

Higher Education Act

ACT LXXX of 1993 on Higher Education

Preamble

The need to ensure the human rights guaranteed in the Constitution, the need to accord with the Magna Charta of the European universities, and the need for the creation of better conditions for social and national life create the basis for the first independent legal regulation of Hungarian higher education.

In the interests of the above, the Act regulates the system, operation, and autonomy of higher education institutions, as well as the role played by the state in higher education. By means of its provisions, it ensures freedom of teaching, freedom of study, and freedom to cultivate arts and sciences alike.

The Parliament feels special responsibility towards higher education, being a field of stressed importance. In this spirit it does everything to equate the number of students entering higher education from the appropriate age group to that of developed democratic societies.

Part One

General Provisions

Chapter 1

The Scope of the Act

Section 1

(1) The scope of this Act extends to

- a) the higher education institutions operating in the territory of the Republic of Hungary;
- b) the teaching staff of higher education institutions, their academic researchers and students, and the employees participating directly in teaching, in academic research and in the implementation of the tasks of higher education institutions;
- c) employees performing administrative, organisational, financial, economic, technical, and service activities in the higher education institution; and
- d) in cases determined in this Act, to persons who do not stand in a legal relationship with a higher education institution as public employees or as students.

(2) For state organs, powers affecting higher education which exceed those laid down in this Act may be established only in an act, or in a legal regulation on the basis of authorisation by an act.

Chapter 2

Higher Education Institutions

Section 2

(1) Higher education institutions are: state universities and colleges, and non-state universities and colleges recognised by the state.

(2) A higher education institution – within the framework described in the present Act – is a professionally independent legal entity with a self-government which has the exclusive right to provide university and college graduate education, specialised, doctoral and doctor of liberal arts education as defined in Section 84, Para. (2) Items b)-d) of this Act, and to issue degrees established in Sections 97-99 of the Act. Furthermore, a higher education institution is entitled to provide accredited vocational higher education as defined in Section 7, Para. (8) of the Act, and to issue certificates stating higher vocational qualification as established in Section 97, Para. (7) of the Act.

(3) A higher education institution operates under a founding charter.

(4) A state higher education institution is a publicly financed institution which manages fiscal property, financial resources deriving from allocations of the central budget and other additional resources.

(5) A list of higher education institutions and their seats can be found in Appendix I of this Act.

(6) A higher education institution may use the name □university□ [egyetem] or □college□ [főiskola] , and their foreign language equivalent, only if it has been established or recognised by Parliament and is listed in Appendix I of this Act or is covered by Section 110, Para. (1) of this Act.

Section 3

(1) A university may be established and may operate if it is capable of offering and suitable for several areas of science and within areas of science in various areas of learning and in various fields of studies,

a) providing at least four-year university graduate education, and further on general and/or specialised education;

b) carrying on scientific research, doctorate and doctor of liberal arts education (hereinafter together: doctorate education) and awarding the doctor's (Ph.D.) and doctor of liberal arts (DLA) degree (hereinafter together: doctoral degree);

- c) conducting habilitation procedure; and if
- d) its professors possess doctoral degrees and habilitation;
- e) its readers possess doctoral degrees.

(2) A university must proportionally possess at the time of its foundation and at all times thereafter

- a) the full-time teaching personnel, including adequate number of professors and readers, necessary to supply the tasks defined in Para. (1);
- b) the objective conditions necessary for education and scientific research (building, institution library, informational background, laboratory, places for experiments and practising, equipment and other resources).

Section 4

(1) A college may be established and/or may operate if in a branch of science or in a field of the arts it is capable and suitable

- a) for providing at least three-year college graduate education in several majors, and general and specialised postgraduate education,
- b) for pursuing research and development activities; furthermore, if
- c) the professors of the college possess doctoral degrees.

(2) The conditions laid down in Section 3, Para. (2) shall apply to colleges as appropriate.

Section 4/A*

Section 5

A state higher education institution may be established, transformed or abolished by Parliament.

Section 6

(1) A non-state higher education institution may be established only with the consent of Parliament (state recognition).

(2) At the time of the establishment of a non-state higher education institution, the founder must ensure the personnel and objective conditions laid down in Sections 3 and 4, as well as the administrative and financial conditions ensuring its continuous operation.

(3) State recognition of non-state higher education institutions may be withdrawn by Parliament in the event of non-fulfilment of the conditions laid down in Sections 3 and 4, and of the conditions laid down in Para. (2).

(4) Parliament may, at the request of the founder or founders, consent to the abolition of non-state higher education institutions for a reason, or reasons, not mentioned in Para. (3) above.

Chapter 3

The Tasks of Higher Education Institutions

Section 7

(1) The tasks of higher education institutions are

- a) to provide tertiary-level education of specialists;
- b) to prepare students for professional life through the medium of national and universal culture;
- c) to prepare students to extend and apply academic knowledge, and to generate and produce artistic and other creations and results; and
- d) to promote the development and practice of the sciences, the arts, and culture;
- e) to promote the knowledge of the mother tongue and foreign languages, to develop the skills of professional language.

(2) Higher education institutions shall perform the tasks defined in Para. (1) above by fostering teaching, further education, academic research, artistic activities and management of scientific activities, and international educational academic links, furthermore by offering scientific and other services and by ensuring the conditions for a healthy way of life and sports.

(3) In line with the conditions defined in legal regulations, higher education institutions may achieve their educational and scientific research task objectives by using benefits in money or in kind, as well as through scholarships and other means.

(4) The scope of basic tasks of state higher education institutions is determined by the established founding charter of the institute compiled according to Para (1) of the Act XXXVIII of 1992 on the administration of public revenues.

(5) The modes and the degree of state financing of the basic tasks of state higher education institutions may be determined by applying regulations described in Sections 9/A-9/C of this Act.

(6) A state higher education institution may - beyond its basic, state financed tasks - conduct tertiary education of specialists - as service on reimbursement of expenses, in accordance with the regulations of this Act.

(7) Non-state higher education institutions determine their tasks themselves within the framework of the founding charter laid down by the founder. The state may finance tertiary education in non-state higher education institution according to the related commission.

(8) Higher education institutions may conduct higher vocational education organised within the school-system according to the National Qualification Register in compliance with their education profile after an accreditation prescribed by this Act.

(9) Higher education institutions may conduct vocational education within the school-system, preparation for professional examination, furthermore may organise professional examinations. Regulations concerning vocational education shall be applied to this activity. The legal status of those participating in this education and the financing of training correspond to the legal status and financing of students attending vocational education institutions. Higher education institutions may also conduct vocational training organised outside the school-system as service on reimbursement of expenses or as entrepreneurial activity.

(10) Higher education institutions – without prejudicing the fulfilment of their basic tasks – may perform for outside customers teaching, scientific research and development work, consultancy, services and other tasks, as services on reimbursement of expenses or as entrepreneurial activity.

(11) Higher education institutions – in relation to the specific educational activity conducted in the institution – may maintain public education institutions based on the opinion of the Higher Education and Research Council and by the permission of the Minister of Education. Regulations concerning public education shall be applied to this activity. The legal status of those participating in public education and the financing of training correspond to the legal status and financing of students attending public education institutions maintained by local government.

Section 7/A

(1) Higher education institutions according to regulations laid down in this Act - in line with regulations concerning vocational training - may conduct accredited higher vocational education organised within the school-system, and may issue certificates appropriate for such activity, in accordance with requirements prescribed for higher level qualifications laid down in the National Qualification Register if the possibility for continuing education on college or university level is assured by the higher education institution within its own framework, and one third of the knowledge obtained in the higher vocational education may be transferred to college or university credit. The same regulations shall apply to transferring college or university credits to higher vocational education.

(2) Institutions may start accredited higher vocational education organised within the school-system following accreditation according to this Act.

Section 8

The language of tuition will generally be Hungarian. However, higher education can be provided in all the languages of the national and ethnic minorities, and, wholly or in part, in another language.

Chapter 4

The System of Financing and Support for Higher Education

Section 9

(1) In state higher education institutions, the basic financial conditions for the performance of the tasks laid down in Section 7, Paras (1)-(4) will be ensured by the state according to regulations described in Sections 9/A-9/F of this Act.

(2) The sources for higher education institutions to fulfil their tasks are

- a) support from the state budget;
- b) other sources originating from the sub-systems of the state budget;
- c) fees for services provided, other charges to students, tuition fees and other fees;
- d) income from basic and from entrepreneurial activities;
- e) income from donations and other income, and foundation sources;
- f) fiscal means being at the disposal of such purpose, within this means defined in Section 9/G of this Act.

(3) The financial resources for functioning, operating and for development must be planned as state budgetary estimates (allocations). The prescriptions relating to the publicly financed organs must be applied (with due attention to the provisions of this Act) to financing from these resources, to their management, to accounting for their use.

Section 9/A

(1) The Student Allocation – within the field of state financed tertiary education of specialists – serves to support, for periods of study time laid down in the educational requirements, the full-time students of Hungarian nationality – and those of foreign nationality who qualify for this support on the basis of international agreement or of act – who take part in first accredited higher vocational education organised within the school system, first graduate education, first complementary graduate education, and in specialised further education in state higher education institutions, as well as of those taking part in first full-time doctorate education in higher education institutions.

(2) The number of students as defined in Para. (1) above, together with the student normative sum per head and the normative support sum per head for participants in doctorate education (these sums will be determined in the state budgetary act), will establish the Student Allocation. Other state resources allocated as grants in money or in kind for students are also assigned to the Student Allocation: scholarship of the republic, aid to buy course books and notes, placement in student hostel or in accommodation in place of this.

Section 9/B

(1) The Education and Facilities Maintenance Allocation is that part of the expenditure of higher education institutions which serves to ensure the conditions connected directly with the provision of state financed educational activity, or educational activity as service on defrayal of expenses or as entrepreneurial activity, and the research conditions connected with it. The allocation ensuring operation conditions of infrastructural background of the higher education activity is also part of the allocation. The Expenditure Allocation also includes an institution's own income.

(2) The separately planned allocation which contributes to the operation costs of practice schools, clinics, educational farms, arts practice places and practice kindergartens necessary for the education also forms part of the Education and Facilities Maintenance Allocation.

(3) The fixing of education and facilities maintenance norm as part of the allocation described in Para. (1) (and within this, salaries and other components) will be done through the assessment of the specific annual expenditures of the different specialist areas of education, on the basis of performance indicators, and by taking into account the number of state financed students. Detailed regulations of the fixing of education and facilities maintenance norm shall be determined in a Government decree in a way that should be in accordance with the state budgetary support and the increase in the number of students. The requirements in connection with the changing of the number of students, the changing of the separate items of expenditure and fixing the state budgetary support should be enforced while planning the education and facilities maintenance allocation and the allocations of high priority.

(4) If some education can be recognised as credit by a college or a university, then the education and facilities maintenance norm of the higher level education will be insured.

(5) When fixing the allocation based on the education and facilities maintenance norms the following factors shall increase the sum of it in the case of

- a) paying students employed as instructors while pursuing doctoral studies;
- b) financing foreign students who study in Hungary within the frames of international agreements on the same principles as applied to Hungarian students;
- c) supporting the education of foreign students who study in Hungary within the frames of international agreements.

Section 9/A *

Section 9/D

(1) The Programme Financing Allocation is the part of the state support which constitutes a contribution towards the target programmes and the educational activity of higher education institutions and for their connected or supplementary activities. It serves to support starting of new or specialised majors and programmes, publishing course books, developing teaching aids, sports or cultural activities, international relations and other target tasks. The Programme Financing Allocation may not be less than five per cent of the Education Allocation calculated on the basis of the yearly educational norm of higher education institutions. Support from the not yet allocated part of the Programme Financing Allocation may only be won through competition. International, furthermore at least ministerial, undertaking of obligation shall be considered to be the allocated part of the Allocation.

(2) The yearly proportion of excess budgetary support of modern high quality course book publishing may not be less than one per cent of the education norm, which is distributed in competition-system.

(3) For the better supply of specialised course books and journals to students studying in higher education and teachers, yearly five per cent of the Student Allocation calculated on the basis of annual student norm must be provided as excess fund. The distribution of the fund shall be determined by the Minister Education in a decree.

Section 9/E

(1) The Research Allocation determined by the annual state budgetary act shall be available for the support of scientific research, technical development and working groups in higher education institutions (which, in a thematically differentiated manner, help substantiate education), and for the ensuring of the conditions for the programmes preparing students to acquire doctoral degree, within the framework of doctorate education. The amount of the Research Allocation must be determined on the basis of the multiplication of the number of teachers and researchers working in higher education institutions, possessing scientific or artistic degrees, the number of those participating in state financed full time doctoral education and the research support norm. The research support norm may not be less than the lowest education norm multiplied by two. For the distribution of these resources, the regulations defined in Section 111, Para. (6) of this Act shall be applied.

(2) Research conducted in higher education institutions may also be supported from other research allocations managed by a ministry or another organ with nation-wide authority.

(3) The Research Allocation shall separately contain the allocation for facility maintenance and for professional duties of the organisational units which were taken away from the Hungarian Scientific Academy in 1st January, 1998 which since then have functioned as the research institutes and research groups of higher education institutions.

Section 9/F

The Development Allocation and the fund for "Basic Programmes for the Development of Higher Education" shall contain the state support ensured for investment expenditures, for some of the more important renewal and infrastructure development expenditures, of higher education institutions, for the establishment of new higher education institutions and faculties, as well as resources made over for these purposes, and the institution's own resources.

Section 9/G

(1) A state higher education institution may itself decide within the framework of the Act XXXVIII of 1992 on the administration of public revenues about the use of income in connection with the fulfilment of tasks not financed by the state with the proviso that

a) the income from basic or entrepreneurial activity performed as service on reimbursement of expenses should cover all costs related to this, including expenses for the usage of the Treasury;

b) the remaining share may only be used for the operation and development of the institution within the order of the institutional budget, and for the purpose of education and scientific research.

(2) A state higher education institution may possess chattels and real estate (hereinafter: offered means) received by the institution as fund contribution, donation or gift, or inherited. These ways of obtaining means are exempt from duty.

(3) Offered means may only belong to the institute appointed by the entity offering it, and may be furthered to a fund aiding the fulfilment of its tasks or to a public fund.

(4) To sell property that is part of the offered means of the higher education institution's offered means the qualified majority decision of the university or college council is necessary, with the proviso that income deriving from it may only be used for the development and reorganisation of the institute. The designation of the purpose of development and reorganisation belongs to the sphere of authority of the university or college council.

(5) As regards offered means, provisions concerning the sale of treasury wealth are not applied, in this respect higher education institutions may not be viewed as trustees of treasury.

Section 9/H

(1) Conditions for the fulfilment of the tasks of higher education institutions recognised by the state and established by church legal entities (hereinafter: church higher education institutions) and of other non-state (operated by foundations, private) higher education institutions recognised by the state (hereinafter: private higher education institutions) defined on the basis of Section 7, Para. (1) of this Act are provided, with the state support defined in this Para., by the maintainer, and from its own income by the institution. Ensuring the conditions for development shall be the task of the maintainer to which the state may contribute.

(2) A private higher education institution shall fulfil the task of tertiary education of specialists as service on defrayal of expenses or as entrepreneurial activity, based on the regulations of this Act. A private higher education institution may also fulfil the tertiary education of specialists financed by the state, on the basis of a separate agreement. The agreement shall contain the clause that the institution receives support on the basis of the number of students defined in the agreement according to the following

a) shall provide Student Allocation for its students financed by the state according to Section 9/A of this Act;

b) is entitled to education and facilities maintenance norm determined according to Section 9/B, Para. (2) of this Act, with respect to the particular professional field, on the basis of the number of students defined in the agreement;

c) may receive support from the Programme Financing Allocation.

(3) The state may support the activity defined in Section (2) as well as its launching, if the institution intends to fulfil a task of which education content considerably differs from the education conducted in state higher education institutions or complements it.

(4) For the operation of higher education institutions recognised by the state and established by church legal entities (hereinafter: church higher education institutions), for the maintenance and development of church higher education institutions established by the legal entities of Churches interested in compensation defined in Act XXXII of 1991 on settling the ownership of real estates which belonged to the Church previously – considering the stipulations of Act IV of 1990 on the liberty of conscience and freedom of religion and on the Churches, and taking account of the of Act LXX of 1999 on the proclamation of the Agreement made between the Republic of Hungary and the Apostolic Holy See on the financing of the public activities and activities connected with religious belief conducted by the Catholic Church in Hungary and on some financial questions, signed on 20 June, 1997 in the Vatican – the State shall ensure the same amount of budgetary support as to state higher education institutions and ensure the possibility for participating in scholarships relating to higher education according to the same principles as to state higher education institutions. The Education and Facilities Maintenance Allocation for the university level theological education and education connected with religious belief conducted by church higher education institutions shall correspond to the Education and Facilities Allocation provided for university level majors of humanities and, in case of college level education, for college level teacher training majors in humanities.

(5) When fixing the number of state financed students of church higher education institutions, the stipulations of Section 114/A shall be applied.

(6) The allocations for the education of students participating in theological education and education connected with religious belief conducted by church higher education institutions are to planned as a separate budgetary allocation.

(7) When checking the using up of state support received by non-state higher education institutions defined in Para. (1), the regulations of Section 121 of Act XXXVIII of 1992 on the administration of public revenues shall be applied.

Section 10

(1) State support for higher education shall be decided by Parliament in the Ministry of Education chapter, with respect to military higher education the Ministry of Defence chapter, with respect to police higher education the Ministry of the Interior chapter, of the annual central budget, on the basis of a submission from the Government.

(2) The fixing of the allocations of the various headings shall be based upon the drafting of allocations defined in Section 9 and in Sections 9/A-9/F.

(3) The Government, taking into account the structural order of the state budget, will make its proposals concerning the budgetary allocations for higher education institutions and for their tasks.

(4) The Ministry of Education, with respect to Paras. (1)-(3), puts forward its budgetary proposal, also taking into consideration the opinion of the Higher Education and Research Council.

(5) Expenses in connection with the education of foreign students receiving education (full-time, part-time, or doctorate) based on international agreements must be allocated in the budget of the Ministry of Education.

Section 10/A

1. Under this Act, in the system of competition,

a) university readers, college professors, researchers (scientific senior advisor) appointed at higher education institutions (including researchers of a unit of the Hungarian Scientific Academia operating at a higher education institutions), having scientific or an equal artistic diploma may receive, for a period of three years, the Széchenyi István Professorial Scholarship,

b) assistant lectures and lecturers of higher education institutions, readers of colleges, researchers (scientific, assistant advisor or scientific advisor) appointed at higher education institutions (including researchers of a unit of the Hungarian Scientific Academia operating at a higher education institutions), as well as those persons who are not appointed at higher education institutions but undertake the labour law obligations of the scholarship, having scientific or an equal artistic diploma may receive, for a period of three years, the Békésy György Post-doctoral Scholarship in order to carry out original research or artistic activity.

