

REPUBLIC OF BULGARIA  
NATIONAL ASSEMBLY

**HIGHER EDUCATION ACT**

*Promulgated State Gazette No. 112/27.12.1995*

**Chapter One**

**GENERAL PROVISIONS**

**Article 1**

This Act regulates the establishment, functions, management and financing of higher education in the Republic of Bulgaria.

**Article 2**

The objective of higher education is to train specialists of high qualifications above the secondary school level and to develop science and culture.

**Article 3**

The higher secular education is independent of ideologies, religions and political doctrines. It shall comply with the universal human values and national traditions.

**Article 4**

No privileges or restrictions shall be allowed in higher education in connection with age, race, nationality, ethnic origin, gender, social background, political convictions or religious denomination, except for the cases expressly stated in the Regulations on the Activities of Higher Schools in accordance with the peculiarities of the training process and the future profession.

**Article 5**

Higher education shall be attained at higher schools established under terms and conditions provided by law.

**Article 6**

(1) Higher schools are legal entities with the following objects:

1. Training of specialists capable of developing and applying scientific knowledge in various spheres of human activity;
2. Upgrading the qualifications of specialists;
3. Development of science and culture.

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

**Article 7**

(1) Higher schools shall issue diplomas for a completed degree of higher education, and certificates for professional qualifications recognized by the state in the cases where the training of specialists complies with the state requirements for the training envisaged for the respective educational degree, subject or professional qualifications.

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

## **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 means of:

1. Elaborating and implementing the national policy for the development of higher education and safeguarding the academic autonomy of higher schools;
2. Taking care of the quality of the training process and research through organizing the activities of the National Agency for Assessment and Accreditation and defining the conditions for state recognition of the diplomas issued by higher schools in this country and abroad;
3. Financing the training of students in public higher schools and providing, under certain conditions, scholarships and accommodation;
4. Providing, under certain conditions, loans and social benefits to students;
5. Providing property to the public higher schools and ensuring tax and other concessions for the performance of the activities as per Art. 6.

#### **Article 9**

(1) The State shall exercise its functions in the management of 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. Determine the subsidy for each public higher school on an annual basis with the State Budget Act.

(3) The Council of Ministers shall:

1. Approve the general guidelines of the national policy in the field of higher education;
2. Propose to the National Assembly the establishment, transformation or closing of higher schools as well as the amount of the annual budget subsidy for each public higher school;
3. Establish, transform or close departments, subsidiaries, colleges and institutes at public higher schools and determine their status on the basis of a request by the

respective higher school and/or a proposal by the Minister of Education, Science and Technologies;

4. Approve the state register of educational and qualification degrees in individual specialties;
5. Approve the uniform state requirements for obtaining educational degrees by professions or specialties;
6. Approve the number of students and postgraduates by subjects, whose training will be financed by the state, and the maximum number of students and postgraduates to be trained at each public higher school;
7. Determine the amount of term tuition fees for students in paid education at each public higher school as well as the charges for the administrative services rendered by public higher schools;
8. Approve the terms and conditions for granting scholarships at public higher schools and for accommodation in students' hostels and other social benefits for students and postgraduates at all higher schools;
9. Approve the state requirements for the recognition of higher education completed at foreign higher schools;
10. Represent the interests of the Bulgarian higher education and science before other states and international organizations and execute international agreements.

#### **Article 10**

(1) The Ministry of Education, Science and Technologies is the state authority for the implementation of the national policy in the field of higher education.

(2) The Ministry of Education, Science and Technologies shall:

1. Make proposals before the Council of Ministers as per Art. 9, para 3, subparas 1-9;
2. Perform coordinating functions in the relationship between the autonomous higher schools and the state;
3. Prepare and maintain the state register of specialties at higher schools;
4. Arrange for the recognition and legitimation of the diplomas of persons who have graduated abroad;
5. Appoint acting chancellors of new or transformed public higher schools pending the elections to be held there.

#### **Article 11**

(1) The National Agency for Assessment and Accreditation at the Council of Ministers is the specialized state authority for assessment and accreditation of the quality of the activities under Art. 6, para 1.

(2) The National Agency for Assessment and Accreditation is a legal entity supported by the budget with principal office in Sofia.

(3) The National Agency for Assessment and Accreditation shall perform its activities in accordance with the provisions of this Act and Regulations approved by the Council of Ministers.

### **Chapter Three**

#### **TYPES OF HIGHER SCHOOLS, ESTABLISHMENT, TRANSFORMATION AND CLOSING**

##### **Article 12**

Higher schools are public and private.

##### **Article 13**

Public higher schools shall be established and function on the basis of the state property given at their disposal and the annual state subsidy.

##### **Article 14**

(1) Private higher schools shall be established at the request of individual citizens or organizations, hereinafter called "founding members".

(2) The founding members shall be responsible for the overall activities, 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:

1. Specifying socially acceptable objectives of the higher schools proposed to be established;
2. Containing the necessary educational documentation and details about the faculty, facilities and funding schemes;
3. Providing for the management in conformity with the basic academic freedoms;
4. Complying with the uniform state requirements.

(2) The project under para 1 shall need a positive assessment by the National Agency for Assessment and Accreditation.

(3) The project for the establishment of private higher schools shall be supplemented by an act of incorporation with the following details:

1. Type, name and location;
2. Objects;
3. Name of the founding member(s);
4. Property and funding schemes;
5. Management and representative powers;

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 objects;
3. The property and funding schemes.

