bring its structure in line with the requirements of this Act within 6 months of the entry into force of this Act and shall submit it to the Minister of Education and Science.

(2) The colleges under the auspices of state higher schools shall be transformed into independent colleges pursuant to Article 9, para 2 after an evaluation of a project pursuant to Article 15 within one year of the entry into force of this Act.

§61. (1) Unaccredited higher schools which have not requested institutional accreditation within one year of the entry into force of this Act shall not receive a state subsidy and shall not be funded in any way by the state.

(2) Unaccredited private higher schools which have not requested institutional accreditation within one year of the entry into force of this Act shall not have the right to entitle enrol students.

§62. (1) State higher schools which have received institutional accreditation may conduct training in unaccredited specialities within two years after the entry into force of this Act.

(2) Private higher schools which have received institutional accreditation may conduct training in unaccredited specialities within three years after the entry into force of this Act.

§63. The state higher schools shall not calculate VAT on the tuition fees under Article 90, para 3, subpara 4, item (b) pursuant to Article 9, para 3, subpara 7.

§64. Everywhere in this Act the wording *the Ministry of Education, Science and Technologies* and *Minister of Education, Science and Technologies* shall be replaced respectively by *the Ministry of Education and Science* and *the Minister of Education and Science*.