(2) Both scholarships shall be subject to personal income-taxation but shall not form the basis of the social security contribution, and their shall be determined annually by the State Budget Act.

(3) The scholarships will be awarded by the advisory board assembled by the Minister of Education for a period of three years.

(4) The number of those who may receive these scholarships shall be determined by the Government.

(5) The detailed order of awarding these scholarships, those entitled to apply for the scholarships and the conditions of the competition are defined in a Ministerial decree.

Section 10/B

(1) In those state higher education institutions whose management jeopardises the fulfilment of basic tasks, a settling procedure must be carried out to create the conditions for efficient operation.

(2) The higher education institution may request the participation of the Ministry of Education in carrying out the settling procedure under the Act.

(3) If the realisation for the arrangement plan accepted during the settling procedure does not bring any result, the transformation or the abolition of the institution may be initiated.

(4) The detailed regulations for carrying out the settling procedure are defined in Governmental decree.

Section 10/C

The expenses of the distribution of the allocations defined in Section 9/D, Section 9/E, Para. (1) and Section 10/A, Para. (2), and of the arrangement and performance of the competitions may be five per cent of the money available.

Chapter 5

Co-operation between

Higher Education Institutions, Associations and Unions

Section 11

(1) Within the sphere of their tasks, higher education institutions may co-operate with other higher education institutions, academic research, development, planning, and other institutions and with economic organisations. The conditions under which co-operation is to take place shall be determined in contracts. In the absence of counter provision, the state subsidy due to the co-operating institute for fulfilling its shared task is to be assigned to it.

(2) Higher education institutions shall perform their tasks as members of the system of international higher education and research institutions with the co-operation and support of the state organs, the Hungarian Academy of Sciences, the academic research institutes and the other organisations.

(3) Higher education institutions may especially co-operate with other higher education institutions and with research institutes in the preparation of syllabuses, in the working out of scientific research and developmental tasks, in education, in doctorate education, in the adjudication process for the awarding of doctoral degrees, and in the conducting of habilitation processes.

(4) Higher education institutions, under a separate contract, may establish research and educational relationship with the Hungarian Academy of Sciences, its institutes and other research institutes. The purpose of the agreement may be

a) the establishment of research groups within the higher education institution;

b) the operation of academic institutes and other research places as departments placed in the higher education institutions;

c) the participation of academic institutes in doctorate education.

(5) In the case of co-operation outlined in Para. (4):

a) in case of Item a) the Hungarian Academy of Sciences shall ensure personal, material and operational costs necessary for the operation of the Academic research group;

b) in case of Item b) the higher education institution shall contribute towards the personal expenses of the department placed there;

c) Academic institution members participating in doctorate education outlined in Item c), under contract, receive separate pay from the higher education institution.

(6) Co-operation with a non-higher education institution, with the exception of the case described in Para (4), cannot serve the purpose of conducting education that is part of the tasks of the higher education institution.

Section 11/A

(1) Based on the opinion of the Hungarian Accreditation Committee and the position taken by the Higher Educational Scientific Council, the education of one or more majors may be conducted outside the registered main seat of the university or college, with the permission of the Minister of Education, if the conditions required for launching the given majors in education – connected to the institution in the case of institutions not divided into faculties and to the faculties in the case of institutions divided into faculties – outside the registered main seat are satisfied.

(2) The costs of education outside Hungary as education outside the seat are to be taken into consideration when determining and distributing the Programme Financing Allocation.

Section 11/B

(1) As a result of joint education realised in the co-operation of two or more higher education institutions, also with respect to Section 11/A, a certificate or degree may be given, and it shall be issued by the institution possessing permission for starting the major. An agreement may not be made for conducting the joint education of a university and a college major that would result in issuing a university degree.

(2) In the case of co-operation between a higher education institution and a non-higher education institution, only the higher education institution is entitled to issue the degree, and it is also responsible for fulfilling the qualification requirements.

(3) A higher education institution may conduct its general and specialised further education not financed by the state by establishing institutes for further education or other organisational unit and in a different form on the basis of agreement for co-operation (e.g. foundation). In the

latter case, only the higher education institution is entitled to issue diploma, and it is also responsible for fulfilling the qualification requirements.

Section 12

(1) In the interests of assisting co-operation, of the concentrated use and best application of mental and material resources, higher education institutions may form associations. The association may operate with a different name. An association shall be a legal entity.

(2) Institutes of the Hungarian Academy of Sciences, other research institutes, and other institutions defined in Section 49 may participate in associations.

(3) Institutions forming the association may conduct harmonised educational and scientific research activities, (start new majors, develop and execute mutual scientific research tasks), establish mutual educational and research organisations, mutual computer centres, instrument centres, library, operate or establish social, cultural and sports facilities, and form a mutual economic and managerial organisation.

(4) The association is formed by a contract between the institutions wishing to join it, and it will be confirmed by the Government.

Section 12/A*

Part Two

The Teaching Staff, scientific Researchers and Students of Higher Education Institutions

Chapter 6

Teaching Staff and Researchers

Section 13

(1) At universities and colleges, posts of university and college professors, readers, lecturers, assistant lecturers as well as language teachers, physical education instructors, art teachers, resident teachers and other posts involving teaching and researcher posts may be organised.

(2) Both state and non-state higher education institutions may establish posts which differ from the teaching and research posts listed in Para. (1).

Section 14

(1) In higher education institutions, a teacher or academic researcher can be who

a) has a university degree;

b) has no criminal record and legally is not incapable;

c) is suitable – in line with his/her post – for the teaching, academic research, and artistic creativity requirements of the institution.

(2) The appointment of university and college assistant lecturers, and the appointment of university and college lecturers, shall be for a limited period of four years at the most. The appointment of university and college assistant lecturers may be renewed on one occasion, and appointment of university and college senior lecturers on two occasions.

(3) A higher education institution shall define in its system of requirements the requirements for employment, advancement and on-going suitability.

(4) Certain teaching posts laid down in the organisational and operational regulations of a higher education institution (hereafter: the Regulations), may, in exceptional cases, be filled by holders of a college degree.

Section 15

(1) With the agreement of the institution council, a non-Hungarian citizen may also be a member of the teaching staff or a scientific researcher in a higher education institution.

(2) In other matters, the stipulations in Section 14 must be appropriately applied to teaching staff and scientific researchers of non-Hungarian citizenship.

Section 16

(1) In state higher education institutions, posts of university professor, university reader, and college professor and college readers, must, with the exception of cases covered by the stipulations in Para. (2) below, be filled by means of open competition.

(2) At the proposal of the institution council, university and college teaching posts may be filled for a limited time on the basis of invitation. However, the general requirements [Section 14, Section 17, Para. (4), and Section 18 Para. (2)] must be appropriately applied in respect of invited senior teaching staff.

(3) If a teaching or research post is to be filled by means of a competition, the institution head shall advertise the competition, in accordance with the conditions determined in this Act and in accordance with the Regulations of the institution. If the filling of the post is to take place through invitation, the invitation must be publicised. An open competition must be advertised at least one month before the deadline for applications.

Section 17

(1) A university professor at a state higher education institution shall be appointed and dismissed by the President of the Republic, at the proposal of the Minister of Education, on the basis of a submission from the institution council.

(2) The institution council will express an opinion on applicants for posts of university professor. In the event of several applicants the institution council establishes an order of preference and submits the name of a suitable candidate who received the most votes, or at all events the clear majority of the votes in the institution council.

(3) The Minister of Education shall refuse the submission of the proposal if infringement of the legal regulations has occurred in the course of the application procedure. Indicating

his/her reasons for doing so, the Minister will advise the institution council of this and, if necessary, shall initiate the announcement of a new competition.

(4) Someone may be appointed as a university professors who, in addition to the stipulations in Section 14, Para. (1), possesses a doctoral degree and habilitation, is truly recognised by the competent national and international authority of his/her branch of science or area of arts, conducts exceptional scientific research or artistic activity, is a school-establishing personality, has proved through his/her teaching, scientific or artistic activity that he/she is suitable for directing the studies, academic research and artistic work of students, participants in doctorate education, and lecturers, and is able to give lectures in a foreign language as well. An applicant possessing habilitation may be appointed as a university professor at a college, too, on the basis of a submission from the college council.

(5) The President of the Republic may dismiss a university professor on the basis of the procedure defined in Para. (1) above, in cases defined in Act XXXIII of 1992 on the civil servants.

(6) The President of the Republic may dismiss a university professor if

a) he/she has reached the age of seventy years; or

b) he/she has seriously violated the norms of academic ethics, or for some other reason has become unworthy of continuation in the office of university professor, and this has been established in the framework of a disciplinary procedure; or

c) the university professor himself/herself requests it.

(7) In the case of Items a) and c) of Para. (6) it is satisfactory only to announce to the institution council about the proposal for dismissal.

(8) A university council, in the case of university professor appointed to a college at the proposal of the college council, may confer the title “*Professor Emeritus*” on university professors who have retired. The rights and duties accompanying the title will be regulated by the Regulations of the institution; the benefits accompanying it will be dealt with in a Government decree.

Section 18

(1) In state higher education institutions a college professor – with the application of the stipulations of Section 17 – shall be appointed and dismissed by the Prime Minister on the basis of a submission from the Minister of Education. In non-state higher education institutions a college professor shall be appointed and dismissed by the maintainer.

(2) Someone may be appointed as a college professors who, in addition to the stipulations in Section 14, Para. (1), possesses a doctoral degree, conducts exceptional professional (artistic) activity and truly recognised by the competent authority of his/her professional field, has proved through his/her teaching, scientific, professional and artistic activity that he/she is suitable for directing the studies, scientific and artistic work of students and lecturers, and is

able to give lectures in a foreign language as well. A college professor with habilitation shall be entitled to use the title “professor”.

(3) The stipulations in Section 17 Paras. (5)-(7) must be applied in the appropriate way for the dismissal of a college professor.

Section 19

(1) Someone may be appointed as a university reader who, in addition to the stipulations in Section 14, Para. (1), possesses a doctoral degree and who is suitable for directing the studies and scientific work of students and participants in doctorate education, is capable of giving lectures in a foreign language, and who possesses the appropriate scientific experience.

(2) Someone may be appointed as a college reader that, in addition to the stipulations in Sections 14, Para. (1), the applicant is a truly recognised creator, researcher or possesses exceptional professional practical activity, and who is suitable for directing the studies and scientific work of students and employed teachers, who is capable of giving lectures in a foreign language.

Section 20

(1) A university council may confer the title of university private-reader’ on persons with habilitation who are not employees of the university, as well as on scientific researchers with habilitation who work for the university as public employees.

(2) An institution council may confer the title of honorary college professor on a person not employed by the institution, if that person possesses a doctoral degree and if he/she satisfies the conditions defined in the Regulations of the institution.

(3) A private-reader’ and an honorary college professor have the right to advertise their lectures in their special fields.

(4) The titles of university private-reader’ and honorary college professor may be withdrawn for the same reasons as the titles of university professors and college professors according to the same procedure as for their being awarded.

Section 21

(1) In respect of teaching staff and scientific researchers, the detailed regulations for the procedures to be followed in the course of appointment, confirmation, placement on the pay-role, for the termination of public employee status and for the termination of employment shall be decided by the higher education institution, within the framework of the legal regulations.

(2) Together with the disparities mentioned in this Act, the stipulations relating to public employees shall be applied to public employees of state higher education institutions.

Section 22

(1) In respect of university and college professors, employer' s rights – with the exception of appointment and dismissal – will be exercised by the head of the higher education institution.

(2) The head of the higher education institution shall appoint and dismiss the teaching staff and scientific researchers of the higher education institution who are not mentioned in Para. (1) above. Appointments will be made at the proposal of the organisational unit of the teaching staff, and shall occur with attention to the opinion of the institution council and in accordance with the stipulations in the Regulations of the institution.

Section 23

In the interest of maintaining contact with their special fields outside the higher education institutions, the teaching staff and scientific researchers may in line with their qualifications, also conduct practical and advisory activities, in accordance with the legal regulations relating to activity.

Section 24

(1) Every five years members of the teaching staff and researchers of a higher education institution may be granted a sabbatical period up to one year in accordance with the by-laws of the institution with the purpose of promoting their scientific research, their creative activity in the field of arts and/or their individual scientific development.

(2) The member of the teaching staff after the termination of the sabbatical period, in accordance with the by-laws of the institution, is obliged to present his/her results.

Chapter 7

The Habilitation Procedure

Section 25

(1) Habilitation is teaching and lecturing ability and of scientific achievements judged by university.

(2) Anyone may request the start of the habilitation procedure who

a) possesses a doctoral degree, and

b) satisfies the conditions laid down in Section 14 Para. (1) Items a)-c).

(3) The applicant shall provide evidence in the manner defined in the regulations of the university concerning his/her scientific and professional activities and concerning his teaching, research, practical or creative accomplishments after the acquisition of the doctoral degree.

(4) The applicant shall prove his ability to deliver a lecture in giving a public open lecture or lectures, in a foreign language as well.

Section 26

(1) A university is entitled to conduct the habilitation procedure in any area of science or branch of science in which it is entitled to conduct university doctoral education and to award the doctoral degree.

(2) In order to conduct the habilitation procedure, a university shall establish a habilitation committee. In big universities habilitation committees may be established for each faculty and/or field of study.

(3) University full professors shall form a majority on a habilitation committee; on the committee, in addition to at least one third of the members shall be one representatives of the lecturers of the institution who possess habilitation and invited persons from outside institutions who hold doctoral degrees. Stipulations defined in Section 91, Para. (4) shall be applied for the habilitation procedure.

(4) The chairman of the committee shall be a university professor; the committee shall decide on the granting of habilitation and the title “dr. Habil” by a majority vote of its members.

(5) The detailed rules for the habilitation procedure shall be established on the basis of the Regulations of the university.

Chapter 8

Students

Section 27

(1) A student of a higher education institution is a person participating in accredited higher vocational education organised within the school system, college or university graduate education, in specialised postgraduate education, or in doctoral education, independently of the educational form in which he/she pursues his/her studies.

(2) The student has a legal relationship with his/her higher education institution. The student's legal relationship comes into existence with registration and lasts until the issuing of the certificate or the degree, or the day of dismissal, announcement of exclusion from the institution, or of the removal of his/her name from the institution's student roll. Certain rights and obligations based on the student's legal relationship and laid down in the legal regulations or in the Regulations of the higher education institution shall, however, be valid for the student after the times mentioned, and may affect him/her.

(3) Students in higher education institutions – due to the student's legal relationship – may practice individual or collective legal rights.

Section 28

(1) The student's legal relationship shall be suspended if the student has not performed the registration necessary for the continuation of studies. Two years after such a suspension, the student's name shall be deleted from the student roll, unless by the request of the student the higher education institution allows the setting aside of the deletion.

(2) Certain rights and obligations based on the student's legal relationship, however, shall be valid for and affect the student during the suspension of the student's legal relationship, in a manner laid down in the institution's regulations, however, during this period of time he/she may not receive any financial or material support.

Section 29

(1) The student identity card is a public document testifying the student's legal status which

- a) entitles the student to take advantage of the benefits laid down in the laws and in the Regulations of the institution;
- b) ensures the prosecution of rights defined in the laws and in the Regulations of the institution, or of rights determined by an agreement with outside organisations;
- c) serves to store information determined by the laws and the Regulations of the institution.

(2) The student identity card shall be issued to the student at the time of his/her enrolment. The types of student identity cards and the detailed regulations relating to the student identity card shall be laid down in a Government decree.

Section 30

(1) Full-time students of higher education institutions according to this Act, and provisions of laws or institutional Regulations formulated on the basis of it, shall enjoy the following benefits and welfare services:

- a) scholarship (e.g. that of the Republic, studies);
- b) fiscal social aid;
- c) aid in buying course books and notes;
- d) placement in student hostels or support for accommodation in place of this;
- e) further aids determined by the laws or the Regulations of the institution.

(2) The Government may establish in a decree benefits and welfare services for students participating in another form of education.

(3) Those participating in higher education besides their job may receive allowances (study leave, reduction of working time, reimbursement of certain expenses).

(4) For the funds of the scholarship of the Republic, the amount equivalent to one per cent of the national allocation of the yearly student norm shall be provided as excess grant.

(5) For the purpose of supporting studies, a natural or legal person – by the counter-signature of the higher education institution – may enter into a contract with a student participating in

higher education (graduate or postgraduate), or a student participating in higher vocational education conducted by the higher education institution,

- a) on the basis of Section 110 of Labour Act, or
- b) in return for working after having obtained the qualification (degree, certificate), or fulfilling authorial activity (literary, artistic, scientific and similar), on the basis of the Act III of 1969 on copyright.

Section 31

(1) Students taking part in state financed higher education shall pay tuition fees and other fees according to stipulations laid down in this Act, students participating in education not financed by the state shall pay expenses and other fees.

(2) The regulations relating to the tuition fee, expenses and other fees shall be established

- a) by the Regulations of the institution within the framework of a Government decree in the case of a state higher education institution and state financed higher education conducted in a non-state higher education institution,
- b) by the Regulations of the higher education institution in a non-state higher education institution.

(3) Students participating in higher education financed by the state, beyond tuition fee, may be charged with fees only for services that are not connected to the qualification requirements or the fulfilment of study requirements laid down in the curriculum.

(4) A higher education institution may change the tuition fee established within the framework laid down in Para. (2) above for a period of education in the manner and to the extent laid down in the Regulations.

(5) In higher education institutions, the equality of opportunities for the students is ensured by

- a) tuition fee exemption and allowance;
- b) by a personal income-tax exemption offered in an act for a definite amount of tuition fees and expenses;
- c) and other means determined by the laws.

(6) A student participating in higher education financed by the state is entitled to tuition fee exemption, as defined in the Government decree, if he/she

- a) participates in the first graduate education or in the first complementary graduate education if he/she completes his/her studies in line with the conditions determined in the Government decree;

b) pursues the first doctoral studies, in the first two academic years if he/she conducts the educational activity determined in the Government decree and in the third academic year;

c) in other cases determined in the Government decree.

Chapter 9

The Rights and Duties of University and College

Teaching Staff, Scientific Researchers

and Students

Section 32

(1) Higher education institutions shall ensure freedom of teaching, freedom of scientific research, freedom of artistic creative activity, and freedom of study for teaching staff, scientific researchers and students.