(2) Higher schools shall be established as legal entities upon the promulgation of the decision of the National Assembly on its establishment in The Official Gazette.

#### **Article 17**

(1) Higher schools are universities, specialized higher schools (academies, institutes, etc.) and colleges.

(2) Universities are higher schools which:

1. Organize 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 - covering a substantial number of scientific fields;
2. Are entitled to conduct training for the Master and Doctor degrees in a substantial number of scientific fields;
3. Have their own research capacities and develop major branches of science and culture with its research.

(3) Higher schools conducting training in one or two major branches of science and culture and being eligible as per para 2, subparas 2 and 3 may be universities with a name reflecting their specificities.

(4) Specialized higher schools perform research and conduct training in major fields of science, physical education, arts and defence. The name of the specialized higher school shall reflect the specificities of its training process.

(5) Independent colleges shall provide professional qualifications and conduct training of students acquiring the degree "specialist in....".

(6) Colleges may also be established within the structures of universities or specialized higher schools.

#### **Article 18**

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

1. Where the higher school violates the provisions of this Act or other laws and regulations in the field of higher education;
2. Where the higher school has received two successive negative assessments or has no accreditation within the time limits provided 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 public higher schools.

(2) The proposals for closing higher schools under para 1, subparas 1 and 2, shall be submitted by the Council of Ministers.

(3) The act on closing the higher school shall also regulate the issues related to its property and the provision of conditions for the completing on of the studies of students and postgraduates enrolled in it.

(4) In the cases under para 1, subpara 3, founding members shall first settle the issues related to the property and the rights of students and postgraduates.

## **Chapter Four**

### **ACADEMIC AUTONOMY**

#### **Article 19**

(1) Higher schools shall have academic autonomy. It shall express the intellectual freedom of the academic community and the creative nature of research and education as the highest values.

(2) The academic autonomy shall include academic freedoms, academic self-government and inviolability of the territory of the higher schools.

(3) Higher schools shall perform their overall activities on the basis of the academic autonomy principle, while observing the laws in this country.

#### **Article 20**

The academic freedom is expressed in the freedom of teaching, the freedom of research, the freedom of acts of creativity, and the freedom of training.

#### **Article 21**

The academic self-government is expressed in:

1. The electivity of all bodies with a fixed term of office;
2. The right of higher schools to decide their structure and activities in their own regulations in conformity with the provisions of this Act;
3. The independent choice of faculty, admission requirements and forms of training students and postgraduates;
4. The independent development and implementation of curricula and research projects;
5. The choice of specialties to be taught;
6. The right to announce competitions and appoint faculty 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 appropriation;
8. The right to contract training and retraining graduates or fundamental and applied research with the state or other users;
9. The right to association with higher schools and other organizations while performing the activities under subpara 8;
10. The right to build, own or use facilities needed for educational or research purposes or for servicing the students and faculty;
11. The right to organize international cooperation, execution of agreements and membership in international organizations.

#### **Article 22**

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

1. Interference in the activities of higher schools, except for the cases expressly stipulated by law;
2. Entry or stay of security and public order authorities on the premises without the consent of the academic authorities, except for the prevention of impending, upcoming or current offence, apprehension of its perpetrator or in the event of natural calamities or accidents;
3. Establishment and operation of political or religious organizations at higher schools;
4. Activities infringing upon any constitutional rights of the members of the academic community based on race, nationality, ethnic origin, social background, religion, convictions or political affiliation.

#### **Article 23**

Disputes arising between different communities at higher schools shall be settled under terms and conditions set forth in the Regulations. Disputes shall not be settled on the territory of the higher schools where such settlement is an impediment to its activities.

#### **Article 24**

- (1) The governing bodies of higher schools are the General Meeting, the Academic Board and the Chancellor.
- (2) The governing bodies of higher schools shall serve a four-year term of office.
- (3) The term of office of the governing bodies of higher schools shall not be discontinued by the conduct of by-elections. The term of office of members elected at such by-elections shall terminate with the expiration of the term of office of the respective governing body.
- (4) The powers of the Chancellor of the higher school shall be terminated with the expiration of the term of office of the General Meeting. The Chancellor shall continue to perform his duties pending the election of a new Chancellor.

#### **Article 25**

- (1) Higher schools shall have basic and auxiliary units.
- (2) Basic units are departments, institutes, subsidiaries, colleges and chairs.
- (3) Auxiliary units are sections, centres, clinics, libraries, laboratories, experimental stations, printing and publishing facilities, production units and other distinct units.
- (4) The units under paras 2 and 3, except for the chairs, may have the status of legal entity provided it is approved by the Council of Ministers.

#### **Article 26**

- (1) Departments are the main units of higher schools, incorporating several chairs for training students in one or more related specialties.
- (2) Higher school departments may establish associations under terms and conditions set forth in the Regulations on the activities of higher schools.
- (3) The governing bodies of departments or equivalent organizations are the General Meeting, the Department Board and the Dean or Head respectively. The term of office shall be four years and it shall not be discontinued when by-elections are conducted.
- (4) The membership of the General Meeting shall be determined by the Department Board and it shall include all professors and associate professors on permanent contracts, while observing the requirements under Arts. 27 and 28.
- (5) The governing bodies of individual chairs are the Board and the Head of the chair. The head of the chair shall be a professor or an associate professor in the branch of learning of the chair, elected by secret ballot for a four-year term of office and occupying the position on the basis of a permanent contract with the higher school.
- (6) The structure and functions of the governing bodies of auxiliary units shall be defined in the internal regulations of higher schools.