(2) Teaching staff are entitled specifically

a) to decide on teaching materials and on the choice of teaching and training methods employed, in accordance with qualification requirements, the prescriptions of the curriculum, and the division of work established in the organisational unit;

b) to develop educational programmes in their subjects and to develop teaching materials;

c) to assess the academic work and performance of students;

d) to select students, in line with the conditions laid down in the Regulations of the institution.

(3) The rights of students are specifically

a) to choose the higher education institution and the major;

b) to change the institution and the major during the period of their studies;

c) to participate in the lectures of other departments, faculties, and higher education institutions, which may be limited by the Regulations of the receiving institution;

d) to choose lecturers and other teachers, and choice of lectures, practicals, seminars and other activities which run parallel to each other, and participation in parallel education, within the framework laid down by the qualification requirements;

e) to give an opinion of the work of teaching staff;

f) to make use of equipment available in the institution, and of the facilities of the institution (library, laboratory, informational equipment, sport, cultural, leisure, health-care and other facilities).

(4) A student's religion, ideological belief may not be an advantage or disadvantage from the point of view of his/her admission and/or as a condition for pursuing studies. This restriction shall not apply to students participating in religious education.

Section 32/A

(1) The professional and corporate organisation of students participating in scientific student activities and of teachers supporting them is the National Council of Scientific Student Circles.

(2) The task of the National Council of Scientific Student Circles is to represent and harmonise nation-wide student scientific activities and the scientific student circle movement and to organise national scientific student forums.

(3) The operation of the National Council of Scientific Student Circles is determined by the organisational and operational regulations framed by the Council.

(4) For the funds to support of national student circle activity the amount equivalent to one thousandth of the national allocation of the yearly student norm shall be provided as grant.

Section 33

(1) Teaching staff and scientific researchers of higher education institutions are specifically entitled

a) to submit applications which are scientific (artistic) in purpose

b) to conduct research on scientific themes chosen by them, in addition to the scientific research tasks deriving from tasks relating to their work duties

c) to publish scientific research and artistic results.

(2) To patent inventions of persons described in Para. (1) above the Act XXXIII of 1995 on protection of the patent of inventions shall be applied.

(3) Students of higher education institutions, while pursuing their studies, may exercise as appropriate to the rights laid down in Para. (1) above.

Section 34

(1) All teaching staff, scientific researchers, students and other employees of a higher education institution have the right

- a) to make a proposal on any issue connected with the life of the higher education institution and to receive a serious answer related to it;
- b) to take part, either directly or through a representative, in a way laid down in the institution's Regulations, in decision-making which affect their interests, and in the leading bodies of the institution;
- c) to elect, and to be elected to the bodies operating in the higher education institution;
- d) to use the facilities, resources, and equipment of the higher education institutions, in accordance with the Regulations of the institutions.

(2) The teaching staff, scientific researchers, students, and other workers of a higher education institution may turn with their ideas and complaints to the councils and leaders of the institution. After the consideration of the latter, the necessary measures must be taken and those submitting them must be advised accordingly.

(3) In the Regulations it must be ensured that those affected or entitled should be able to achieve redress within the institution against decisions with a bearing on teaching staff, scientific researchers, other workers, and bodies operating in the higher education institution, with attention to the labour regulations as well.

Section 35

(1) In line with his/her post, the obligations detailed in the description of his/her sphere of activity, and in accordance with the stipulations of the Regulations, a member of the teaching staff and scientific researcher of a higher education institution has an obligation to

- a) participate in the teaching work of the institution, specifically by conducting activities (lectures, seminars, practicals, etc.), and in conducting examinations;
- b) carry on scientific work;
- c) participate in the public life of the institution;
- d) occupy offices in the institution won by means of election, offices from which the council of the institution may remove him/her in justified cases.

(2) In addition to fulfilling the requirements on Para. (1) above, university professors and senior university lecturers holding habilitation shall take part in the performance of work relating to doctoral education and in the conducting of the habilitation procedure.

(3) University full professors, university readers holding habilitation and college professors possessing a doctoral degree shall be obliged to take part in the training and education of the new generation of teaching staff.

(4) A member of the teaching staff, scientific researcher who does not fulfil the requirements of the institution may be designated unsuitable to perform his/her job.

Section 35/A

A student participating in doctoral education may take up teaching tasks. Students performing teaching tasks while participating in doctoral education have the rights of obligations the teachers, and receive separate reimbursement determined by a Governmental decree for their teaching work.

Section 36

It shall be the obligation of students and members of teaching staff alike to adhere to study and examination rules of the institution.

Section 37

Teaching staff, scientific researchers, students and other workers of a higher education institution have the obligation to adhere to the rules and Regulations of the higher education institution, shall use and safeguard the resources entrusted to them or used by them.

Section 37/A

(1) A student shall attain and apply knowledge for protecting his/her health and safety as defined in the Regulations of the higher education institution, and shall report if he/she notices danger or accident.

(2) All information and service serving the integration, healthy lifestyle and health-care of the student during his/her studies shall be provided for him/her.

Chapter 10

The Disciplinary Responsibilities of Students

Section 38

(1) If a student culpably and seriously neglects his/her obligations, and if this amounts to a disciplinary offence, he/she may suffer disciplinary action.

(2) Neglect of obligations regarding the studies and examinations shall not be regarded as a disciplinary offence.

Section 39

(1) In a disciplinary decision, a student may be disciplined in the following ways:

a) by being reprimanded;

b) by being diminished or withdrawn from the favours and benefits laid down in the disciplinary rules of the higher education institution;

c) by prohibition om continuing his/her studies for a defined period;

d) by expulsion from the higher education institution.

(2) The period of the punishment defined in Para. (1) Item b) above shall not exceed five months, and the prohibition laid down in Para. (1) Item c) may be a period of education corresponding to four semesters at the most. Social support may not be withdrawn as a disciplinary punishment.

(3) A disciplinary procedure may not be initiated if more than one month has passed since the higher education institution has learned of the disciplinary offence, and if more than a year has passed since the committing of the offence.

Section 40

(1) A disciplinary procedure may be ordered by the head of the higher education institution or by another person as laid down in the disciplinary regulations.

(2) In a state higher education institution, disciplinary authority shall be exercised in the first stage by the disciplinary committee of the higher education institution, and in the second stage by the head of the higher education institution or by the second stage disciplinary committee.

Section 41

(1) If a person is subject to criminal proceedings and a disciplinary procedure in the same matter, the disciplinary procedure must be suspended until the lawful conclusion of the criminal proceedings, except when the facts are clarified.

(2) A disciplinary procedure must, except in cases covered in Para. (1) above, be brought to a conclusion within one month.

Section 42

Lawful decisions made in respect of the disciplinary sanctions laid down in Section 39, Para. (1), Items c) and d) may be appealed against in the courts.

Section 43

(1) The detailed regulations governing a disciplinary procedure, including the cases for exemption and the exemption procedure, the establishment of the disciplinary committee of the institution, the rules for the proceedings and of evidence, the ensuring of defence, and also the issues concerning the openness of the disciplinary proceedings shall be established in the Regulations of the higher education institution.

(2) On a disciplinary committee, the number of representatives of the student self-government union with full voting rights shall constitute at least one third of the total membership of the committee.

Chapter 11

(Financial) Responsibility for Damage

Section 44

- (1) A student shall be responsible for the covering of any damage caused unlawfully in connection with the continuation of their studies to a higher education institution, to a hall of residence, and in the course of practical education (on professional practice) to an employer.
- (2) In a case of damage caused by carelessness, the student's responsibility will be limited the sum payable to cover such damage may not be greater than one fifth of the yearly student norm.
- (3) In the case of intentional damage, the student shall be obliged to cover the entire damage.
- (4) For the covering of damage to, or loss of, something that a student is liable to return or account for, or something for which a student enjoys exclusive access or use, he/she shall be fully responsible. The student shall be exempted of this responsibility if the loss has been caused by something beyond his/her control.

Section 45

- (1) If, in connection with his/her studies, a student suffers damage or loss, the higher education institution, or the employers mentioned in Section 44 Para. (1), shall be liable. The higher education institution shall be exempted from this liability if they can prove that the damage or loss was caused by a factor falling outside their sphere of operation.
- (2) Damage or loss will not have to be covered if it has been caused by unavoidable conduct.
- (3) The stipulations of Paras. (1) and (2) shall be applied to responsibility for damage committed in the course of an activity (function) organised by the higher education institution, or by an employer mentioned in Section 44, Para. (1).

Section 46

- (1) In other issues of material damage, the regulation of the Civil Code which relate to damage will be applied.
- (2) Binding decisions on the covering of damage may be appealed against in the courts.

Part Three

The Organisation, Operation, and Management

of Higher Education Institutions

Chapter 12

The Organisation of Higher Education Institutions

Section 47

(1) Higher education institutions, within the framework laid down in this Act, shall themselves shape their organisation in such a way that it will be suitable for the performance of their teaching, scientific research, artistic and other tasks, and for operating economically.

(2) Universities and colleges may be divided into faculties. College faculties may also operate at universities.

(3) In higher education institutions education and scientific research shall be conducted in educational organisational units (departments, clinics, institutes, etc.). Within the organisation of higher education institutions a research institute or research team may also operate.

(4) Halls of residence, libraries, demonstration schools and kindergartens, places of practice, study farms, and medical, production, service, and other organisational units may belong to higher education institutions. The demonstration schools shall perform public and higher education tasks in connection with higher education.

Section 48

(1) In a state higher education institution, the establishment and abolition of a faculty, in non-state higher education institutions the recognition of the establishment and abolition of a faculty, shall belong to the sphere of competence of the Government. On the basis of the opinion of the Hungarian Accreditation Committee and at the proposal of the Higher Education and Research Council, the Minister of Education puts forward the proposal. The establishment and abolition of educational, research and other organisational units shall belong to the sphere of competence of the higher education institution.

(2) A list of the faculties of higher education institutions shall be contained in a Government decree.

Section 49

A foundation, company or other organisation or person may found, establish, and support an educational or scientific research organisational unit belonging to a higher education institution. The founder and the council of the higher education institution shall conclude an agreement concerning such a unit.

Section 50

(1) For the performance of their tasks, higher education institutions may establish administrative, organisational, financial, economic, technical, and other service units.

(2) Higher education institutions may ensure the fulfilment of tasks defined in Section 37/A, Para. (2) by co-operating with other institutions or by establishing their own organisational unit.

(3) In the organisational units laid down in Para. (1) above, the regular further training of employees shall be ensured.

Chapter 13

***The Operation and Management
of Higher Education Institutions***

Section 51

(1) University and college councils shall frame Regulations concerning the organisation and operation of the higher education institution.

(2) The Regulations shall contain and lay down the educational and academic research tasks of the higher education institution, the rights and obligations of the teaching staff, scientific researchers and students of the institution, the sphere of work and of authority of the governing body of the institution (and, within this, the sphere of work and authority of the self-governing organs, of the various bodies and of the leads), the system of representation and election in the bodies of the institution, the organisational division of the institution, the distribution of spheres of authority within the institution, the organisational units belonging to the institution, the operating rules and the co-operation established with other institutions, and the rules for the performance of other tasks laid down by the institution; they shall also contain and lay down other measures belonging to the Regulations according to this Act, in particular to do with the exercising of the rights of the director, laid down in other legal regulations. The higher education institution shall determine its quality assurance system in its Regulations in accordance with the requirement system of quality policy of higher education.

(3) The regulations relating to the admission and registration of students, to studies, examinations, benefits, expenses, residence halls, discipline and liability for damage, health and accident regulations, the organisational and operational regulations of the student self-governing body, regulations relating to scientific research, to artistic creative activity, in universities to doctoral education and to acquisition of the doctoral degree, regulations relating to the habilitation procedure, as well as the system of teaching and research requirements, the student evaluation by teachers, and the system of commemorations in the Act VIII of 1991 concerning the state holidays of the Republic of Hungary and the system of the holidays of the institution all form part of the Regulations.

(4) The subject areas laid down in Paras. (2) and (3) may also be dealt with in separate regulations.

(5) A higher education institution shall send a copy of its Regulations, and their amendment, to the Minister of Education.

Section 52

(1) A university shall be headed by the rector, a college with several faculties by the college rector and a college not divided into faculties by the director-general (hereinafter collectively: head of institution). They shall perform their work with the co-operation of deputies.

(2) The head of a higher education institution's administrative organisation shall be a secretary general, subordinate to the institution head. The Regulations of the institution shall provide the ways and period of appointment.

(3) The head of a higher education institution's economic organisation shall be the director-general in economics. The director-general in economics is the deputy of the institution head with regards to economic and monetary tasks related to the operation of the institution. He/she performs his/her tasks under the direct guidance and supervision of the head of institution.

(4) If the Regulations thus prescribe, a director-general in economics may also perform the tasks of the secretary-general.

(5) In higher education institutions the vice rector, the deputy director-general of a college, the vice dean, and deputy director of the educational organisational unit are appointed for a definite time.

(6)*

Section 53

(1) The governing body of a higher education institution shall be the institution council.

(2) To the sphere of authority of an institution council shall belong

a) the deciding and sanctioning of the principles governing the activity of the institution, and the accepting of the developmental plan of the institution;

b) the framing of the Regulations of the institution, and the sanctioning of other regulations;

c) the laying down and sanctioning of curricula;

d) the laying down of scientific programmes, and the evaluation of research results;

e) the initiation of the mandating and dismissal of rectors, college rectors, directors general and the directors (general) of business operations;

f) the submission for appointment and dismissal of university and college professors;

g) expressing an opinion on the mandating of vice rectors and deputy college director-generals;

h) expressing an opinion on the mandating of heads of teaching, research, and other organisational units;

i) expressing an opinion on the nomination of university and college readers;

j) expressing an opinion on the nomination of the secretary-general and director-general in economics;

k) proposing the establishment of a faculty, a programme for conducting accredited higher vocational education organised within the school system, the

qualification requirements of a new major in graduate or specialised postgraduate education, the establishment of new majors, and a doctoral educational programme.

(3) The institution council shall decide on

- a) the institution's budgetary proposals, and the theory of utilisation of the budgetary allocations approved;
- b) the acceptance of the report concerning the implementation of the budget of the year preceding the target year;
- c) the principles governing the utilisation of the wealth resources at the disposal of the institution;
- d) the proposals concerning the economic activity of the institution;
- e) the evaluation of the management of wealth in respect of the development of the whole institution, especially of teaching and scientific research;
- f) the establishment and termination of education, research and other organisational units;
- g) the launching of specialised postgraduate education programmes and accredited higher vocational education programmes organised within the school system, and/or the approval of the launching of the latter jointly with vocational secondary schools.

(4) The institution council's spheres of authority stipulated in Para. (2) Items c), d), f), and i) may be transferred to other bodies.

Section 54

(1) The organisational and procedural system of the institution council shall be laid down by the Regulations.

(2) The institution council shall be called together within 15 days, if one third of its members request it in writing.

(3) The proposals, minutes and decisions of the sittings of the institution council – including documents about economic management – shall be available to the teaching staff, scientific researchers, students and other workers of the institution.

Section 55

(1) At least one quarter, but at the most one third, of the members of an institution council shall be representatives of the students, and at least one third shall be representatives of professors and readers. Representation for the faculties shall be ensured in the institution council.

(2) The chairman of the institution council shall be the rector at a university, the college rector at a college with several faculties and the director general of a college not divided into faculties. The *ex officio* members of the institution council shall be the heads of faculties (dean, faculty director general) and the chairman of the students' local government of the institution.

(3) With attention to Paras. (1) and (2) above, the Regulations shall establish the composition of the institution council, and shall ensure representation on the institution council for other teaching staff and for employees, and for students participating in various educational forms, or in doctoral education, within the framework of student representation. The size of the membership of the institution council shall be established so as to ensure that it can work professionally and effectively.

(4) In the work of the institution council may participate those permanently invited and those invited on certain occasions only. Those permanently invited shall be representatives of the institutional administration, the Council of Public Employees, the representative trade unions, other organs, organisations, institutions that have an interest in the education of the institution and the ministries concerned.

(5) The members of an institution council shall be elected for a period of one year minimum, and for three years at the most.

(6) The member of the institution council may not be a student who has not completed his/her examination requirement, as a result of which he/she cannot register for the given term.

Section 56

(1) The rector of a university shall be a university full professor, and be mandated and/or dismissed, on the basis of the decision of institution council and at the proposal of the Minister of Education by the President of the Republic.

(2) Rectors of colleges with several faculties and director generals of colleges not divided into faculties shall be mandated and dismissed by the Prime Minister from among professors, readers (associate professors) and college professors through competitive applications, on the basis of the decision of the college council, in accordance with the proposal of the Minister of Education.

(3) In the case of state higher education institutions, the institution council shall submit the name of the person who has received more than one half of the votes. The existence of the legal conditions shall be examined at the handing in of the proposal described in Paras. (1)-(2) above, and when making the decision.

(4) The head of institution shall be a public employee employed full-time in the institution, and, with the exception of institutions falling within the scope of Section 110, must be a member of teaching staff of Hungarian nationality. The position of institution head shall be fulfilled until the age of sixty-five.

(5) Rectors, college rectors and director generals shall be mandated for not more than four years. Rectors, college rectors and director generals may be mandated again for four years, without interruption, on one occasion, on the basis of competitive applications. Any further

appointment may only occur on the basis of a new application process, leaving out a cycle whose period shall be determined by the institution council.

(6) In respect of rectors, college rectors and directors general, employer's rights shall be exercised by the Minister of Education with the exception of appointment and dismissal. The dismissal of the head of an institution through recall may be initiated by the institution council, and recall may also be initiated by the Minister at the institution council. The institution council shall decide on the initiation of dismissal by qualified majority. Employer's rights may be partially transferred to the institution.

Section 56/A

(1) The rector of a non-state university shall be a university professor, and be mandated and/or dismissed, under standing legal conditions, at the proposal of the Minister Education, by the President of the Republic.

(2) Director generals of non-state colleges and rectors of non-state colleges with several faculties shall be appointed by the maintainers from among university professors, university readers (associate professors) and college professors, and the appointment shall be confirmed by the prime minister in accordance with the proposal of the Minister of Education provided statutory conditions are satisfied.

Section 57

(1) The head of a higher education institution shall be the legal representative of the institution. His/her sphere of tasks and sphere of authority shall be laid down in the Regulations, with attention to the stipulations of Para. (2) below.

(2) To the sphere of the tasks and sphere of authority of the head of a higher education institution shall belong in particular

a) the direction of the educational, scientific research, artistic, administrative and economic activity carried on in the institution;

b) the direction of personnel management, and the exercise of employer's estreat rights;

c) disposal, according to the legal regulations, over budgetary allocations, property and other resources at the disposal of the institution;

d) the exercising of rights concerning publication and distribution of material.

(3) The Regulations may transfer the sphere of authority of the head of the institution to the dean, the director-general of the Faculty, the director-general of business operations, the secretary-general or other persons.

Section 58

(1) In the course of performing his/her work, and in the course of exercising his/her sphere of authority, the head of a higher education institution has the right to issue general instructions

and to take general measures; however, he/she shall instruct neither the institution council, nor other councils operating in the institution, including the self-government of the students and interest representation organisations operating in the institution.

(2) The institution head, with the exception of cases covered by the stipulations of Para. (3) below, may annul any decision, resolution or measure which violates regulations. Any person for whom a decision contains an injurious measure or measures may appeal to the institution council.

(3) The head of a higher education institution may turn to the Minister of Education with a submission for the annulment of decisions of the institution council which violate the regulations, and an institution council may turn to the Minister of Education with a submission for the annulment of decisions of the institution head which violate the regulations.

Section 59

(1) A higher education institution shall establish a separate committee for the continuous supervision of the activities conducted there and laid down in Section 7, Para. (1) and (2) in accordance with the requirement system of quality policy of higher education. The committee is the advising body of the institution council, its director and members may be professors and researchers, and are elected by the council for a period of three years. The student self-governing body, by the approval of the institution council, may delegate a representative into this committee.

(2) The committee shall evaluate the enforcement of the qualification requirements, as well as the quality of the specialised postgraduate education programmes launched within the competence of the institution and of the accredited higher vocational education programmes organised within the school system, and the existence of personal and material conditions, shall summarise the results of educational and research activities and shall submit its annual report to the institution council, together with its proposals for taking measures, annually, on a regular basis.

(3) After confirmation, the council sends the report to the Hungarian Accreditation Committee. Exhibits included in the report are public.

(4) Separate bodies (committees, councils and colleges) may be established on the basis of the Regulations from among instructors, scientific researchers, students and other employees in order to fulfil the administrative, educational, scientific, organisational and other responsibilities of the institutions and faculties. The institution council and the faculty council may transfer some of its rights to such bodies on the basis of the Regulations, with the exception of those which come exclusively under the competence of the institution council, the rector, the college rector, the college director general, the faculty council or the dean and the faculty director general. The establishment, the sphere of responsibilities and the operation of the bodies shall be defined in the Regulations.

(5) In a higher education institution, according to the Regulations, a Social Council may be established as an advisory body, and its members may be representatives of the social-economic sphere and outsider experts. Its task shall be to watch and evaluate the institutional activity to fulfil social-economic needs, to express an opinion on the education and the

educational development, to develop proposals in connection with the educational and research activity of the institution, and its developmental plan, and to express an opinion on the developmental plans. Higher education institutions not financed by the state and higher education institutions conducting education exclusively in connection with religious life according to Section 114, by the consent of the maintainer, may depart from the obligation of establishing a Social Council.

Chapter 13/a

The Operation and Management of the Higher Education Association

Section 59/A - H*

Chapter 14

The Operation of Faculties

and Other Educational Organisational Units

Section 60

The regulations governing the organisation and operation of university and college faculties shall be established in the Regulations or in separate faculty regulations. The provisions of Section 51, with attention to Sections 54-55 of this Act, shall be suitably applied to faculty regulations.

Section 61

(1) A university faculty organised at a university shall be headed by a dean, while a college faculty organised at a university and a faculty organised at a college shall be headed by a director general of the faculty.

(2) The governing body of a faculty will be the faculty council. The faculty council shall publish an opinion and make proposals in all those matters which affect the faculty and which belong to the sphere of tasks or sphere of authority of the institution council, or institution head, and shall decide in matters entrusted to it.

(3) A faculty shall be represented by the dean or the director general of the faculty. The provisions of Section 57 shall apply, as appropriate, when defining his/her sphere of responsibilities.

(4) A dean shall be selected from among university professors and university readers (associate professors), and a director general of a faculty shall be selected from among university professors, university readers (associate professors) and college professors by the faculty council on the basis of competitive applications, after having heard the opinion of the rector and the college rector. The mandate may be repeated on one occasion through re-election, on the basis of an application process. The letters of appointment of persons proposed by the faculty shall be signed and issued by the head of the institution for not more than a period of four years.

Section 62

(1) The provisions of Section 55 shall be suitably applied to for the composition of a faculty council.

(2) The dean or the faculty director-general, shall be the chair of the faculty council; the faculty council will elect its secretary by itself.

Section 63

(1) The heads of the educational, scientific research, and artistic organisational units of a higher education institution shall be supplied by the head of the organisational unit (department head, institute director) in co-operation with the council of the organisational unit. Only a professor or reader may be mandated as a head.

(2) The sphere of tasks and the sphere of authority of the council operating in the educational organisational unit of a higher education institution, those of its head, the composition of the council; and the time period of the mandate of its members shall be laid down by the Regulations.

(3) The opinion of the council of an organisational unit shall be requested before the mandating of the head of the organisational unit.

(4) The mandate of the head of an organisational unit shall be in office for five years at the most, and, according to the stipulations of Para. (3) above, may be renewed for a further five years. For a second, and any additional, renewal, the proposal of the faculty or institution council shall be supported by a two-thirds majority votes. Under the Regulations of the institution the leadership may be resolved on the basis of rotation, too. The leadership of an organisational unit may not be performed by a person above sixty-five years of age.

(5) The organisation, leadership, and operation of other organisational units shall be established in the Regulations. The heads of demonstration schools (kindergartens) shall be mandated by the head of the higher education institution, with the conditions determined in a separate legal regulation.

Part Four

THE SELF-GOVERNMENT (AUTONOMY) OF HIGHER EDUCATION INSTITUTIONS AND

THEIR SUPERVISION

Chapter 15

The Self-government of Higher Education Institutions

Section 64

(1) A higher education institution shall decide in all matters concerning the institution which the act or other regulation on, the basis of legal authorisation, does not assign to the state or local government sphere of authority.

(2) In the interests of ensuring freedom of teaching, postgraduate education, artistic activity, research and study, higher education institutions shall have the right, in particular, to

- a) independent establishment of their system of organisation and operation;
- b) selection of teaching staff, scientific researchers, and leaders;
- c) establishment of the numbers of students able to be admitted with attention to budgetary support, as well as the deciding of the conditions for admission, and the selection and admission of students;
- d) deciding of curricula, teaching materials and educational programmes, and issuing of certificates, and/or of degrees testifying to qualifications, and the determinations of conditions for accounting for credits at registration to the institution, or at transferring;
- e) the working out of scientific research programmes, and the deciding and organisation of scientific research tasks;
- f) the right of disposal over approved financial resources and allocations, and the exercise of rights connected with the property at their disposal;
- g) the establishment and development of international education and research connections;
- h) the introduction and supervision of measures ensuring the quality of educational and research activity conducted in the institution.

(3) The rights of universities will extend to the provision of university doctoral education and to the awarding of the doctoral degree, as well as to the elaboration of the rules of habilitation procedure, and conducting it.

BH1998. 222.

There may not be any appeal against the decision of higher education institutions, concerning the determination of the admission requirements in the courts [Act LXXX of 1993 Section 64 Para. (2) Item c), Ptk. Section 7 Pp. Section 130 Para. (1) Item b), Section 157 Item a)].

Section 65

(1) The state shall perform its tasks in connection with higher education with respect to the rights, obligations and spheres of authority of higher education institutions regulated in the Constitution and in this Act, as well for those laid down in their institutional Regulations framed on the basis of this Act.

(2) Legal regulations and individual decisions which violate the self-government of higher education institutions may be appealed against in the Constitutional Court, on the basis of Act XXXII of 1989 on the Constitutional Court, Section 1, Item h).

(3) In sphere of authority disputes arising between higher education institutions and state or local government organs, according to the regulations relating to the review of decisions by the public administration, the court competent to hear the case shall be determined by the location of the headquarters of the higher education institution affected.

Chapter 16

Student Self-government

Section 66

(1) The student self-government shall operate as a part of the self-government of a higher education institution. All students registered in the higher education institution are members of the student self-government, independently from the form of education he/she participates in.

(2) The officials and representatives of the student self-government shall be elected by the students; in the course of this all students can elect and be elected. The election shall be operative if at least one fourth of the students participated.

(3) In their Regulations, higher education institutions will establish those matters in which the student self-government shall decide, those in which their agreement is necessary, and those matters in which the asking of their opinion is obligatory. Students shall practise legal rights ensured for the student self-government by electing representatives, as described in the structural and operational regulations of the student self-government.

(4) On the basis of the Regulations and within their framework, student self-government shall frame its own organisational and operating regulations, and will show them to the institution council. The institution council may raise an objection to any provision that is contrary to the act or to the regulations, and may annul it. Against such an action on the part of the institution council the student self-government may turn with a complaint to the head of the higher education institution, and, in the event of lack of success, to the Minister of Education.

(5) Student self-government shall perform its tasks in co-operation with the other organs of the higher education institution.

(6) The objective and material conditions for the operation of student self-government and for the fulfilment of tasks laid down in the regulation shall be ensured by the leadership of the institution; the lawful utilisation of these conditions shall be supervised by the institution head.

Section 67

(1) The rights of student self-government are, in particular:

- a) sending representatives on the basis of election as it is laid down in its regulation to institution and faculty councils and to other leading bodies;
- b) participation in the work of the admission committees;
- c) making proposals for the introduction of optional subjects and seminars;
- d) making proposals for the invitation of outside teaching staff (lecturers);
- e) participation in the organisation of scientific and specialist student circles, and the publication of studies;
- f) creating, forbidding and running cultural, social organisational units in case of necessary conditions;
- g) building domestic and foreign educational, cultural, and postgraduate education contacts for students;
- h) expressing student opinion on the work of teaching staff;
- i) expressing an opinion on the development of the sports facilities of the higher education institution;
- j) participation in the management of halls of residence (student homes);
- k) participation in the management of the study, stipend, and support affairs of students.

(2) The student self-government may be requested to fulfil other tasks, primarily those involving students, and may be given decisional rights.

(3) The student self-government shall accord in connection with

- a) the acceptance or modification of the educational and examination regulations;
- b) the acceptance or modification of the institution regulations concerning the expression of students' opinion about education;
- c) the modification, termination or utilisation, of the proper usage of student welfare, cultural, sport facilities and institutes, organisational units, and places (student homes, student hostels, clubs, student sport utilities) laid down in the Regulations.

Section 67/A

(1) The National Conference of Student Self-government shall be the national representative body of students studying in higher education institutions. The body may express opinions or make proposals to the directing public or other organs, concerning questions involving higher education, and represents students in the national organisations of higher education.

(2) The National Conference of Student Self-government is a body composed of the representatives of higher education institution student self-governments, and it determines its structural and operational regulations. The regulations shall determine the rules of electing its president and presidium consisting of ten members, and their tasks. One person shall represent each higher education institution, and faculty student self-government.

(3) The National Conference of Student Self-government and the presidium shall be obliged to request the opinion of the professional student layer organisation of the higher education institution, involved in the question concerned, before making their decision.

(4) For financing the operation of the National Conference of Student Self-government the amount equivalent to one and a half thousandth of the national budget of the annual student norm shall be provided as allowance in the chapter of the Ministry of Education.

(5) The National Association of Doctorands shall be the representative body of students pursuing doctoral studies (hereinafter: doctorands). The body may express opinion concerning questions involving the specific situation of doctorands which derive from their research and educational duties, and make proposal to the directing public and other organs of higher education.

Chapter 17

The Bodies of the Leaders of Higher Education Institutions

Section 68

(1) The Hungarian Rectors' Conference, consisting of the representatives of the universities, the Chair of Art University Rectors and the Conference of College Director-generals, consisting of the representatives of the colleges shall be the representative organs of higher education institutions. These bodies may publicise opinions and make proposals to the public administrative and other organs directing higher education on any issue affecting higher education.

(2) The competent rectors and college director-generals shall be members of the bodies named in Para. (1) above, and shall continually advise the institution councils concerning the decisions and activity of the bodies.

(3) A body shall decide the rules of its organisation and operation and shall establish the system for the election of a chairman, the circle of those entitled to represent the body, and the circle of those entitled to represent higher education institutions.

(4) The financial and administrative conditions for the operation of bodies shall be ensured by the higher education institutions; expenses to be borne by various institutions shall be established in regulations.

Chapter 18

The Spheres of State Authority Connected with Higher Education

Section 69

In the interest of the co-ordinated development of higher education and the ensuring of the unity of the Hungarian higher education system, the basic requirements for education and its linking in with national and international integration processes, the central state organs in connection with higher education and higher education institutions shall perform the tasks stipulated in Sections 70-74 supported by the national higher education bodies.

Section 70

Parliament

- a) shall lay down the development plan for higher education;
- b) shall, in the budgetary act, determine the yearly operating budget and development budget for higher education;
- c) shall establish, develop or abolish state higher education institutions;
- d) shall contribute to the establishment and abolition of a non-state higher education institution, and shall withdraw recognition from it.

Section 71

(1) The President of the Republic shall

- a) appoint and dismiss university professors;
- b) mandate and dismiss university rectors.

(2) The President of the Republic shall consent to the awarding of doctoral degrees with the distinction *Promotio sub auspiciis praesidentis Rei Publicae*.

Section 72

(1) The Government, in its sphere of tasks connected with higher education, shall

- a) ensure the maintenance and operating conditions of the state higher education network, lay down state financed tasks for higher education development and the development of scientific research, and shall ensure the conditions necessary for the implementation of these;
- b) approve in a state higher education institution, the establishment and abolition of a faculty, recognise the establishment and abolition of a faculty in the case of non-state higher education;
- c)*
- d) decide the qualification requirements for graduate education;

- e) lay down the procedural rules governing doctoral education and for the adjudication of the doctoral degree, as well as the rights and responsibilities of those participating in doctoral education and those with the doctoral degree;
- f) lay down the state benefits accompanying the “*Professor Emeritus*” title,
- g) lay down the general rules for the habilitation procedure;
- h) lay down the general rules for the organisation and operation of the Hungarian Accreditation Committee;
- i) lay down the conditions for the recognition, or nostrification of foreign degrees, certificates and diplomas, and regulate the procedure directed at this;
- j) determine the annual number of state financed students who may be admitted;
- k) regulate the fees and expenses to be paid by students in state higher education institutions, and the regulations for the issuing of the student identity card and the benefits accessible by means of it;
- l) lay down the system of state support for students;
- m) regulate certain issues to do with foreign students at Hungarian higher education institutions, and to do with studies by scholarship holders carried on in higher education institutions abroad;
- n) regulate the procedure of the establishment and abolition of higher education institutions, and of the authorisation of their operation;
- o) lay down the requirement system of quality policy of higher education;
- p) determine the unified principles, structural and preparational order of qualification requirements;
- r) determine the branches of science belonging to every single area of science.

Section 73

(1) The Prime Minister shall

- a) appoint and dismiss college professors;
- b) mandate and dismiss the college rector and director general of a state college, and shall confirm the appointment of the college rector and director general of a non-state college;
- c) mandate and dismiss the chairman and members of the Hungarian Accreditation Committee.

d)*

Section 74

(1) Within the sphere of authority of state tasks connected with higher education, the Minister of Education shall

- a) participate in the preparation and formation of state decisions concerning higher education development and policy, direct the scientific policy of the branch and its realisation, co-ordinate the formation of the concept of the national scientific policy and make submissions in connection with this;
- b) submit to the Government the annual budgetary report and the plan for the support of higher education on the basis of the standpoint of the Higher Education and Research Council;
- c) perform legal supervision in respect of higher education institutions, and within this sphere of authority, he may annul all Regulations and decisions of institutions which violate legal regulations, and may take measures in the interest of terminating the unlawful status. In case of non-state higher education institutions he/she shall initiate the termination of the unlawful status at the maintainer;
- d) considering the opinion of the Higher Education and Research Council on the development of educational specialisations, on the basis of the position taken by Hungarian Accreditation Committee, permit the launching of a major or withdraw the permission;
- e) determine the qualification requirements of specialised postgraduate education on the basis of the opinion of the Hungarian Accreditation Committee;
- f) publish in the Educational Gazette, upon the request of the higher education institution, the launching of the specialised postgraduate education majors corresponding to the qualification requirements defined in a separate decree, as well as of the accredited higher vocational education programmes organised within the school system entered in the National Training Register and proposed on the basis of approved professional requirements;
- g) decide on the basis of the standpoint of the Higher Education and Research Council, the number of state financed students who may be admitted to first year in various levels of education, their distribution among majors, group of majors and institutions. In case of church higher education institutions, he/she shall previously consult the church maintainer about the distribution of the number of state financed students among institutions, taking into account the numbers determined in agreements between the Republic of Hungary and the Apostolic Holy See and between the Government and the Churches, then, on the basis of that, he/she shall make an agreement with the heads of the church higher education institutions about the number of state financed students of the institution;

- h) at the proposal of the Hungarian Accreditation Committee, for a specified period of time, may suspend the right of certain institutions or majors to conduct final examinations or to issue degrees;
- i) supervise the effectiveness and lawfulness of the utilisation of supports and equipment made available by the state and their suitability for the qualification requirements, form the mechanism of supervision, and organise the publication of the findings of supervision, also giving scope for the standpoints of the institution examined;
- j) support the establishment and development of the international links of higher education institutions;
- k) make proposals to the Government on the tasks stipulated in Section 72, Items a)-b), and perform the tasks connected with the planning of higher education;
- l) regulate the basic conditions for the awarding of doctoral degrees with the distinction *Promotio sub auspiciis praesidentis Rei Publicae*;
- m) authorise the operation in Hungary of foreign higher education institutions considering the opinion of the Hungarian Accreditation Committee;
- n) regulate the organisation and basic principles of the Higher Education and Research Council;
- o)*
- p) exercise the right of agreement following the proposal of the institution council and prior to appointment and/or removal by the head of the institution, on the occasion of the appointment and removal of the director (general) of business operations of a state higher education institution. The period of mandate of the director (general) of business operations shall be not more than five years. The director (general) of business operations may be appointed repeatedly on several occasions, on the basis of competitive applications;
- r) make a decision in the other cases defined in this Act;
- s) in the state higher education institutions, at the proposal of the institution council and on the basis of a concurring opinion on the Hungarian Accreditation Committee, if the legal conditions are fulfilled, make proposals on the appointment of university and college professors. In case of a contrary opinion of the Hungarian Accreditation Committee, he/she shall return the proposal to the institution for a further consideration;
- t) determine the group of programmes consisting of the university and college graduate education programmes;

u) determine the scope and conditions of the institutional recording and supplying of data in connection with the education and the operation of the institution.