#### **Article 27**

- (1) The General Meeting of a higher school shall represent professors, associate professors, assistant professors and other teachers and researchers, the clerical staff and the students and postgraduates from all units.
- (2) Professors and associate professors shall account for not less than 70 per cent, while student representatives shall account for at least 15 per cent of the membership of the General Meeting.
- (3) The total number of the members of the General Meeting and the procedure of their election shall be determined in the Regulations on the activities of higher schools.
- (4) In filling up the faculty quota, preference shall be given to persons working on the basis of a main employment contract.

#### **Article 28**

- (1) The General Meeting of the higher school shall be convened by the Chancellor or at the request of a quarter of its members at least once a year.



(2) The General Meeting shall be legitimate where at least two-thirds of its members are present.

(3) The General Meeting shall make decisions by simple majority vote of the members present, except for the approval of the Regulations on the activities of the higher schools requiring a majority of all the members of the General Meeting.

#### **Article 29**

The General Meeting of the higher school shall:

1. Elect by show of hands the chairman and vice chairman of each session among the professors and associate professors who are members of the General Meeting;
2. Adopt or amend the Regulations on the activities of the higher school;
3. Elect the Chancellor by the secret ballot;
4. Determine the number of the members of the Academic Board and elect these members by the secret ballot;
5. Discuss and adopt the annual report of the Chancellor on the state of the higher school.

#### **Article 30**

(1) The Academic Board is a body to direct the educational and research activities of the higher school which shall:

1. Determine the educational policy of the higher school, adopt the programme for the term of office and supervise its implementation;
2. Adopt an annual report on the results of the activities of the higher school;
3. Make decisions on the establishment or transformation of chairs or auxiliary units of the higher school or propose the establishment of main units under the terms and conditions of Art. 9, para 3, subpara 3;
4. Determine the specialties, forms and degrees of learning and propose the number of students to be enrolled;
5. Approve or change the qualification descriptions and curricula of training for the different degrees or at the colleges of the higher school;
6. Determine the research policy of the higher school and make decisions on major issues of the organization and contents of research activities;
7. Determine the composition of the General Meeting and the organization for the election of its members;
8. Determine the personnel policy of the higher school and adopt regulations to evaluate faculty members and researchers;
9. Elect Vice Chancellors at the proposal of the Chancellor;

10. Make decisions on the participation in associations with Bulgarian or foreign organizations;
11. Adopt the budget of the higher school and monitor its implementation through the approval of financial reports;
12. Award the *doctor honoris causa* honorary title;
13. Elect extraordinary professors and associate professors;
14. Adopt regulations on specific educational, scientific, creative or production activities of the higher school.

(2) At least three quarters of the members of the Academic Board shall be professors and associate professors.

(3) The Academic Board shall consist also of representatives of students, postgraduates, other faculty members and staff.

### **Article 31**

(1) The Chancellor of the higher school shall be a professor or an associate professor who, upon the election, shall hold the position on the basis of a permanent contract with the higher school.

(2) Persons elected to leading administrative positions in the governing bodies under Art. 24 and Art. 26, paras 3 and 5 and heads of units and organizations equivalent to departments or their deputies shall not be re-elected for more than two consecutive terms of office at the same position.

(3) In the event of discontinued term of office, one term of office shall be recognised if the respective person has occupied the position for more than two years.

(4) Persons entitled to retirement as of the election date shall not be elected to leading positions.

### **Article 32**

The Chancellor shall:

1. Represent the higher school;
2. Be a member of the Academic Board and its Chairman *ex officio*;
3. Sign and terminate employment contracts;
4. Make the final decision on all matters related to the admission, dismissal or transfer of students;
5. Prepare and propose for approval by the Academic Board the annual report of the higher school and publish the report;
6. Nominate professors and associate professors for the election of one or more Vice Chancellors;

7. Perform other functions specified by law or by the decisions of the Academic Board or the General Meeting.

### **Article 33**

(1) The Vice Chancellor shall:

1. Assist the Chancellor in the performance of his duties and be authorized to represent him in cases where the Vice Chancellor has been authorized to do so;
2. Organize and be responsible for a specific branch of activities of the higher school;
3. Participate in the meetings of the Academic Board in a non-voting capacity, unless elected by the General Meeting as a member of the Academic Board.

(2) The term of office of the Vice Chancellor shall expire together with the term of office of the Chancellor who has nominated him to the Academic Board.

### **Article 34**

Higher schools shall establish auxiliary consultative bodies at their discretion. The terms and conditions for their establishment shall be determined in the Regulations on the activities of the higher schools.

### **Article 35**

The Chancellor, Vice Chancellors, Deans and head of units as well as the members of the Academic Board or Department Boards of higher schools shall be discharged of duties at their own request or recalled before the expiration of their term of office at a decision of the body which has elected them by a majority of more than one half of all its members.

### **Article 36**

Private higher schools may have a different structure, governing and leading bodies provided they do not infringe upon academic freedoms.

### **Article 37**

All issues related to the structure and activities of higher schools which are not settled in this Act shall be regulated in the Regulations on the activities of higher schools.