(2) The Minister of Culture and Education must give reasons for deviating from the standpoint of the Hungarian Accreditation Committee in his/her proposal or decision.

(3) In the case of Para. (1), Item h) above, the students of the higher education institution shall be entitled to sit their final examination in another higher education institution providing the same education, or, in the absence of such, in a higher education institution designated by the Minister of Education. The Minister of Education may request another higher education institution, providing the same education, in case of the termination of a higher education institution, to provide the opportunity for the student to continue his/her studies, and the Minister ensure the financing of this education.

(4) The decisions of the Minister of Education made within the sphere of legal competence stipulated in Para. (1), Item c) above may be appealed against in the courts, according to the regulations relating to the review of public administrative decisions.

Section 74/A

(1) The Minister of Education shall examine, within his/her sphere of legal supervision authority, whether the organisation, operation, procedure of decision making, and decisions of the higher education institution are in accordance with legal measures.

(2) The sphere of legal supervision authority of the Minister of Education shall not include decisions that may form basis for

- a) arguments concerning employment or the legal rights of public employees;
- b) legal or administrative proceedings determined by a separate legal measure.

(3) The Minister of Education, within his/her sphere of legal supervision authority, shall call upon the party involved (also the maintainer, in case of a non-state higher education institution), along with setting a deadline, to discontinue the infringement of the law. The party involved (also the maintainer, in case of a non-state higher education institution) must examine matters included in the appeal, and shall inform the Minister, within the given deadline, about measures taken based on them, or about their objection to them.

(4) The Minister, if no steps were taken, shall

- annul the decision or Regulations infringing the law;
- initiate the disciplinary impeachment of the head of the higher education institution, or, depending on the type of action, legal proceedings.

Section 75

The Minister of Education shall request the opinion of a higher education institution in any matter affecting it and belonging to its sphere of authority.

Chapter 19

National Higher Education Bodies

Section 76

(1) The Higher Education and Research Council shall be a proposal-making, decision-preparing and opinion-giving body of the Minister of Education which assists the performance of tasks connected with higher education and with research.

(2) The Higher Education and Research Council, as the advisory body of the Minister of Education, shall:

- a) work out its conception to develop and modernise the structure of higher education institutions and their system of vocational education;
- b) adopt a standpoint on the principles to modernise the state support of tertiary education of specialists, and the system of support;
- c) work out the system of performance indicators, to be applied in higher education;
- d) adopt a standpoint on the principles of mid-range development by working out professional field priorities based on the labour market forecast, statistical data on finding jobs, and the professional division of registration;
- e) shape the aspects of priority of the stress developmental programmes of scientific research financed by the chapter of the Ministry of Education, in the field of higher education, in accordance with other national research programmes;
- f) make proposals on any subject connected with higher education;
- g) work out recommendations for higher education institutions on the basis of initiatives by governmental organs or higher education institutions.

(3) The Higher Education and Research Council, at the request of the Minister of Education, shall:

- a) express an opinion about appeals requesting the establishment and abolishment of state higher education institutions and faculties;
- b) take a position on the qualification requirements of the majors of graduate and specialised postgraduate education and on the launching of the majors of graduate education;
- c) express an opinion concerning the higher education budget, and concerning report on the implementation of the budget;

d) express an opinion concerning the number of state financed students to be admitted yearly, and their distribution;

e) express opinion concerning the conditions for, and the implementation of, all national competitions financed by the state which affect research activity carried on in higher education.

(4) At the time of adopting standpoints concerning vocational education, the special committees of the Council must consult the representatives of the Ministry of Education and of ministries which are interested in the education, and shape their standpoint with the agreement of the representatives.

(5) The Council shall publish its standpoints and recommendations of strategic importance affecting higher education institutions.

(6) The Council shall publish its standpoints of strategic importance, and the aspects of financing valid for several years, allowing time for the higher education institutions to prepare themselves.

Section 77

(1) The Council shall consist of twenty-one members. Ten members of the Council shall be experts possessing scientific degrees elected by the higher education. Another ten members of the Council shall be representatives of various utilising organisations, and shall be elected by professional chambers, employers, scientific bodies (Hungarian Academy of Sciences, research institutes), and by local governments in Budapest and in the country, considering the principle that each represented circle shall remain with at least one representative in case of changes of persons within the Council. One member of the Council shall be sent by the Minister. A member of the Hungarian Accreditation Committee may not be the member of the Council.

(2) The proportionate representation of non-state institutions must be ensured at the time of the election of the members of the Council.

(3) The Minister of Education shall appoint the members of the Council for three years. The Minister of Education shall appoint the president of the Council, in case of his/her consent, upon the recommendation of the members.

(4) Representatives of ministries who are interested in the education shall be present as permanent guests at those meetings of the special committees of the Council which are in connection with vocational education.

(5) A list of the members of the Council must be published in the Hungarian Official Gazette and in the Educational Official Gazette.

Section 78

(1) The Council's Subcommittee on Educational and Research Strategy shall have nine members. The body shall elect its members, at the proposal of the president of the Council,

from among experts for a period of three years. The committee elects its head from among its members.

(2) The Council's Subcommittee on Financing shall have nine members. The body shall elect its members, at the proposal of the president of the Council, from among the experts for a period of three years. The subcommittee shall elect its head from among its members.

(3) The subcommittee may request the help of experts in their work, or may establish an ad hoc committee of experts. During the preparation of decisions the subcommittees must ensure the knowledge of the opinion of the higher education institutions involved.

(4) The operation of the Council and its subcommittees shall be aided by the Secretariat of the Council. Employees of the secretariat are public employees. The head of the Secretariat is the secretary-general nominated, by means of competition, by the Minister of Education on the basis of the recommendation of the Council. The president of the Council shall practise the legal rights of employers over the secretary-general, with the exception of nomination and dismissal.

Section 78/A

(1) The Office of the National Credit Councils, and other bodies and organisation promoting the operation and development of higher education, shall operate under the co-ordination of the Secretariat of the Higher Education and Research Council.

(2) The Minister of Education, with the co-operation of the Council, practices legal supervision over the Office of “Basic Higher Education Developmental Programmes”.

Section 79

(1) The head and representative of the Council shall be the president of the Council. Only the president of the Council may provide a standpoint to outside organisations on issues involving the Council, and the sphere of tasks and operation of its subcommittees.

(2) The detailed rules of the operation of the Council shall be regulated by the Minister of Education.

(3) The financial cover for the operation of the Council shall be ensured by the Parliament separately in the Ministry of Education chapter of the annual budget.

Section 80

(1) For the validation of the quality of education and scientific activity in higher education and for the perfecting of classification there, the Government shall create the Hungarian Accreditation Committee. The Hungarian Accreditation Committee shall consist of representatives of the higher education institutions, of the research institutes and of the utilising sphere, possessing at least doctoral degrees. The Hungarian Accreditation Committee shall elect its president from among its members who may not be a civil servant.

(2) The members of the Hungarian Accreditation Committee and the president shall, at the submission of the Minister of Education, be mandated by the Prime Minister for three years. Mandates may be renewed on one occasion.

(3) An International Advisory Body (consisting of eleven people at most), may operate besides the Hungarian Accreditation Committee. Its member shall be invited by the president of the Hungarian Accreditation Committee also requesting the standpoint of the Hungarian Accreditation Committee.

(4) At the sittings of the Hungarian Accreditation Committee, one delegate with voice but no vote from the National Conference of Student Self-governments shall take part.

(5) The Hungarian Accreditation Committee shall establish special committees involving outside members. Representatives of the utilising sphere, and occasionally also foreigners, will participate in the special committees.

(6) The Hungarian Accreditation Committee is a legal entity, an independent body in the service of higher education, its secretariat is a publicly financed body possessing full legal rights. Its operation shall be financed by Parliament from a separate part of the annual central budget.

(7) Rules governing the organisation and operation of the Hungarian Accreditation Committee, and the accreditation procedure, shall be established in a Governmental decree. The Minister of Education shall have legal supervisory right over it.

(8) A list of names of the members of the Hungarian Accreditation Committee must be published in the Hungarian Official Gazette and in the Educational Official Gazette.

(9) The membership of Hungarian Accreditation Committee and the membership of Higher Education and Research Council are incompatible with the position of a rector, a rector of college and a director-general of a college. In case of such incompatibility the membership of Hungarian Accreditation Committee and the membership of Higher Education and Research Council of the person concerned shall cease to exist.

Section 81

(1) The Hungarian Accreditation Committee shall

a) approve the operation of doctoral schools and shall decide on the field of science, and more specifically, on the branch of science in which the university may conduct doctoral education and may award doctoral degrees;

b) form a standpoint on matters that involve the quality of higher education during the execution of this Act.

(2) At the request of the Minister of Education, the Council or a higher education institution, the Hungarian Accreditation Committee shall express an opinion concerning

- a) the establishment or recognition of a higher education institution;
- b) the establishment or recognition of a faculty;
- c) the qualification requirements;
- d) granting permission for launching a major in graduate education;
- e) the doctoral or habilitation regulations of a university;
- f) the starting of accredited higher vocational education programmes organised within the school system in higher education institutions, and the requirements of starting such programmes, the branches of science and fields of art of higher education institutions where the conditions required for launching and pursuing specialised postgraduate education programmes and accredited higher vocational education programmes are organised within the school system;
- g) the regulations of the application of the credit system;
- h) the operation of a foreign higher education institution in Hungary;
- i) the drafts of international agreements on the nostrification and equivalency of degrees;
- j) the appointment of university and college professors on the basis of Section 17, Para. (4) and Section 18, Para. (2).

(3) The Hungarian Accreditation Committee, at the request of the higher education institution, may participate in the nomination of the outside members in doctoral examination and habilitation committees.

(4) The Hungarian Accreditation Committee shall evaluate the level of education and scientific activity in the individual higher education institutions on a regular basis, but at least every eighth year. Based on the operation of graduate and specialised postgraduate education programmes, furthermore, of the accredited higher vocational education programmes organised within the school system and of the doctoral schools, it shall express opinion on the fields of sciences and fields of art of universities, and on the branches of sciences and fields of art of colleges where the conditions of graduate education, specialised postgraduate education, the accredited higher vocational education organised within the school system and doctoral education exist. Upon the request of the Minister of Education, it shall proceed with the examination falling within the sphere mentioned above and indicated in the request in priority procedure, and shall make available the evaluation prepared by it. If the Hungarian Accreditation Committee establishes that the higher education institution or certain majors or programmes of it do not correspond to the educational objective, it shall decide on the suspension of the doctoral school, and/or shall make a proposal for

- a) suspending or withdrawing of the exercise of the right to organise final examinations and to issue degrees for a definite period of time, or for withdrawing state recognition in the case of non-state institutions;

- b) terminating the higher education institution or withdrawing state acknowledgement;
- c) verifying the execution of necessary measures within a definite period of time.

(5) The Hungarian Accreditation Committee, for the accreditation evaluation, may request the institution to hand over information concerning its educational and research activities. It shall examine the report, done according to Section 59, Para. (3), with respect to the operation and activity of the institution, and shall use it during the next accreditation evaluation of the institute.

(6) The management and administration of the affairs of the Hungarian Accreditation Committee shall be performed by a secretariat. The head of the secretariat shall be appointed, dismissed or awarded a higher leading (secretary-general) commission by the Minister of Education with the consent of the president of the Hungarian Accreditation Committee. The employees of the secretariat are public employees, employer's rights in connection with them are practised by the secretary general (except for the appointment and dismissal in case of the financial director), by the president of the Hungarian Accreditation Committee in case of the secretary general (except for the appointment and dismissal). The secretariat governs the national habilitation and doctoral register which are public.

(7) The Hungarian Accreditation Committee shall develop detailed procedural order and system of requirements concerning the methods and requirements of fulfilling tasks laid down in Paras. (1), (2), (3) and (4) and also the system of requirements of accreditation. It shall publicise the developed procedural order and system of requirements. The Minister of Education may request the Hungarian Accreditation Committee to repeat the procedure in the case of the infringement of these regulations.

Part Five

ADMISSION TO HIGHER EDUCATION INSTITUTIONS

Chapter 20

The Conditions and Procedure for Admission

Section 82

Every Hungarian citizen has the right – within the framework of Section 83 – to continue studies at a higher education institution and in majors of his/her choice.

Section 83

(1) Those persons may apply for admission to

- a) graduate education or accredited higher vocational education who possess a matura examination certificate or the equivalent of a secondary school leaving certificate or a diploma acquired at a higher education institution;

b) specialised university or college postgraduate education who possess a university or college diploma, as it is laid down by the higher education institution to which application is being made;

c) doctoral education who possess a university or equivalent diploma.

(2) A higher education institution shall organise entrance examinations, with the exemption stipulated by this act and by the decree of Government.

(3) A student, in exceptional cases, may begin doctoral studies during a university education that is longer than five years if he/she has completed exams in all of the subjects of the doctoral education.

(4) A higher education institution may set requirements for admission which go beyond those laid down in Para. (1) and (2), as laid down in separate legal provisions, in particular, concerning the grade of the matura examination certificate, results achieved in secondary education, in secondary school study competitions, on the entrance examination, and in accredited higher vocational education organised within the school system, aptitude tests, employment, experience in a specified post, professional practice of a specified time, and professional qualifications. The higher education institution shall publicise the entrance examination requirements at least two years before their introduction, and shall publicise other conditions at least one year before their introduction. The establishment of the requirements of entrance examinations of the education not financed by the state shall be the task of the higher education institutions.

(5) Higher education institutions shall regularly provide information about their education and shall publicise their admission requirements annually at an appropriate time.

(6) Higher education institutions shall, on the basis of the decision of the Minister of Education made with attention to the standpoint of the Higher Education and Research Council on the number of students to be admitted to the first year of state financed education per level, programme and group of programmes, annually establish the numbers of students able to be admitted to the institution per programme, group of programmes and faculty.

(7) The higher education institution committee organised for the purpose shall decide on admission to graduate education and specialised postgraduate education in the higher education institution; admission to doctoral education shall be decided by the doctoral council of a university. It shall be possible to appeal against a decision of the committee or council denying admission if the legal regulations or the institution's regulations have been violated. Appeals will be judged by the institution head. No further appeal will be possible if the appeal has been rejected thereby.

(8) Higher education institutions shall publicise in the institution a list of names of those who have taken the entrance examination and those who have been admitted, together with their results, in the usual way.

(9) On the basis of the standpoint of the Higher Education and Research Council, the general regulations governing the entrance examination and the admissions procedure and the tasks of

higher education institutions shall be established by the Government in a decree. The organisation and conducting of entrance examinations, as it is laid down in the decree, shall be the task of higher education institutions. The Government decree shall determine those quality requirements which should be fulfilled in case of admissions to state financed education as well as to fee paying education, and the general regulations concerning the admission of foreigners to Hungarian higher education institutions. Concerning education connected with religious belief, the Government decree may not contain any regulations.

(10) The National Higher Education Admission Office shall ensure the co-ordination and facilitation of state and institutional tasks in connection with the admission procedure.

(11) In the year of the matura examination the higher education institution, based on Section 9, Para. (8) of Act LXXIX of 1993 on Public Education, may not prescribe written entrance examination of the applicant in those subjects of examination which he/she passed in the matura examination on the basis of higher level of requirements, although the applicant may request to participate in the written entrance examination.

Part Six

TERTIARY EDUCATION

Chapter 21

Levels of, and Requirements for Qualification, the Curricula

Section 84

(1) In higher education institutions accredited higher vocational education, college or university graduate education, general and specialised postgraduate education and doctoral education may be conducted, in full-time courses and in other forms (e.g., evening courses, correspondence courses, distance education).

(2) The levels of education:

a) accredited higher vocational education organised within the school system;

b) college education

- college graduate education

- postcollege specialised education;

c) university graduate education;

d) postgraduate education

- university specialised postgraduate education

- doctoral or DLA education.

(3) Colleges may conduct accredited higher vocational education organised within the school system, college level graduate and postcollege specialised education, and universities may conduct accredited higher vocational education organised within the school system, college or university level graduate education, specialised postgraduate education and doctoral education, and art universities and other universities may conduct DLA education. Colleges may conduct university level graduate education in certain majors, based on the appropriate accreditation.

(4) In distance education graduate or specialised postgraduate education or accredited higher vocational education organised within the school system as defined by the qualification requirements and with permission for launching a major may be offered if the Hungarian Accreditation Committee, on the request of the higher education institution, considers it adequate for fulfilling the qualification and professional requirements on the basis of the teaching materials, the teaching and study methods used in education and the special teaching equipment.

Section 85

(1) A certificate testifying higher professional qualification obtained in accredited higher vocational education organised within the school system may, according to professional requirements, be acquired in education lasting at least two years.

(2) A college degree may, according to the qualification requirements, be acquired in full-time education lasting at least three years.

(3) A university degree may, in line with the qualification requirements, be acquired in full-time education lasting at least four years.

(4) In line with the qualification requirements, the study time of university graduate education may, in exceptional cases, exceed five years. In line with the qualification requirements, the study time of college graduate education may not exceed four years.

(5) Specialised postgraduate education shall, in line with the qualification requirements, be, within the framework of full-time education, one year at the least and three years at the most.

(6) In other forms of education, the period of education – depending on the form of education and methods employed – shall be the same as the periods laid down in Paras. (2)-(3) and (5), or longer.

(7) In doctoral education the study time shall be three years.

(8) A college degree shall, in line with the requirements for qualification, entitle the holder to continue his/her studies at a university.

Section 86

(1) The requirements for graduation, and professional requirements for qualifications, obtainable in higher education institutions, shall be laid down in the qualification requirements.

(2) In graduate education and in specialised postgraduate education, the qualification requirements shall contain the definition of the aim of the education offered; the main study areas to be taught and their relative sizes; the ideal length of studies in terms; the minimum performance determined in number of classes to be attended, in credits, or in other appropriate calculation; the subjects of university examinations; the system for assessing knowledge; the type and subjects of the final examination, and method of marking it; the requirements for the dissertation and degree work; the level of the qualification; the qualification and the naming of its title from the viewpoint of the department (field of study) and other pertinent regulations.

(3) The conditions for obtaining the doctoral degree shall be established by universities in the doctoral regulations.

Section 87

(1) In graduate education and in specialised postgraduate education, the detailed educational and study requirements, as well as the detailed regulations governing education – especially the periods of studies, the prescribed study units in the university and final examination subjects, number of credits, the compulsory examinations, the university examinations, the system of knowledge assessment, the taking into account of period of studies, the forms of cumulative assessment – shall be laid down by curricula, the knowledge to be acquired within the framework of the different subjects shall be laid down by the subject programmes.