### **Article 38**

The acts of the governing bodies of higher schools may be attacked in court under the terms and conditions set forth in the Administrative Proceedings Act.

## **Chapter Five**

### **STRUCTURE AND ORGANIZATION OF STUDIES AT HIGHER SCHOOLS**

### **Article 39**

Studies shall be conducted at higher schools on the basis of training documentation for each specialty, including a qualification description, curriculum, syllabi of the subjects and an annual time table.

### **Article 40**

- (1) The course of study shall be organized for each subject in distinct modules.
- (2) Each module shall include at least 15 academic hours of training. The academic hour is 45 minutes long.

#### **Article 41**

- (1) Higher schools shall organize learning of general and facultative subjects.
- (2) Each student shall have the right to choose subjects within the framework of the approved curriculum.

#### **Article 42**

- (1) The system of higher education shall organize studies after the completion of secondary education, consisting of the following degrees:
  1. First degree - with a curriculum for at least four years ending with awarding a Bachelor's degree;
  2. Second degree - with duration of studies at least five years or one year after the Bachelor's degree, ending with a Master's degree;
  3. Third degree - with duration of the studies after the Master's degree at least three years ending with a Doctor's degree.
- (2) The duration of studies at colleges shall be at least three years ending with the degree "Specialist in....".
- (3) Degrees may have specific names, depending on the educational traditions and peculiarities of the respective branch of learning. Names shall be approved by the Minister of Education, Science and Technologies.
- (4) Diplomas for a completed degree under Art. 7 shall be issued upon the successful performance of all duties envisaged in the curriculum, regardless of the calendar time table.
- (5) Higher schools shall create conditions and specify the terms for:
  1. Acquiring a second specialty within the framework of the same degree;
  2. Acquiring a higher degree;
  3. Early completion of a specific specialty and a second one at the request of the trainees;
  4. Acquiring a new specialty, while observing the statutory requirements and the requirements under para 4;
  5. Partial training of Bulgarian and foreign students at a higher school, department or specialty at their choice;
  6. Transfer of students to another higher school, department, specialty or form of learning;
  7. Interruption and subsequent continuation of the studies of students and postgraduates.

(6) The forms of studies are full-time, extramural, evening courses and correspondence training.

#### **Article 43**

(1) Higher schools may organize courses for upgrading qualifications.

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

(3) A completed courses for upgrading qualifications shall not serve as grounds to acquire a degree or specialty.

#### **Article 44**

(1) Higher schools shall adopt rules to specify the way in which examinations are held.

(2) The forms to assess and mark the knowledge and skills of students shall be defined in the curricula and syllabi. The major form of assessing knowledge at higher schools is the written examination.

(3) The knowledge and skills of students shall be marked on the basis of a six-grade system as follows: Excellent (6.00), Very Good (5.00), Good (4.00), Fair (3.00) and Poor (2.00).

(4) The grade of at least Fair (3.00) is required for an examination to be successfully passed.

(5) Higher schools may introduce rules to practise another grading system which shall be compatible with the one under para 3.

#### **Article 45**

(1) The learning of each specialty for the first and the second degrees shall end with a state exam or defence of a diploma thesis.

(2) The state exam and the defence of the diploma thesis shall be conducted in accordance with the state graduation requirements before a panel of professors and associate professors. The panel shall also include persons from outside.

#### **Article 46**

(1) Higher schools shall be entitled to conduct training for the third degree called doctorate in a specialty included in the list of specialties for which the respective higher school has obtained accreditation in accordance with the provisions of Art. 76, para 4.

(2) Doctorates shall be based on individual syllabi, including the preparation and defence of a dissertation thesis.

(3) The Department Board of the higher school where the doctorate is conducted shall approve the syllabus and appoint a supervisor.

(4) The supervisor of a postgraduate doing a doctorate course may be a professor or an associate professor or a doctor.

(5) The Doctor's degree shall be awarded to persons who have passed the required exams and defended their dissertation theses under the terms and conditions set forth in the Academic Degrees and Titles Act.

#### **Article 47**

The Bulgarian Academy of Sciences, The Academy of Agriculture and other scientific organizations may conduct a learning process and doctor's degree courses in specialties they have been accredited for.

### **Chapter Six**

#### **FACULTY MEMBERS AND RESEARCHERS AT HIGHER SCHOOLS**

#### **Article 48**

(1) The following positions shall exist for faculty members:

1. Associate professors and professors.
2. Assistant professors, senior assistant professors and chief assistant professors.

(2) Persons employed only in teaching to non-specialists of languages, sports, art and others shall be lecturers and senior lecturers.

(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 Art. 48 shall be occupied on the basis of competition and after election under the terms and conditions set forth in the Regulations of higher schools.

#### **Article 50**

(1) The decisions to hold a competition for the positions under Arts. 48 and 51 shall be taken by the Academic Board or the Boards of the main units of higher schools provided they have been granted this right by the Regulations of the higher school at the proposal of the chairs which the respective faculty member will join.

(2) Competitions for associate professors and professors shall be announced in The Official Gazette at least three months prior to the deadline for participation in the competition.

#### **Article 51**

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

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

(3) Extraordinary professors and extraordinary associate professors shall be employed on the basis of a competition and after election by the Academic Board or the Department Board.

(4) Persons working on the basis of fixed-term contracts to do research at the higher school shall be entitled to participate in the competitions for extraordinary professors or extraordinary associate professors.