(2) In the compilation of curricula and subject programmes, attention must be paid, besides the qualification requirements, to the international practices and norms, and to practical and professional requirements depending on the character of the branch of study.

Chapter 22

The General Regulations for the Studies and Examinations

Section 88

Within the framework of this Act the regulations of study and examinations for students shall be determined by the higher education institution itself.

Section 89

(1) In the study and examination affairs of students, higher education institutions have the power to bring actions. In the institution body proceeding in the first stage, fifty per cent participation of students with full voting rights shall be ensured.

(2) In accordance with the stipulations in the Regulations a student may, within fifteen days from delivery against a decision made in the first stage – the exception of an assessment relating to the fulfilment of the study requirements – lodge an appeal with a delaying force with the institution head.

(3) Against a second stage decision no further appeal shall be possible.

(4) There shall be no legal redress against an assessment relating to the fulfilment of study requirements.

Section 90

(1) The requirements for qualification and the curricula shall determine forms of cumulative assessment (examinations) in line with the given educational purpose.

(2) The assessment of knowledge of the material taught may occur, generally

a) in five grades: excellent (5), good (4), fair (3), satisfactory (2), and unsatisfactory (1); or

b) in three grades: excellent, satisfactory, unsatisfactory;

(3) A higher education institution may, in its Regulation, choose another system for assessment (e.g. cumulative point system, educational units, credits); in this case, however, it must ensure comparability with the assessment system stipulated in Para. (2).

Chapter 23

Doctoral Education and the Acquisition of the Doctoral Degree

Section 91

(1) A university shall be entitled to provide doctoral education, and to award the doctoral degree, in those fields and branches of sciences in which its suitability has been recognised by the Hungarian Accreditation Committee.

(2) For the organisation of doctoral education and for the awarding of the doctoral degree, a university shall establish a doctoral council: in larger universities doctoral councils may also be organised for faculties and certain departments. One member with voice but no vote of the doctoral council shall be a representative elected by students participating in doctoral education.

(3) All members of a doctoral council shall possess a doctoral degree; persons who are not employed at the university may also be members.

(4) No person shall take part in the doctoral procedure who has a relationship of subordination or dependence with the candidate, or someone from whom for whatever reason an objective judgement cannot be expected.

Section 92

(1) A doctoral degree may be obtained within the framework of participation in education organised by a university or on the basis of individual research.

(2) The conditions for obtaining a doctoral degree shall be:

- a) fulfilment of the obligations prescribed on the basis of the university's doctoral regulations, and the successful taking of the doctoral examinations;
- b) evidence of independent scientific work in the form of essays, articles or in another way;
- c) proof of the knowledge of two foreign languages at levels necessary for study in the field of science;
- d) the independent solution of a scientific task in conformity with the requirements of the degree, the submission of a doctoral dissertation or a valuable work (creation); the defence of the achievements in open debate.

(3) The doctoral council of a university may grant exemption to any candidate from participation in organised education, or from participation in part of the education.

Section 93

(1) The doctoral examination must take place before a doctoral examination committee. A doctoral examination committee shall be set up by the doctoral council from persons possessing doctoral degree. At least one third of the members of a doctoral examination committee must be outside specialists who do not have public employee status at the university, and who do not work for the university in any way.

(2) The doctoral work must be defended in open debate in front of the committee. The chairman of the doctoral committee shall be a professionally appropriate professor of the university; the members of the committee will be designated by the doctoral council, with the appropriate application of the stipulations of Para. (1).

(3) Decisions made in the procedure directed towards the acquisition of a doctoral degree may be appealed against only because of violation of the legal regulations or because of infringement of the university's doctoral regulations.

Section 94

(1) A central record will be kept concerning all awards and denials of the doctoral degree. The organisation of this shall be the task of the Hungarian Accreditation Committee. The record shall be open to everybody.

(2) The detailed regulations for doctoral education and for the awarding of the degree shall be established by the university's doctoral regulations.

Chapter 24

Final Examinations, Degrees and Titles

Section 95

(1) Students shall complete their college and university graduate and specialised postgraduate education studies with a final examination, and their accredited higher vocational education organised within the school system with a professional examination.

(2) The final examination shall be a checking and assessment of the knowledge (ability) necessary for the acquisition of a higher education qualification, in the course of which the candidate must show evidence that he is able to apply the knowledge studied.

(3) The final examination shall consist of

- a) the preparation and defence of a dissertation (degree work);
- b) the taking of the oral and/or written examinations prescribed in the requirements for qualification;
- c) the performance of the practical work laid down in certain programmes.

(4) Conditions for taking the final examination shall be

- a) the successful completion of examination and study requirements prescribed in the curriculum, or the achievement of the prescribed credits;
- b) the proof of the knowledge of a language prescribed by the institution.

(5) The type of final examination and the methods of calculating its scores will be determined by the qualification requirements, depending on the character of the final examination.

(6) According to the regulations of the act on qualifications a professional examination shall be taken in accredited higher vocational education organised within the school system.

Section 96

(1) A final examination must be taken in front of an examining committee.

(2) Besides a chairman, a final examination committee shall have at least two members.

(3) One member of the final examination committee must be an outside expert.

(4) The method of the written part of the final examination, and the manner of its adjudication, shall be laid down by the Regulations.

(5) Minutes shall be kept concerning a final examination.

(6) Institutions (faculties, departments) working in the same specialist area may establish a joint final examination committee.

Section 97

(1) On the basis of a successful final examination, the higher education institution shall issue a diploma for the student. The diploma shall be an official document supplied with the coat of

arms of the Republic of Hungary which will testify to the successful completion of studies in the field of study named on the diploma.

(2) Higher education institutions shall issue the diploma – with attention to Paras. (3) and (4) below – in a form according with their traditions and in such a way that it may be identified and checked.

(3) The diploma shall contain the name of the higher education institution issuing it; the name of the holder of the diploma suitable for his/her identification; the date and place of his/her birth; the qualification or degree awarded and the field of study; the name of the form of education; and the place, year, month and day of issue (awarding, inauguration). In addition, it must contain the original signature of the head of the higher education institution (or institution or faculty head laid down in the Regulations), and of the chairman of the final examination committee or of the doctoral examination committee. It shall also bear the seal of the institution, and all the data ordered to be shown in the Regulations of the higher education institution. Only higher education institutions possessing the permission to start the given major may use the name of the qualification determined in the Governmental decree when issuing the diploma or certificate.

(4) A diploma must be issued in Hungarian or in the Hungarian and Latin languages, and, in the case of nationality and ethnic minority education, in the nationality and ethnic minority language. Exceptionally, in accordance with the decision of the higher education institution, it may be issued in the language of instruction.

(5) For use outside Hungary, and on request, a foreign-language diploma supplement may be issued, which shall give information on the most important data concerning the study obligations and the academic achievement (credits).

(6) Persons holding qualifications in higher education acquired in Hungary may, while abroad, use the following English-language names, with an indication of the area of study:

- a) those with a college degree, “Bachelor” (abbreviations: B.A., B.Sc., etc.);
- b) those with university degree, “Master” (abbreviations: M.A., M.Sc., etc.);
- c) those with a doctoral (Ph.D.) degree, “Doctor of Philosophy” (abbreviation: Ph.D.);
- d) those with a doctor of liberal arts degree, “Doctor of Liberal Arts” (abbreviation: DLA).

(7) The higher education institution may issue a certificate testifying a qualification listed in the National Qualification Register after the successful completion of a professional examination in accredited higher vocational education organised within the school system.

Section 98

(1) The title of doctor indicating university graduation may be obtained by physicians, dentists, veterinary surgeons and lawyers; the abbreviated forms of these shall be: dr. med., dr. dent., dr. vet., and dr. jur., respectively.

(2) The titles of holders of university qualifications not mentioned in Para. (1) shall be: dipl. engineer, dipl. economist, dipl. secondary-school teacher, or, depending on the branch of study, another title laid down in the qualification requirements.

(3) Persons holding a college qualification may generally – depending on the field of study – use the following titles: engineer, economist, teacher, primary-school teacher, nursery-school teacher, teacher in special education or vocational teacher, or, depending on the branch of study, another title laid down in the qualification requirements.

(4) A diploma testifying to university or college qualification and issued by higher education institutions on the basis of graduate education shall

a) entitle the holder to participate in further university or college education;

b) qualify the holder to take a post or to carry on a profession (activity), laid down in the legal regulations, qualification requirements, or employment prescriptions, as demanding a university or college degree.

(5) The professional qualification stipulated in Para. (4), Item b) above shall not grant exemption from the conditions laid down in the legal regulations for the filling of posts or the carrying on of a profession (activity).

Section 99

(1) After completing specialised postgraduate education, the student shall take a final examination, to which the stipulations in Sections 96-97 shall apply, with the appropriate differences.

(2) After the final examination, the higher education institution shall issue a diploma concerning the specialist postgraduate qualification. The stipulations of Section 97 shall apply to the diploma, as appropriate. Holders of specialist university and college postgraduate qualifications which refer to specialist training may use the appropriate university or college title.

(3) A diploma obtained in specialised university or college education shall testify to a special qualification and shall qualify its holder to fill posts or to carry on a profession (activity) stipulated in the employment prescriptions as requiring such a diploma. This provision, however, shall not affect the qualification requirements for employment prescribed independently from postgraduate education in higher education institutions in separate regulations.

Section 100

(1) Universities will inaugurate doctors in a ceremony in accordance with their traditions.

(2) A university – with the prior consent of the President of the Republic – shall inaugurate as doctors with the distinction *Promotio sub auspiciis praesidentis Rei Publicae* those who have completed secondary-school, university and doctoral studies with outstanding results. The detailed regulations for the award shall be established by the Minister of Education.

(3) In accordance with the requirements stipulated in a university's doctoral regulations, deserving Hungarian and foreign persons may be inaugurated as honorary doctors (*Doctor honoris causa*).

(4) A higher education institution may award a golden, diamond, iron or ruby degree diploma to those who acquired their degree 50, 60, 65 or 70 years ago, whose conduct is worthy of public respect, who accord with the requirements stipulated in the Regulations of the higher education institution, and who thus augment the reputation of the higher education institution.

(5) Persons holding the doctoral (Ph.D.) degree may use as a title alongside their names the abbreviations "Doctor (Ph.D.)" or "Dr.". Persons mentioned in Paras. (3) above may use alongside their names the title "doctor honoris causa" or the abbreviation "Dr. h. c." .

Part Seven

INTERNATIONAL ACADEMIC RELATIONS

Chapter 25

Foreign Studies by Hungarian Citizens

Section 101

A Hungarian citizen may pursue studies in higher education abroad without official permission.

Section 102

(1) For the pursuing of studies at foreign higher education institutions, state scholarships may be awarded on the basis of competition.

(2) The rights and obligations of the applicant for a state scholarship shall be laid down in an agreement between the applicant and the state organ announcing the stipulated competition.

Chapter 26

The Studies of Foreigners in Hungary

Section 103

(1) For the admission of foreigners, for their legal standing, and for their studies in Hungarian higher education institutions, the provisions of this Act shall apply, unless the law or an international agreement provides otherwise.

(2) The detailed regulations concerning foreign students shall be determined by the higher education institution in the Regulations.

Section 104

Foreign students, if the law or an international agreement does not order differently, shall pay the tuition fee, expenses and other fees in accordance with Section 31.

Chapter 27

The Recognition of Foreign Studies in Hungary

Section 105

(1) Concerning the period of studies pursued abroad, the higher education institution shall decide, on the basis of a comparison of the study requirements.

(2) An international agreement or an agreement concluded by two or more higher education institutions based on the international agreement may prescribe the recommended or obligatory recognition of periods of studies.

Section 106

(1) The recognition of a diploma or degree (hereby: degree) acquired at a foreign higher education institution and testifying to completed studies in higher education may occur through

- a) nostrification;
- b) recognition of the level of qualification achieved;
- c) recognition of the professional qualification testified by the degree.

(2) Nostrification of degrees shall belong to the higher education institutions, and the recognition of academic qualification and that of professional qualification testified by the degree, shall belong to the competence of the Ministry of Education.

Section 107

(1) A foreign degree acquired in graduate education or in specialised further education may be nostrified by a higher education institution if

- a) the academic qualification testified to by the degree is recognised by the Ministry of Education, and if the recognised academic qualification is equivalent to, or higher than, that testified to by the same diploma obtainable in a Hungarian higher education institution;
- b) the degree testifies the type of professional qualification obtainable at the higher education institution concerned;
- c) the study requirements fulfilled by the person requesting nostrification correspond to the qualification requirements prescribed in Hungary for graduation in a given field of study and for acquisition of a degree or can be made to correspond to the prescriptions of supplementary conditions.

(2) A postgraduate degree obtained abroad may be nostrified as a doctoral degree by a Hungarian university if the requirements for the acquisition of the postgraduate degree correspond to the requirements prescribed in Hungary for acquisition of a doctoral degree, or can be made to correspond to the prescriptions of supplementary conditions.

(3) The legal force of a degree nostrified by a higher education institution shall accord with the legal force of degrees issued on the basis of studies pursued in the higher education institution which has nostrified it.

(4) In the event of the conditions laid down in Paras. (1) and (2), a higher education institution may nostrify a foreign degree only if it has been issued by a foreign institution which is entitled to issue degrees, or to award academic degrees, and only if the diploma testifies a degree in higher education on the basis of the law of the foreign state. In a case where there is uncertainty as to whether the foreign institution issuing the degree has the right to do so, the Ministry of Education shall decide.

(5) The holder of a nostrified degree shall be entitled to use the title which is granted by the higher education institution together with its own degree.

Section 108

(1) In the course of recognising the academic qualification testified by the degree acquired abroad, the Ministry of Education shall ascertain whether the degree:

- a) testifies the academic qualification corresponding to university or college qualification obtainable in Hungarian higher education institutions;
- b) testifies qualification in higher education.

(2) Recognition of professional qualification obtained abroad shall certify that the holder of the degree holds the qualification testified by the foreign degree and the basic knowledge necessary for acquiring the specialist education. Recognition of professional qualification may take place if

- a) the degree cannot be nostrified;
- b) the holder of the foreign degree does not want it to be nostrified.

(3) At the time of recognising the academic qualification and professional qualification, over and above the stipulations contained in Section 107, Para. (4) the legal status of the foreign higher education institution, the character of the degree, the length of studies, and the study requirements must be taken into account.

(4) The Ministry of Culture and Education shall prescribe the supplementary conditions to be fulfilled for the recognition of professional qualifications; in this case the original degree and the fulfilment of the supplementary conditions shall together form the basis for recognition.

(5) The recognised degree shall entitle the holder to pursue additional studies following on from the academic qualification and professional qualification testified or to the carrying on of an activity or profession laid down in the legal regulations.

(6) The holder of a recognised degree may, in line with the stipulations in the decision of Ministry of Education, use his/her original title or professional qualification, or the Hungarian counterpart of these.

Section 108/A

(1) Foreign post-secondary professional qualifications may be recognised as equivalent to an accredited higher vocational qualification obtainable within the school system under this Act if

- a) the certificate (degree, diploma) was issued by a recognised foreign institution, and
- b) it testifies post-secondary vocational education under the law of the foreign state, and
- c) the requirements of the foreign professional qualification correspond to the Hungarian professional qualification requirements.

(2) In others, the general rules of the recognition and nostrification shall be applied for the recognition of higher education qualifications and post-secondary professional qualifications.

Section 108/B

The conditions and the rules of the recognition of foreign post-secondary professional qualifications, obtained abroad in education organised within or outside the school system, entitling its holder to practise a profession regulated by the law or international agreement, not belonging under Sections 106-108/A of this Act, shall be determined in a Government decree.

Section 109

(1) Legal regulations or an international agreement may declare the equivalence of degrees or higher professional qualifications acquired in higher education. Such a degree, or post-secondary professional qualification, shall have the same legal force as one obtained in a Hungarian higher education institution or post-secondary vocational education. An additional clause shall be put onto the diploma by the Ministry of Education.

(2) A law or international agreement may establish measures which deviate from the stipulations in this Act; in this case the measures in this Act should only be applied where the law or international agreement does not specify differently on an issue.

(3) A higher education institution may appeal to the Ministry of Education against the latter's decision made on the basis of Section 106.

Chapter 28

Foreign Higher Education Institutions in Hungary

Section 110

(1) A foreign higher education institution may conduct regular graduate education, specialised postgraduate education, or doctoral education (independently, within the framework of another organisation, or in co-operation with one), and may issue foreign degrees if

a) in the country where it is based, the institution is officially recognised as a higher education institution, and the degree issued is recognised as a higher education degree, and if it can prove this convincingly;

b) the Minister Education, considering the viewpoint of the Hungarian Accreditation Committee, has authorised such operation of the higher education institution.

(2) A Hungarian higher education institution may conduct joint graduate, specialised postgraduate, and doctoral education with a foreign higher education institution insofar as the co-operating foreign higher education institution satisfies the conditions mentioned in Para. (1), Item a) above. Such co-operation must be reported to the Minister of Education.

(3) The Minister shall frame a decree concerning the nostrification and Hungarian equivalency of foreign degrees issued on education authorised by the Minister of Education and conducted based on Para. (1). This decree gives an annex with the list of the institutions and programmes which the decree shall apply to.

Part Eight

SCIENTIFIC RESEARCH

Chapter 29

Section 111

(1) A higher education institution shall ensure, in harmony with Section 33, the freedom of activity of academic worth for its teaching staff, researchers, and students, and shall support the implementation of the appropriate conditions for this. A higher education institution shall create a stock of resources necessary for scientific research; it shall establish and maintain libraries and a stock of equipment, and shall ensure the accessibility of these.

(2) Higher education institutions shall assist the implementation of the provisions of Para. (1) by the launching and financing of individual, group, and institutional programmes; by organising scientific events, by building up and maintaining scientific contacts at home and abroad, by providing doctoral education (in the case of universities), through the publication of scientific works, and in other ways.

(3) A higher education institution, will decide in its regulations concerning the use, and conditions for use, of the equipment intended for scientific purposes and other equipment of the institution and/or of the teaching or scientific research organisational unit.

(4) A higher education institution, independently or in co-operation with other institutions, may conduct scientific research, or may establish institutes, industrial parks, and professional advisory enterprises, for the purpose of its developmental targets.

(5) Higher education institutions shall participate in the preparation of a report describing the overall situation of Hungarian scientific knowledge, to be presented before Parliament by the president of the Hungarian Academy of Sciences.

(6) Fifty percent of the amount, determined in Section 9/E, Para. (1), serving to support the scientific (artistic) activity of higher education institutions shall be divided among the higher education institutions based on the performance indicators of the institutions' research and developmental activities. The remaining share, based on competition, may be won to support researches and developments promising exceptional scientific results, and their early introduction in practice, based on the strategic standpoints determined by the Higher Education and Research Council.

Part Nine

ORGANS OF INTEREST REPRESENTATION IN HIGHER EDUCATION

Chapter 30

Section 112

(1) An interest-representation organ or organs of employees in a higher education institution shall operate according to the stipulations in the legal regulations, in the Regulations of the institution, and in the different agreements concluded with the organs.

(2) A council for the reconciliation of interests shall operate in higher education institutions. The organisation and operation of the council must be laid down in the Regulations of the higher education institution.

(3) For the reconciliation of labour and social issues of higher education employees sectional in character, a Higher Education Interest-reconciliation Council shall operate. The Council shall determine its operational order.

Part Ten

SPECIAL AND TEMPORARY REGULATIONS

Chapter 31

Special Provisions

Section 113

(1) Insofar as the Act does not order to the contrary, the force of this Act shall extend to non-state higher education institutions according to the stipulations in Para. (2)-(3) below and in Section 114-114/A.

(2) In the maintainer's provisions in non-state higher education institutions, and in the Regulations of these institutions, provisions differing from the stipulations in Section 14, Paras. (2)-(3); Section 17, Para. (2); Section 22; Section 52, Paras. (2)-(4); Section 53, Paras. (2)-(4); Section 54, Paras. (2)-(3); Section 55; Section 56, Paras. (3)-(6); Section 57, Paras.

(2)-(3); Section 58; Section 61, Paras. (3)-(4); Sections 62-65, Section 66, Paras. (3)-(6); Section 67, Para. (1), Items b), f), j), and k); Section 83, Para. (5); and in Section 85, Para. (4) may be established. In other cases, the provisions of this Act shall apply.

(3) In the case of non-state higher education institutions, the Minister of Culture and Education shall make the proposals or submissions mentioned in Section 56/A, Paras. (1)-(2) in agreement with the maintainer.

(4) Private higher education institutions may, in their Regulations, lay down measures which differ from the provision in Section 31, Para. (3).

Section 114

(1) Church higher education institutions may conduct theological education and education connected with religious belief. Church universities and church colleges may also establish non-theological faculties and non-theological majors. The state recognition of the latter and the state financing of students according to Section 9/H is possible only if all the legal requirements of state recognition are fulfilled.

(2) At the time of the state recognition of church universities, church colleges, theological faculties, and theological majors, the content of subjects and knowledge connected with religious belief shall not be examinable; in respect of these, qualification requirements shall be determined by the church universities and colleges on the basis of the church regulations relating to them.

(3). The Hungarian Accreditation Committee shall take into account the special requirements of the Church in the process of the accreditation of educational subjects, based on secular knowledge, that are also applicable in religious beliefs.

(4) Concerning church universities and colleges conducting religious education, conditions laid down in the introductory part of Section 3, Para. (1) and Item a), and in the introductory part of Section 4, Para. (1) and Item a), may be disregarded.

(5) Church higher education institutions offering qualifications connected with faith may, together with the provisions in Section 113, Para. (2), in their regulations, lay down measures which differ from the provisions in Section 17, Para (4); Section 18, Paras. (2) and (3); Section 53, Para. (1); Section 56, Paras. (1) and (2); Section 63, Para. (4); and Section 97, Para. (1).

Section 114/A

(1) The Minister of Education, within his/her sphere of authority defined in Section 74, Para. (1) Item g), shall annually determine the number of state financed students participating in education not connected with religious belief offered by church higher education institutions and receiving tuition fee exemption according to Section 31, Para. (6) of this Act, taking into account the principle that the proportion of the number of state financed students admissible annually by each maintainer Church shall not be less than the proportion of the number of students admitted in the academic year 1997/1998 to all the institutions of the particular Church compared to the proportion of the number of all state financed students. Financing is

available after those students who have been admitted according to the same rules adopted by state higher education institutions.

(2) Compliance with the proportions, which change according to the agreements with the Churches, defined in Para. (1) of this Section shall be enforced by the Minister of Education, according to Section 74, Para. (1) Item g) and after preliminary consultation with the maintainer Churches, on the basis of the agreement to be made annually with the heads of the church higher education institutions.

(3) The institutions shall announce annually the number of state financed students participating in theological education and education connected with religious belief, including students of Hungarian nationality living outside Hungary, to the Minister of Education, within the scope of the number limit defined in the agreements with the Churches, allowing time for taking into account the numbers while calculating the budget.

(4) The total number of students determined on the basis of Section 72, Item j) includes the number of state financed students of church higher education institutions.

Section 115

(1) Direct supervision over military higher education institutions shall be exercised by the Minister of Defence, and direct supervision over the police higher education institution shall be exercised by the Minister of the Interior. In the course of exercising this sphere of authority, he/she shall make submissions for

- a) the legal regulation (in an act) of the appointment and legal status of teaching staff and institution heads;
- b) the legal regulation (in an act) of status of students, of the support offered to them, and of the tuition fee paid by them.

(2) The Minister of Defence, or the Minister of the Interior shall regulate separately

- a) the system for the establishment and operation of organisational units within the higher education institution;
- b) the number of students to be admitted annually, and special conditions for admission;
- c) the system for the admission of foreign students, the detailed regulations governing their legal status and studies, and the system of benefits and payment of the tuition fee.

(3) The Minister of Defence and the Minister of the Interior within the sphere of authority of state tasks connected with higher education supervised by it shall

- a) hand in, based on the standpoint of the Higher Education and Research Council, the yearly budgetary report of military and police higher education, and the plan of its support, to the Government;

b) supervise the effectiveness and lawfulness of the utilisation of resources made available by the state;

c) The Minister of Defence or the Minister of the Interior shall have spheres of legal authority laid down in Section 10/B; Section, 12/A Para. (2); and Section 74/A.

Section 116

(1) Medical and paramedical higher education institutions and the medical and paramedical faculties and health-science centres of unified institutions (hereinafter: medical and paramedical higher education institutions) shall take part in fulfilling the responsibilities falling within the sphere of health-care, while agricultural higher education institutions, furthermore, the agricultural faculties and agricultural centres of unified higher education institutions (hereinafter: agricultural higher education institutions) shall take part in fulfilling the responsibilities falling within the sphere of agriculture pursuant to the provisions of the relevant Acts and Government Decrees, under the financing conditions defined therein.

(2) In accordance with the contents of the financing contract concluded with the National Health Insurance Fund, medical and paramedical higher education institutions shall

a) provide health care services to the insured belonging to their catchment area of provision;

b) fulfil the duties devolving on them from progressive patient care on the basis of legal rules.

(3) In respect of his sector, the Minister of Health shall co-ordinate

a) patient care;

b) the curative-preventive activity also serving the purposes of instruction;

c) sectoral research and development, with the exception of the projection contained in Section 9/E, Para. (1);

d) preventive health care;

e) regional health care

pursued in medical paramedical higher educational institutions.

(4) Medical and paramedical higher education institutions shall take part in the training of medical specialists, dental specialists, specialist pharmacologists, specialist clinical psychologists and public health specialists, including the medical and paramedical professional and postgraduate education of those who have other higher education qualifications. The Minister of Health shall promote such training courses with co-ordination.

(5) In respect of his/her sector, the Minister of Agriculture and Rural Development shall co-ordinate and – with the exceptions defined in a separate provision of law, shall finance the following activities pursued in agricultural higher education institutions:

- a) sectoral research and development activity, with the exception of the projection contained in Section 9/E, Para. (1);
- b) consultancy activity assisting farming and its development;
- c) activities preventing the epidemic diseases of plants and animals and the improvement thereof;
- d) rural and regional development activity.

(6) The ministerial co-ordination and financing contained in Paras. (3), (4) and (5) may not violate the educational and research autonomy of higher education institutions. The relevant provisions of the Act on Higher Education shall apply in case the autonomy is violated.

(7) The budgetary support required for the responsibilities defined in Para. (3) Items b), c) and d), as well as in Para. (4) shall be secured in the chapter on the Ministry of Health in the central budget.

(8) The fulfilment of the responsibilities contained in Para. (5) shall be secured separately in the budget of the Ministry of Agriculture and Rural Development.

(9) Based on the proposals of the faculty councils and the decision of the university council, the faculties of medical and health science, and/or agriculture of integrated institutions and the clinics, research institutions, vocational farms, vocational plants, experimental sites and practical education institutions also participating in educational work may establish professionally autonomous health and agricultural scientific centres.

(10) The centre shall be headed by the chairman who shall be a university or college professor, and at the same time a deputy rector and consequently a member of the university council who shall be elected by the councils of the establishing faculties as the joint council of the centre. He/she is entitled to conduct negotiations and enter into contracts with the competent specialised ministries, authorities and national bodies and to perform professional representation with the authorisation of the rector, in a transferred sphere of authority. Financial obligations shall be undertaken in accordance with the management regulations of the institution.

(11) The institution council may transfer the spheres of authority defined in Section 53, Para. (4) of the Organizational and Operational Rules of the institution to the joint council of the centre. In the course of the establishment of the centres, the councils of the establishing faculties shall decide which part of their activity and decision-making spheres of authority is transferred by them to the chairman of the centre. The centre shall carry out its activities on the basis of the Organizational and Operational Rules of the institution.

(12) The centre may operate as a budgetary unit with partial competence within the institution, it may handle the sources provided for the responsibilities mentioned in Paras. (2),

(3), (4) and (5) on a Treasury account. The above sources may not be used for other purposes, and the deficit therein may not be financed from other institutional sources.

Section 116/A

The Ministry of Education, with consideration to the opinion of the higher education institutions concerned, shall conclude an agreement with the ministries concerned on the responsibilities coming under their competence and fulfilled by the higher education institutions, as well as on the financing and other obligations assumed by the ministries concerned.

Section 117

Higher education institutions shall keep a record of the data laid down in Appendix II of this Act, and shall manage it. Apart from the exceptions laid down in legal regulations, the data may be given to a third person only with the consent of those to whom it relates.

Section 118

(1) A university doctoral title acquired on the basis of doctoral endeavours before 1 September, 1984, or a university doctoral title acquired later on the basis of doctoral procedure authorised before that date, may continue to be used.

(2) A person who acquired a university doctorate (*doctor universitatis*) degree after 1 September, 1984 may continue to use the “dr. univ.” abbreviation.

(3) Holders of the doctor of theology title awarded before the coming into effect of this Act by theological universities may continue to use it.

(4) On the basis of request and the judging of individual cases, and in the event of the fulfilment of the conditions laid down by university in question, the doctoral degree may be awarded to a holder of the doctoral title mentioned in Paras. (1) and (3) above, or to a holder of the university doctorate (*doctor universitatis*) degree mentioned in Para. (2) above, by the university originally awarding the title or degree if the university is entitled to award the doctoral degree, or if the university may establish the equivalence of it with a doctoral degree according to this Act. This procedure may not be conducted after 31 December, 1997.

(5) Insofar as a university is unable to establish the equivalence mentioned in Para. (4) above, it shall reject the request in a reasoned decision. There shall be no legal redress against a decision of rejection.

(6) To promote the right of theological universities and the theological faculties of church universities to issue doctoral degrees the following transitional procedures shall be used:

a) the head or maintainer of the theological university shall make a proposal to the Hungarian Accreditation Committee to establish an ad hoc committee, consisting of internationally recognised, Hungarian and foreign, members possessing at least a doctoral degree, which shall prepare the determination of the re-qualification and equivalency of the existing theological university doctoral degrees;

- b) the ad hoc committee shall start its work with the approval of the Hungarian Accreditation Committee;
- c) the ad hoc committee shall send the regulations including the principles and procedure of re-qualification to the Hungarian Accreditation Committee to adopt a standpoint;
- d) the ad hoc committee shall terminate its work by 31 August 1999;
- e) the Hungarian Accreditation Committee shall act on Section 81, Para. (1) of this Act, based on the standpoint of the ad hoc committee.

Section 119

(1) Insofar as this Act mentions a doctoral degree as a prescription for engagement, employment, or qualification, or insofar as another legal regulation mentions a “scientific degree” as a prescription for engagement, employment, or qualification, a doctoral degree according to this Act, a candidate of science(s) degree, a doctor of science(s) degree, and a postgraduate degree acquired abroad and which is nostrified or recognised will be understood as being a doctoral degree.

(2) Persons holding the candidate of science(s) degree may use the designation “doctoral degree” from the time this Act comes into effect.

Section 120

(1) A higher education institution of arts may be established, and may operate, if it is capable of and suitable for stipulations in Section 3, Para. (1) and Section (4), Para. (1) of this Act, in one area of arts and one area of science, or in two areas of arts, or in several majors belonging to at least two branches of arts. A university of arts may be established, and may operate, if it is capable of and suitable for stipulations in Section 3, Para. (1), Items a) - e) of this Act, at least in majors belonging to one area of arts.

(2) In respect of art subjects taught at higher education institutions, it shall be possible to depart from the requirements determined in Section 3, Para. (1), Item d) and e); in Section 4, Item c); in Section 14, Para. (1), Item a); and in Section 20, Paras. (1)-(2). In this case, the basis of judgement shall be the artistic performance of the person continuing his/her education.

(3) At universities of arts, faculties of art, and in the art majors of universities, doctoral education may be substituted by [*mester*] education ending in the Doctor of Liberal Arts degree; the period of the said education shall be at least two years .

(4) Within the framework of habilitation conducted at universities of arts, the applicant must give proof of his/her artistic creative ability, besides of his/her educational and lecturer abilities.

(5) Diverging from stipulations in Section 83, Para. (1) Item a) of this Act, an art student may be admitted to the full-time education of universities and colleges of arts prior to taking the matura examination – in the area of arts determined with the consent of the Hungarian Accreditation Committee.

Section 121

(1) Those persons who acquired a degree at a Hungarian university or college respectively before the coming into effect of this Act shall be entitled to use the titles listed in this Act (Sections 98-100).

(2) The higher education institution (or its legal successor) issuing a diploma shall issue a certificate of the entitlement mentioned in Para. (1) above.

(3) The stipulations in Paras. (1) and (2) above must be applied to a nostrificated (recognised) degree, with the difference that if the recognition or nostrification was performed by another ministry earlier in charge the certificate shall be issued by the Ministry of Education.

Section 122

(1) Following the coming into force of this Act – by 30 June, 2000 at the latest – the first accreditation evaluation must be done in respect of all higher education institutions. The order of the institution accreditation shall be determined by the Hungarian Accreditation Committee.

(2) If during the accreditation procedure it is proven that the higher education institution does not comply with stipulations in Section 3, Para. (1) and Section 4, Para. (1), and it does not fulfil them by 30 June, 2002, beyond this date it may not operate as an independent higher education institution any longer, may not issue state recognised degrees, and its educational activity may not be financed by the state. The maintainer provides for the re-organisation or abolition of the institution.

(3) The Hungarian Accreditation Committee shall publicise the accreditation requirements. The accreditation procedure may only be conducted based on the publicised requirements.

Section 123

(1) In respect of Section 3, Para. (1), Item d), university full professors appointed before the coming into effect of this Act shall be regarded as having habilitation, and those universities shall be viewed as universities conducting habilitation that were appointed to this.

(2) The provisions in Section 14, Para. (2) shall not affect the public employee employment rights of the part-time employed, and lecturers and assistant lecturers appointed for an indefinite time before the coming into effect of this Act, however institutions shall initiate their transformation to public employees employed for a definite time by agreement.

(3) In respect of college professors appointed before the coming into effect of this Act stipulations in Section 4, Para. (1) Item c) shall not be applied.

(4) Those possessing a doctoral degree, or a degree equivalent to it, may be employed for a definite time as university lecturers, and based on educational-research experience of at least five years may be employed for an indefinite time as university readers.

(5) The higher education institution shall, in its Regulations, lay down the working time for teaching staff and scientific researchers, and within the framework of this, the spheres of educational and other tasks to be performed regularly, and their conditions.

(6) Higher education institutions shall issue the normal annual holiday of teaching staff primarily in the summer break; in the academic year they shall provide it only in deserving cases, or in periods laid down in the Regulations of the institution.

(7) In those professions in which the accredited doctoral or [master] education is not conducted, diverging from stipulations in Section 18, Para. (1) Item c); Section 18, Para. (2) and Section 20, Para. (2) of this Act, the conditions for appointing a college professor, or for issuing the honorary college professor title, are the creative professional practical activity, or artistic creative activity, instead of the doctoral or DLA degree.

(8) From the time of coming into effect of this Act, in higher education institutions, faculties or majors of arts, for the habilitation, for the appointment as college professor, or for the appointment as university reader, the applicant must possess a DLA degree, or artistic prize described in Section 25, Para. (6) of the Act XXVIII of 1996 on public employee rights, or a foreign artistic prize shall be recognised as equivalent to this by the Hungarian Accreditation Committee. Making appointments in this way could be established until the appropriate institutional accreditation.

(9) New classes may be launched in the specialised postgraduate education programmes established in higher education institutions prior to 1 September 1996 until the coming into force of the qualification requirements of the specialised postgraduate education programmes, but in the academic year 2001/2002 at the latest. The professional qualification certified by the specialised postgraduate education diploma shall be equivalent, from the respect of holding a position and practising a job (activity), to the professional qualification that may be obtained at the specialised postgraduate education defined in this Act.

Section 124

(1) Honorary university professors and honorary readers may, in accordance with the provisions of the university Regulations, continue to use their titles, and, insofar as they accord with the provisions in Section 20, may be awarded the title of university private reader.

(2) Honorary college professors and honorary college readers may, in accordance with the provisions of the college Regulations, continue to use their titles, and, in accordance with the provisions in Section 20 and in the Regulations, a college may confirm the use of the titles of honorary college professors, and may grant the title of honorary college professor to an honorary college reader.

Section 124/A

(1) In state higher education institutions, in the case of persons who were under this Act appointed or nominated based on the election of a body (rector, college rector, director-

general, dean, faculty director-general, head of an educational organisational unit, and their deputies) the appointment shall be discontinued by

- a) the expiration of the period of the appointment;
- b) resignation;
- c) dismissal based on revocation;
- d) reaching the age determined in this Act;
- e) the death of the head or director;
- f) termination or transformation of the institution, the faculty, or the given organisational unit.