(5) Higher schools shall be entitled to employ also external faculty on a fee basis. The terms and conditions for this purpose shall be regulated in the Regulations of the higher school.

#### **Article 52**

(1) Scientists or faculty from this country or abroad may be invited by the Department Board of a higher school to teach and research as guest faculty members for a certain period of time.

(2) No competition shall be organized for guest faculty members.

(3) The relationship between guest faculty members and the higher school shall be settled on the basis of a contract.

#### **Article 53**

(1) Specialists and experts shall be appointed to assist the teaching process and research at higher schools.

(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 Degrees and Titles Act and the Regulations of higher schools.

#### **Article 54**

(1) Faculty members shall be appointed at higher schools as follows:

1. Professors and associate professors - for an indefinite period of time;
2. Assistant professors, senior assistant professors and chief assistant professors - for a certain period of time which shall not exceed three years.

(2) Faculty members under Art. 48, para 2 may work on the basis of fixed-term contracts or permanent employment contracts. The terms and conditions for their appointment shall be defined in the Regulations of the higher school.

(3) Upon the expiration of the term of the employment contract under para 1, subpara 2, the Department Board may decide to continue it provided that the person receives positive assessment of his or her performance. The fixed-term contract may be continued several times but for a total of not more than nine years or, for holders of a doctor's degree, 12 years.

(4) Employment relations between the higher school and the winner in the competition shall come into existence as of the date of the approval of his or her election. The Chancellor shall sign the employment contract within one month after the approval of the election.

#### **Article 55**

(1) Faculty members shall be entitled to:

1. Elect and be elected to the governing bodies of the higher school, unless they are faculty members under Arts. 51 and 52;

2. Develop and teach their subject freely and in accordance with the curriculum and the syllabus;
3. Conduct research freely, on the basis of their interests, and publish the results thereof;
4. Provide consultancy and other services related to their objects of activity 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) Faculty members under Art. 48, para 1 shall be entitled to sabbatical academic year for their academic development. No teaching workload shall be assigned to them during this year. The time for academic development shall include also the specialization courses outside the higher school for more than one month. The respective decision shall be made by the Department Board by secret ballot.

#### **Article 56**

(1) Faculty members shall:

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

(2) Higher schools may pose additional requirements and conditions on the faculty members in the Regulations or the employment contracts.

(3) The Regulations of higher schools shall determine the working hours of the faculty members and the researchers, their workload and the working conditions.

#### **Article 57**

(1) Higher schools shall evaluate the contribution of each faculty member and researcher to the teaching, research, administrative and other activities and make performance assessments of professors and associate professors once in five years and performance assessments of the other faculty members once in three years.

(2) The evaluation and performance assessment shall be based on criteria known in advance and set forth in the Regulations of the higher school.

#### **Article 58**

(1) Faculty members shall be dismissed with an order by the Chancellor in any of the following events:

1. At their request;
2. Conviction for a premeditated offence;



3. Where no conditions can be provided for them to carry out teaching and no opportunities exist for transfer or retraining in a similar subject;
4. Proven plagiarism in academic works;
5. Withdrawal of the academic degree;
6. Two consecutive negative performance assessments;
7. Violations punishable with disciplinary dismissal;
8. Legal disability.

(2) The dismissal under para 1, subparas 3, 4, 6 and 7 shall be carried out after a decision of the Department Board to this effect.

(3) Faculty members dismissed under para 1, subpara 3 shall be entitled to their remuneration until the expiration of their employment contract but not more than 12 months after their dismissal.

#### **Article 59**

The provisions of the Labour Code shall apply to matters which are not regulated in this Chapter.

### **Chapter Seven**

#### **HONORARY TITLES**

#### **Article 60**

(1) Academic Boards of higher schools may confer to Bulgarian or foreign citizens the honorary title of "doctor honoris causa" for contributions to the advancement of science and higher education.

(2) The holders of the title "doctor honoris causa" shall be entitled to deliver a public lecture at the higher school which has awarded the honorary title.

### **Chapter Eight**

#### **ORGANIZATION OF RESEARCH AT HIGHER SCHOOLS**

#### **Article 61**

(1) Research at higher schools shall aim at the advancement of science or applied research products as well as at the advancement of education.

(2) The organization and governing of research shall be regulated in the Regulations of higher schools.

#### **Article 62**

(1) Higher schools shall encourage research work and projects in high priority spheres.

(2) Higher schools shall be entitled to plan and conduct joint research projects with other higher schools, scientific organizations and institutions, depending on their interests and the interests of research.

#### **Article 63**

(1) Research work shall be an integral part of the activities of faculty members.

(2) The research done by the persons under para 1 shall be taken into account when the performance of faculty members is assessed.

(3) Researchers, students and postgraduates shall also engage in research work.

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

#### **Article 64**

(1) Research shall be financed with subsidies from the state budget and additional funds raised in accordance with the financial rules under Arts. 90 and 91.

(2) Higher schools shall be entitled to use the funds allocated for research purposes to pay salaries of faculty members and researchers working on the basis of fixed-term contracts as well as to pay students and postgraduates involved in the financed research assignment.

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

#### **Article 65**

The annual report of higher schools shall include information on the organization, results and costs of research activities.

### **Chapter Nine**

#### **STUDENTS, POSTGRADUATES AND TRAINEES**

#### **Article 66**

(1) Higher schools shall train students and postgraduates.

(2) Students are persons who study to acquire the degree of bachelor, master or specialist.

(3) Postgraduates are those persons who hold a master's degree and prepare to acquire a doctor's degree.

(4) Trainees are persons who upgrade their qualifications on the basis of a specialized training programme without seeking a higher degree or a new specialty.

#### **Article 67**

The status of a student, postgraduate or trainee shall be acquired upon enrollment at a higher school and lost when the person ceases to be enrolled at the higher school.

#### **Article 68**

(1) Students shall be enrolled while observing the following requirements:

1. Approved standard state requirements;
2. Additional requirements which do not contravene the standard state requirements as defined in the Regulations of higher schools.

(2) Applicants who have successfully participated in the admission competition in the higher school shall be given advantage in any of the following cases: persons with the same grades; disabled persons of first or second category of disability; disabled in the wars; orphans, blind, deaf, mothers of three or more children; twins where both apply for the same school and one of them is enrolled.

#### **Article 69**

Postgraduates and trainees shall be enrolled in higher schools under terms and conditions specified in the Regulations.

#### **Article 70**

(1) Students 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. Learn more than one specialty 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 governing bodies of the higher school;
6. Use students' hostels, canteens, health-care services, discounts in the public transport and all the facilities of the higher school for learning, research, sports and cultural activities as well as other benefits for normal life and studies under terms and conditions specified by the state and the higher school;
7. Establish academic, cultural and sports associations to meet and defend their interests and join international organizations whose activities do not contravene the laws of the Republic of Bulgaria;
8. Move to other higher schools, departments, specialties, degrees or forms of learning in accordance with the Regulations of higher schools;
9. Discontinue their studies and resume them afterwards under terms and conditions specified in the Regulations of the higher school;
10. Apply for continued studies in the same specialty funded by the state after each successful academic year at public higher schools. The terms and conditions shall be specified in the Regulations of the higher school;
11. Have holidays of at least 30 days in an academic year;

12. Receive state scholarships or use loans for tuition and support during the course of studies.

(2) Students, postgraduates and trainees who are orphans, blind, deaf, disabled of first or second category of disability, disabled in the wars, mothers with children below the age of six and monitored or treated in medical dispensaries shall enjoy special benefits specified in the Regulations of higher schools.

#### **Article 71**

The duties of students, postgraduates and trainees shall be defined in the Regulations of higher schools.

#### **Article 72**

(1) The Students' Council is the body to defend the common interests of students and postgraduates. It consists of the representatives of students and postgraduates in the General Meeting of the higher school.

(2) The Students' Council shall adopt rules of its organization and activity and submit it to the Academic Board of the higher school. The Academic Board may object to certain rules which contravene the laws or the Regulations of the higher school.

(3) Disputable rules shall not apply pending the settlement of the dispute by the Minister of Education, Science and Technologies.

(4) The activities of the Students' Council shall be financed from the budget of the higher school. These funds shall be used for protection of the social interests, for cultural events, sports, research, creative works and international activities of the students.

#### **Article 73**

The Students' Council shall be entitled to:

1. Organize the election of its representatives in the leading bodies of the higher school;
2. Make proposals to include additional subjects;
3. Make proposals to invite external lecturers;
4. Organize the establishment of specialized academic communities of students and publish their works;
5. Establish, if necessary, and manage its own organizational units;
6. Establish internal and international educational, cultural and postgraduate contacts between students;
7. Express opinion and make proposals to develop sports at the higher school;
8. Participate in the governing of students' hostels;
9. Participate in the organization of learning, the allocation of scholarships and aid to students.

#### **Article 74**

A student, postgraduate or trainee shall cease to be enrolled at the higher school in any of the following events:

1. Successful completion of studies;
2. Quitting or moving to another school;
3. Supply of untrue information on the basis of which the enrollment has taken place;
4. Systematic failure to fulfill the duties envisaged in the curriculum or the Regulations of the higher school;
5. Conviction for premeditated offence.

## **Chapter Ten**

### **ACCREDITATION OF HIGHER SCHOOLS**

#### **Article 75**

Accreditation is the recognition of the consistency between the activities of a higher school, a basic unit or specialty thereof and the state requirements.

#### **Article 76**

The National Agency for Assessment and Accreditation shall:

1. Develop and update criteria and standards for accreditation in its rules, while observing the requirements of this Act and the state requirements;
2. Develop and approve the procedures and documentation for the accreditation process;
3. Evaluate projects for the establishment or transformation of higher schools, departments or specialties thereof;
4. Assess the condition and activities of higher schools, their departments and specialties on the basis of which accreditation is either given or refused;
5. Establish and maintain an information system with data about accredited higher schools, departments and specialties.

#### **Article 77**

(1) The governing bodies of the National Agency for Assessment and Accreditation are the Accreditation Board and its Chairman.

(2) The Accreditation Board shall establish specialized committees to perform its assessment and accreditation activities.

#### **Article 78**

(1) The Accreditation Board shall consist of 23 professors or associate professors in the main fields of science and learning as follows:

1. Fourteen representatives of higher schools;
2. Seven representatives of the Bulgarian Academy of Sciences and the Agricultural Academy;
3. Two representatives of the Ministry of Education, Science and Technologies.

(2) The representatives of higher schools shall be elected by the Chancellors by secret ballot at the proposals of the Academic Boards.