(2) On the basis of a written submission, sent eight days before the convening of the meeting, only that body is entitled to revocation before the expiration of the period of appointment by qualified majority vote, as in case of Para. (1) Item c) above, which elected the head, or proposed his/her appointment or nomination. In the body the revocation may be initiated by a person entitled to nominate or dismiss under the Act.

(3) Based on the decision brought about the revocation, the person possessing the right to nominate or to dismiss – following the examination of the lawfulness of the procedure – shall pass a resolution on the dismissal, including its reasons. A body, entitled to revocation, may initiate a procedure for the realisation of its resolution.

(4) Stipulations in Paras. (2) and (3) above may not be applied if a disciplinary procedure had been conducted under Sections 47-54 of the Act on public employee rights, and based on this, a disciplinary punishment according to Section 45, Para (2) Item d) had been inflicted. In such cases the body, entitled to revocation, may also object to the resolution (through its president or head).

Section 124/B

The head (rector, college rector, director-general) of a higher education institution shall be the single responsible head of the institution in respect of economic tasks, under regulations laid down in the yearly budgetary act.

Section 124/C

The validity of nominations and appointments of heads which happened before 1 September, 1996 shall not be affected by the new regulations of this Act.

Section 124/D

The Government shall be authorised to formulate in a decree:

- a) the rules concerning accredited higher vocational education organised within the school system, and its professional requirements, by 31 December 1996;

- b) rules of the credit system, by 31 December 1997
- c) the qualification requirements of unified teacher training, by 31 December 1997;
- d) the system of performance indicators, and its introduction.

Section 124/E

In the application of this Act

- a) *accreditation*: the attestation of educational and research activity conducted in higher education institutions and in their faculties, and the attestation of the results of these activities in respect of quality;
- b) *accredited higher vocational education organised within the school system*: vocational education conducted by higher education institutions, providing higher education students' rights, or a vocational education conducted at a secondary vocational school based on an agreement with a higher education institution, providing secondary school students' rights, which shall infiltrate into the college or university programme of the higher education institution, and at the same time provide qualification that is listed in the National Qualification Register;
- c) *general postgraduate education*: education for the purpose of renewing and expanding the knowledge obtained by the acquisition of a degree in a higher education institution;
- d) *first graduate education*: education resulting in the acquisition of the first university or college graduate degree, or of a professional qualification, to which the student is admitted through the procedure for admission for the first time and is provided with higher education students' rights according to the stipulations of the Higher Education Act, by matriculation. A student, during the first procedure for admission, based on relating provisions of law, may be admitted for a programme of two majors. The detailed regulations concerning the student and education support - in case of changing the major before obtaining a degree or qualification and in case of a programme of two majors - shall be determined by the Government in a decree;
- e) *faculty*: the educational organisational unit of a higher education institution which organises and ensures the fulfilment of higher level education conducted in one or more professionally connected programmes, under its sphere of authority provided by the act;
- f) *complementary graduate education*: university degree and qualification obtained in the same major following a college degree and qualification, and education to obtain a teacher' s qualification built on a college or university degree;

- g) *expenses*: all expenses connected to the education (operational, maintenance), determined by the higher education institution, that are to be paid by those participating in education not financed by the state;
- h) *research institute*: independent research institute or location;
- i) *area of art*: creative, applied and performing arts;
- j) programme of study: higher education resulting in an independent degree;
- k) *specialised postgraduate education*: education, built on degree and specific professional qualification, obtained in college or university graduate education not providing a new degree at the end of which a certificate testifying specialised professional qualification shall be issued;
- l) *branch of science*: the branches of science from the point of view of higher education are listed in a Government decree;
- m) *area of science*: social sciences, natural sciences and the arts;
- n) *hall of residence*: an institution established by a higher education institution and by its maintainer which serves as students' accommodation, and every hall of residence with which (or with the maintainer of the hall of residence) the Minister of Education shall make an agreement on the budgetary support of the accommodation of students participating in state financed higher education. The requirements of content of the agreement shall be defined in a provision of law;
- o) *joint education*: education of two majors – one of them is not connected with religious belief, the other is a programme of professor of theology – conducted on the basis of an agreement between higher education institutions and launched jointly. The student is provided with higher education students' right by both institutions and upon successful completion of the requirements of the two majors he/she shall obtain separate diplomas. Based on the number of state financed students the state higher education institution is entitled to the student norm, while both institutions are entitled to the education and facilities maintenance norm;
- p) *quality assurance system*: a system of deliberate and organised activities covering the whole institution which serves the constant approximation of the professional objectives of the institution to the actual operation of it and which is focused on the fulfilling of the claims of the direct and indirect partners, especially of students (including adults participating in further education), employers, those who order researches and the national and international scientific community;
- q) *quality control*: examines the compliance of the operation of the higher education institution with the prevailing provisions of law and with the documents of the higher education institution from legal, economic and educational - professional points of view;

r) *quality evaluation*: compares professional objectives with the operation of the institution in respect of result, efficiency and quality on the basis of a system of indicators prepared together with the professional community concerned;

s) *quality validation (accreditation)*: the procedure conducted by the Hungarian Accreditation Committee by which – in the framework of institutional and programme accreditation – it examines whether the educational and scientific activity conducted in the higher education institution, and the professional and infrastructural level of the educational programmes, and the personal and organisational conditions of the institution comply with the accreditation requirements prepared and published by the Hungarian Accreditation Committee;

t) *parallel education*: higher education studies pursued by a student, for the purpose of obtaining a university or college graduate decree, at several than one higher education institutions, faculties or majors at the same time. The student was not admitted to the programmes at the same time unless it is prescribed by a separate provision of law that admittance to the programmes should not be at the same time. Only one programme of studies pursued by the student shall be financed by the state;

u) *group of programmes*: group of university or college level programmes based on the professional field of which the same principles are applied concerning the procedure for admission. Programmes belonging to the separate groups of programmes shall be determined by the Minister of Education;

v) *education outside the registered main seat of the higher education institution*: education of a programme at graduate level with permission for launching the programme of which the education (consultation) and/or examination (including the comprehensive exam) shall be conducted partly or totally outside the registered main seat of the university/college (in case of institutions divided into faculties and operating in several cities, at the place of operation of the faculties of the university/college);

z) *distance education*: education, with the use of special information-technological and communicational teaching materials and teaching and study methods, based on the interactive relation between student and teacher and on independent work of the student, of which the period of study, forms of assessment of knowledge of the materials taught shall be determined by the higher education institution in an agreement made with the student concerning the individual order of study.

Part Eleven

CLOSING PROVISIONS

Chapter 32

Section 125

(1) With exceptions included in certain places, this Act shall come into effect on 1 September, 1993.

(2) Student expenses determined for the year 1996 under this Act shall be considered tuition fee in respect of personal tax exemption.

(3) The Hungarian Accreditation Committee shall operate as the legal successor of the National Accreditation Committee.

(4) Higher education institutions may use the coat of arms of the Republic of Hungary on their buildings, and on all their official document and certificates.

(5) Higher education institutions shall elaborate the amendment to their Regulations by 30 June, 1997 (Section 51). Until the adoption of the Regulations, previous Regulations shall be valid with the exception of rules that are contrary to this Act.

(6) The organisation described in Section 67/A of this Act shall be established by 31 December 1996.

(7) The deadline for the accreditation of the education provided outside the main seat of the universities and colleges, as indicated in Section 11/A, Para. (19), shall be 30 June, 2002.

Section 126

With the coming into effect of this Act, the following shall simultaneously lose their force

- the provisions relating to higher education of Act I of 1985 concerning education [Section 23, Paras. (2) and (3); Section 24, Item b); Sections 28-30, Sections 94-96; Section 97, Para. (1); Sections 98-101; Section 102, Para. (1); Sections 104-106; Section 107, Para (3); Section 108, Paras. (1) and (3); Sections 109-110, Section 111, Paras. (1), (2) and (4); Sections 112-114; Section 115, Paras. (1) and (3), Section 116, Para. (1); Section 117; Section 118, Para. (1) and (2), Sections 119-122; Section 123, Para. (4), Section 124; Section 127; Section 155, Para. (1), Item b); Section 162];

- the measures relating to higher education of Act XXIII of 1990 modifying Act I of 1985 on education [Sections 11, 31-43, and 50];

- Law-decree with Force of Act No. 17 of 1985 concerning the coming into force of Act I of 1985 on education;

- Resolution of Parliament of OGY of 30/1990 (III.21.) on universities;

- Resolution of Parliament of OGY of 2/1993 (II.4.) concerning the modification of 30/1990 (III. 21.) on universities;

- NET Decision 1-6 of 1958 concerning the awarding of doctorates with honours;

- NET Decision 1-7 of 1958 concerning special honours for outstanding university (college) students.

Appendix I of Act LXXX of 1993 on Higher Education

HIGHER EDUCATION INSTITUTIONS

IN THE REPUBLIC OF HUNGARY

I. UNIVERSITIES

A) State Universities

Budapesti Közgazdaságtudományi és Államigazgatási Egyetem, Budapest (Budapest University of Economics and State Administration, Budapest)

Budapesti Műszaki és Gazdaságtudományi Egyetem, Budapest (Budapest University of Technical and Economic Sciences, Budapest)

Debreceni Egyetem, Debrecen (University of Debrecen)

Eötvös Loránd Tudományegyetem, Budapest (Eötvös Loránd University of Arts and Sciences, Budapest)

Szent István Egyetem, Gödöllő (Szent István University, Gödöllő)

Kaposvári Egyetem, Kaposvár (University of Kaposvár, Kaposvár)

Liszt Ferenc Zeneművészeti Egyetem, Budapest (Liszt Ferenc University of Music, Budapest)

Magyar Iparművészeti Egyetem, Budapest (Hungarian University of Applied Arts, Budapest)

Magyar Képzőművészeti Egyetem, Budapest (Hungarian University of Fine Arts, Budapest)

Miskolci Egyetem, Miskolc (University of Miskolc, Miskolc)

Nyugat-Magyarországi Egyetem (West Hungarian University, Sopron)

Pécsi Tudományegyetem, Pécs (Pécs University of Arts and Sciences, Pécs)

Semmelweis Egyetem, Budapest (Semmelweis University, Budapest)

Szegedi Tudományegyetem, Szeged (Szeged University of Arts and Sciences, Szeged)

Színház- és Filmművészeti Egyetem, Budapest (University of Dramatic and Cinematic Art, Budapest)

Veszprémi Egyetem, Veszprém (University of Veszprém, Veszprém)

Zrínyi Miklós Nemzetvédelmi Egyetem, Budapest (Zrínyi Miklós University of National Defence, Budapest)

B) Non-State Universities

a) Church Universities

Debreceni Református Hittudományi Egyetem, Debrecen (Debrecen Theological University of the Reformed Church, Debrecen)

Evangélikus Hittudományi Egyetem, Budapest (Theological University of the Evangelical Church, Budapest)

Károli Gáspár Református Egyetem, Budapest (Károli Gáspár University of the Reformed Church, Budapest)

Országos Rabbiképző - Zsidó Egyetem, Budapest (National Rabbinical Training Institute - Jewish University, Budapest)

Pázmány Péter Katolikus Egyetem, Budapest (Pázmány Péter Catholic University, Budapest)

b) Private and Foundation Universities

II. COLLEGES

A) State Colleges

Berzsenyi Dániel Főiskola, Szombathely (Berzsenyi Dániel College, Szombathely)

Budapesti Gazdasági Főiskola, Budapest (Budapest College for Economics, Budapest)

Budapesti Műszaki Főiskola, Budapest (Budapest Technical College, Budapest)

Dunaújvárosi Főiskola, Dunaújváros (College of Dunaújváros, Dunaújváros)

Eötvös József Főiskola, Baja (Eötvös József College, Baja)

Eszterházy Károly Főiskola, Eger (Eszterházy Károly College, Eger)

Kecskeméti Főiskola, Kecskemét (College of Kecskemét, Kecskemét)

Magyar Táncművészeti Főiskola, Budapest (Hungarian College of Dance Art, Budapest)

Nyíregyházi Főiskola, Nyíregyháza (College of Nyíregyháza, Nyíregyháza)

Rendőrtiszti Főiskola, Budapest (Police Officer Training College, Budapest)

Széchenyi István Főiskola, Győr (Széchenyi István College, Győr)

Szolnoki Főiskola, Szolnok (College of Szolnok, Szolnok)

Tessedik Sámuel Főiskola, Szarvas (Tessedik Sámuel College, Szarvas)

B) Non-State Colleges

a) Church Colleges

Adventista Teológiai Főiskola, Budapest (Adventist Theological College, Budapest)

Apor Vilmos Katolikus Főiskola, Zsámbék (Apor Vilmos Catholic College, Zsámbék)

A Tan Kapuja Buddhista Főiskola, Budapest (□The Gate of the Teaching□ Buddhist College, Budapest)

Baptista Teológiai Akadémia, Budapest (Baptist Theological Academy, Budapest)

Egri Hittudományi Főiskola, Eger (Theological College of Eger, Eger)

Esztergomi Hittudományi Főiskola, Esztergom (Theological College of Esztergom, Esztergom)

Győri Hittudományi Főiskola, Győr (Theological College of Győr, Győr)

Kölcsey Ferenc Református Tanítóképző Főiskola, Debrecen (Kölcsey Ferenc Four-Grade Primary School Teacher Training College of the Reformed Church, Debrecen)

Pápai Református Teológiai Akadémia, Pápa (Pápa Theological Academy of the Reformed Church, Pápa)

Pécsi Püspöki Hittudományi Főiskola, Pécs (Episcopal Theological College of Pécs, Pécs)

Pünkösdi Teológiai Főiskola, Budapest (Pentecostal Theological College, Budapest)

Sapientia Szerzetesi Hittudományi Főiskola, Budapest (Sapientia Monastic Theological College, Budapest)

Sárospataki Református Teológiai Akadémia, Sárospatak (Sárospatak Theological Academy of the Reformed Church, Sárospatak)

Sola Scriptura Lelkészképző és Teológiai Főiskola, Budapest (Sola Scriptura Ministers Training and Theological College, Budapest)

Szegedi Hittudományi Főiskola, Szeged (Theological College of Szeged, Szeged)

Szent Atanáz Görög Katolikus Hittudományi Főiskola, Nyíregyháza (Szent Atanáz Greek-Catholic Theological College, Nyíregyháza)

Szent Bernát Hittudományi Főiskola, Zirc (Szent Bernát Theological College, Zirc)

Szent Pál Akadémia, Budapest (Szent Pál Academy, Budapest)

Veszprémi Érseki Hittudományi Főiskola, Veszprém (Archiepiscopal Theological College of Veszprém, Veszprém)

Vitéz János Római Katolikus Tanítóképző Főiskola, Esztergom (Vitéz János Roman Catholic Four-Grade Primary School Teacher Training College, Esztergom)

Wesley János Lelkészképző Főiskola, Budapest (Wesley János Ministers Training College, Budapest)

b) Private and Foundation Colleges

Általános Vállalkozási Főiskola, Budapest (General Entrepreneurial College, Budapest)

Gábor Dénes Főiskola, Budapest (Gábor Dénes College, Budapest)

Kodolányi János Főiskola, Székesfehérvár (Kodolányi János College, Székesfehérvár)

Modern Üzleti Tudományok Főiskolája, Tatabánya (College of Modern Business Sciences, Tatabánya)

Mozgássérültek Pető András Nevelőképző és Nevelőintézete, Budapest (Pető András Teacher Training and Training Institute of the Motor Disabled, Budapest)

Nemzetközi Üzleti Főiskola, Budapest (International Business School, Budapest)

Heller Farkas Gazdasági és Turisztikai Szolgáltatások Főiskolája, Budapest (Heller Farkas College of Economic and Touristic Services, Budapest)

Zsigmond Király Főiskola, Budapest (Zsigmond Király College, Budapest)

Budapesti Kommunikációs Főiskola, Budapest (Budapest College of Communication, Budapest)

Appendix II of Act LXXX of 1993 on Higher Education

Personal and Other Data Kept in Higher Education Institutions

Data on the employee

The data recorded on the basis of this Act shall be:

- a) name, place and date of birth, citizenship;
- b) permanent and temporary address, telephone number;
- c) data relating to employment relationship and legal status as a public employee, in particular
 - school qualifications, specialist qualifications, conditions of employment, exemption from qualification conditions;
 - further education, specialised postgraduate education, specialist qualifications acquired in further education;
 - postgraduate degrees, titles;
 - knowledge of foreign languages;
 - document of appointment, duties, description of duties;
 - mandates for leadership roles;
 - practice time, examinations, probation time;
 - disciplinary procedures, sanctions, acquittals;
 - salary grade;
 - scientific research, (publications), artistic creative activity, scientific links;
 - time spent in work, time with public employee legal status, data connected with rank;
 - decorations, prizes and other forms of recognition obtained by the worker;
 - duties, mandates for tasks not belonging to duties, other employment work with a bearing on performance of work, disciplinary sanctions, obligations to pay compensation;
 - time of performance of work, overtime, basic remuneration, extra payments (according to entitlement), remuneration supplements, fees for commissions, the deductions from these, with recipients of these;
 - holiday, and holiday already taken;
 - payments to the worker and the grounds for claim to these;

- benefits for the worker and the grounds for claim to these;
- liabilities of the worker, and the grounds for claim to these;
- other data, with the consent of the worker affected.

Data on the student

The data recorded on the basis of this Act shall be:

- a) name, place and date of birth, citizenship, permanent and temporary address, telephone number;
- b) data relating to the student's legal status, in particular
 - data connected with the student's entrance examination;
 - an assessment and grading of the studies of the student, with data on examinations;
 - data connected with the student's disciplinary affairs or liability to pay compensation;
 - other data with the consent of the student in question.
- c) data for establishing the different benefits for the student (scholarships, social support, assistance, etc.), name of the parent (guardian), the address and telephone number of the latter's permanent and temporary home, and data testifying to the income and social situation of the parent (guardian) and student.

The data listed in this Appendix may be used for statistical purposes, and may be rendered for the purpose of statistical use, unsuitable for identification of persons. The data in the records containing the name, date and place of birth, of students must be passed on to the Ministry of Education for its records, according to the regulations of the act on the protection of personal data.

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HIGHER EDUCATION INSTITUTIONS IN THE REPUBLIC OF HUNGARY

I. Universities

- A. State Universities
- B. Non-state Universities

- a. Church Universities
- b. Private Universities and Universities Operated by Foundations

II. Colleges

- A. State Colleges
- B. Non-state Colleges
 - a. Church Colleges
 - b. Private Colleges and Colleges Operated by Foundations

Appendix II of Act LXXX of 1993 on Higher Education

Personal and Other Data Kept in Higher Education Institutions

Data on the employee

Data on the student