(3) The representatives of the Bulgarian Academy of Sciences and the Agricultural Academy shall be elected by their Boards of Directors at the proposals of the Research Councils by secret ballot.

(4) The Prime Minister shall appoint the Chairman from among the members of the Accreditation Board at the proposal by the Accreditation Board.

#### **Article 79**

(1) The term of office of the Accreditation Board is four years. No person may seek re-election after two successive terms of office.

(2) Any member of the Accreditation Board may be relieved from duties earlier in any of the following events:

1. His or her request in writing;
2. Systematic failure to fulfill his or her duties;
3. Actual impossibility to perform his or her duties.

(3) The decision under para 2, subparas 2 and 3 shall be taken by a majority of all members.

(4) Vacancies in the Accreditation Board shall be filled by a new member pursuant to Article 78.

#### **Article 80**

The Accreditation Board shall:

1. Make decisions to start assessment or accreditation procedures;
2. Define the assignments and membership of specialists' committees;
3. Approve the reports by the specialists' committees and make accreditation decisions;
4. Advise the Ministry of Education, Science and Technologies of the assessments and accreditations made;
5. Adopt the regulations of the National Agency for Assessment and Accreditation and submit them for proposal to the Council of Ministers.

#### **Article 81**

The Chairman of the Accreditation Board is also President of the National Agency for Assessment and Accreditation. The Chairman shall:

1. Represent the National Agency for Assessment and Accreditation;
2. Direct the activities of the National Agency for Assessment and Accreditation.

#### **Article 82**

(1) Specialists' committees shall prepare and submit for approval to the Accreditation Board a report on the results of each assessment or accreditation.

(2) The report shall include information on and evaluation of:

1. The objectives of the higher school, unit or specialty;
2. The documentation of studies;
3. The faculty;
4. The facilities and information available for the purposes of the learning process;
5. The examination procedures and criteria for enrollment, evaluation and graduation of students, postgraduates and trainees;
6. The system of selection, evaluation and performance assessment of faculty members and researchers;
7. The research activities at the higher school or its main units;
8. The observance of academic freedoms;
9. The consistency of training with the state requirements.

#### **Article 83**

(1) An accreditation or assessment procedure shall be opened at the request of:

1. A higher school or founding members within the meaning of Art. 14;
2. The Minister of Education, Science and Technologies.

(2) The accreditation or assessment costs shall be paid by the applicant at rates approved by the Ministry of Finance.

#### **Article 84**

(1) The request for accreditation or assessment shall contain the information as per Art. 82, para 2.

(2) The decision to open the procedure shall be made within three months after the request is submitted.

(3) The accreditation or assessment procedure shall be completed within six months as of the date of the decision to open such a procedure.

(4) The procedure shall be completed with a substantiated decision of the Accreditation Board.

#### **Article 85**

The decision to refuse accreditation shall contain the following:

1. Grounds for the refusal;
2. Recommendations the fulfillment of which shall be a precedent condition for opening a new assessment or accreditation procedure;
3. The minimum term for opening a new procedure.

#### **Article 86**

The refusal to grant accreditation may be attacked before the Supreme Administrative Court in pursuance of the provisions of the Administrative Proceedings Act.

#### **Article 87**

(1) The accreditation shall be valid for five years. Higher schools which have not participated in an accreditation or assessment procedure for five years shall not be entitled to state subsidies or any other funding by the state.

(2) Public higher schools which have participated in an accreditation procedure ending with negative result may receive a state subsidy as an exception and at the proposal of the Council of Ministers.

(3) The results of the accreditation shall be taken into consideration in the policy of state institutions to the higher school.

#### **Article 88**

The National Agency for Assessment and Accreditation shall issue a newsletter to publish:

1. The general requirements for the permission and opening of assessment or accreditation procedures;
2. The criteria, requirements and conditions for the assessment and accreditation of higher schools, basic units and specialties;
3. The annual report of the National Agency for Assessment and Accreditation on the results of its activities;
4. Materials to give publicity to the best accomplishments of higher schools and methodological materials.

### **Chapter Eleven**

#### **PROPERTY AND FINANCES OF HIGHER SCHOOLS**

#### **Article 89**

The property of higher schools and their basic units with the legal status of legal entities shall consist of ownership rights and other proprietary rights.



## **Article 90**

- (1) Public higher schools shall draw up, implement, consolidate and report their own budgets.
- (2) The Academic Board may approve the budgets of the basic units of the higher school within the framework of the general budget.
- (3) The budget revenues of higher schools shall consist of:
  1. State budget subsidies;
  2. Financial assistance from local governments;
  3. Donations, inheritance, sponsorship;
  4. Own revenues from:
    - (a) Research, consultancy, creative, therapeutical and sports activities as well as industrial property rights, copyright and other related rights;
    - (b) Approved term tuition fees which cannot be lower than the respective state rates for the support of state-financed studies and funds charged for administrative services under Art. 9, para 3, subpara 7;
    - (c) Postgraduate training;
    - (d) Activities related to the learning process.
- (4) Budget expenditures shall be drawn up in accordance with the classification of expenditures in the state budget.
- (5) The surplus revenues at the end of the year shall be transferred as cash availability in the budget of the higher school for the following year.

## **Article 91**

- (1) The state budget subsidy shall provide funds for:
  1. Support of the learning process;
  2. Research;
  3. Support of students and postgraduates;
  4. Capital investment.
- (2) The support of the learning process shall be specified on the basis of:
  1. The differentiated rates per student as approved by the Council of Ministers;
  2. The number of students and postgraduates whose studies are financed by the state;
  3. The results of the assessment of the higher school, its units and specialties.

(3) The funds for research shall be determined as a portion of the support of the learning process.

(4) The support of students and postgraduates shall be determined on the basis of the existing statutory regulations.

#### **Article 92**

The Council of Ministers shall adopt the rules to determine the payment of persons working at public higher schools.

#### **Article 93**

The imported or donated foreign literature, machines or equipment for the purposes of the learning process or research at higher schools shall be exempted from tariffs, charges and VAT.

#### **Article 94**

(1) Students and postgraduates shall be entitled to apply for scholarships from the state budget, scholarships established by the higher school or scholarships provided by individuals or legal entities.

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

#### **Article 95**

(1) Foreign students, postgraduates and trainees shall pay term tuition fees the amount of which shall be determined by the Council of Ministers.

(2) The fees under para 1 shall not be payable by students, postgraduates or trainees enrolled on the basis of acts of the Council of Ministers or intergovernmental agreements with such clauses.

#### **Article 96**

Students and postgraduates shall be entitled to receive loans to pay tuition fees and support themselves under terms and conditions specified by law.

### **ADDITIONAL PROVISIONS**

**§ 1.** The academies and higher schools in the structure of the Ministry of Defence, the Ministry of the Interior, the Ministry of Transport, and the Ministry of Territorial Development and Construction shall apply this Act in accordance with the statutory regulations on their establishment and the provisions of the special laws related to their organization and activities.

**§ 2.** The drafts of the annual budget subsidies for the higher schools in the structure of the Ministry of Defence, the Ministry of the Interior, 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 consultation with the Minister of Education, Science and Technologies.

§ 3. Theological higher schools and departments shall apply this Act in accordance with the statutory regulations on their establishment and based on the relationship between the state and religions.

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

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

#### **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 the degree "specialist in...".

§ 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 the master's degree.

§ 7. Holders of the degree "candidate of sciences" shall be entitled to the rights of the holders of a doctor's degree.

§ 8. Graduates of higher schools who have not sat for the final state examinations prior to the entry into force of this Act shall complete their studies in accordance with the law valid as of the date of their enrollment and have the rights of the 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) The provisions of Art. 70, para 1, subpara 10 shall not be enforced until the end of the academic year of 1996/97 for the students enrolled within the state order placed prior to the entry into force of this Act.

(2) Term 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 Art. 90, para 3, subpara 4, item (b).

§ 11. (1) Employment contracts of assistant professors shall be considered fixed-term contracts as of the date of the entry into force of this Act within the meaning of Art. 54, para 1.

(2) Employment contracts of professors or associate professors may be continued, at a decision of the Academic Board, for up to one year after the retirement age in accordance with Art. 39a of the Academic Degrees and Titles Act but not more than a total of five years. The continued employment contract shall not entitle such persons to hold leading positions.

(3) Full-time senior researchers and researchers at the chairs and departments of higher schools who have also performed teaching functions for three academic years prior to the entry into force of this Act shall be re-appointed as faculty members depending on their degree.

§ 12. Higher schools shall introduce the degrees within one year after the entry into force of this Act.

§ 13. The Council of Ministers shall issue a decree on the rules of the National Agency for Assessment and Accreditation and its staff at the proposal of the Minister of Education, Science and Technologies within six months after the entry into force of this Act.

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

§ 15. Higher schools and their main units which have not participated or expressed their willingness to participate in an accreditation or assessment procedure for three years after the entry into force of this Act shall not receive state subsidy or any other financing by the state.

§ 16. Higher schools may conduct studies in unaccredited specialties 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 term of office of the elected bodies of higher schools.

§ 19. The following adjustments shall be made in the Academic Degrees and Titles Act (promulgated, SG, No. 36 of 1972; Amended No. 43 of 1975, No. 12 of 1977, No. 61 of 1981, No. 94 of 1986, No. 10 of 1990 and No. 59 of 1992):

1. The words "candidate of sciences" shall be replaced by the word "doctor";
2. The words "postgraduate preparing for a candidate's degree" and "postgraduate training for a candidate's degree" shall be replaced by the words "postgraduate preparing for a doctor's degree" and "postgraduate training for a doctor's degree";
3. The words "establishments of higher learning" shall be replaced by the words "higher schools".

§ 20. This Act shall repeal:

1. The Higher Education Act (promulgated, Izvestiya, No. 12 of 1958, Amended, SG, No. 99 of 1963, Nos. 36 and 65 of 1972; Emended No. 81 of 1972; Amended No. 58 of 1978, No. 68 of 1988, No. 82 of 1989, No. 10 of 1990 and No. 100 of 1992);
2. The Academic Autonomy Act (Promulgated, SG, No. 10 of 1990; Emended No. 12 of 1990; Amended, No. 90 of 1993);
3. The Decree on the Recognition of Higher Education Diplomas Issued by Foreign Establishments of Higher Learning (Promulgated, SG, No. 95 of 1949; Amended, No. 68 of 1988).

§ 21. The implementation of this Act is assigned to the Council of Ministers.

Chairman of the National Assembly: **Blagovest Sendov**