

# LAW OF UKRAINE ON HIGHER EDUCATION

This Law sets forth the principal legal, organizational and financial foothold for operations of the higher education system, creates an environment to enhance cooperation between state authorities, businesses and higher education institutions on the principles of institutional autonomy for higher education, integration of education, science and industry intended to foster and promote competitive human capital for the country's high technological and innovative development, individual self-fulfilment, and meeting the needs of the society, labour market and the State in skilled labour force.

## SECTION I GENERAL PROVISIONS

### **Article 1 Main terms and definitions**

1. Terms used in this Law shall have the following meanings:

1) *autonomy of higher education institution* shall mean self-sufficiency, independence and responsibility of a higher education institution in decision-making concerning development of academic freedoms, organization of education process, scientific research, internal governance, economic and other operations as well as recruitment and allocation of cadre at their own discretion, within the scope defined by this Law;

2) *academic mobility* shall mean opportunity for persons engaged in education processes to undertake studies, teaching, internship or research at a different higher education institution (research institution) on the territory of Ukraine or beyond;

3) *academic freedom* shall mean self-reliance and independence exercised by those engaged in education in their undertaking of teaching, academic, research and/or innovation activity that shall be based on the principles of freedom of speech and creativity, knowledge and information sharing, engaging in research and application of its outputs, and shall be realized with consideration of limitations imposed by the law;

4) *accreditation of a programme of study* shall mean evaluation of a programme of study and/or education processes and operations of a higher education institution under this programme with regard to:

- compliance with the Higher Education Standard;
- capability to meet the Standard requirements and achieve learning outcomes claimed by the programme;

- › achievement of learning outcomes claimed by the programme;

5) *higher education* shall mean a totality of systematized knowledge, abilities and practical skills, thinking patterns, professional, world-conceptualizing and civic qualities, moral and ethical values as well as other competencies attained at a higher education institution (research institution) in a relevant field of knowledge within a particular qualification at levels of higher education which in their complexity are higher than the level of complete general secondary education;

6) *military higher education institution* (higher education institution with specific conditions of studying) shall mean a public higher education institution that carries out training of cadets (trainees, students), military academy advanced students at particular levels of higher education for further service on positions of officership (sergeant, sergeant major) or command personnel in order to meet the needs of the Ministry of Interior of Ukraine, Armed Forces of Ukraine and other military units and formations established according to the laws of Ukraine, special-status central executive agencies, Security Service of Ukraine, Foreign Intelligence Service of Ukraine, central executive agency implementing the state policy on national boarder control, central executive agency in charge of building and implementation of the state policy on civil defence;

7) *higher education institution* shall mean such type of an institution that is a legal entity of private or public law operating in accordance with granted license for education activity at particular levels of higher education, carries out scientific inquiry, research and development, innovation and/or methodological activity, ensures organization of education process and attainment of higher education and post-higher education correspondent to their calling, interests and abilities;

8) *field of knowledge* shall mean the subject area of education and science that comprises a group of related specialities within which professional training is conducted;

9) *European Credit Transfer System (ECTS)* is a framework for credit transfer and accumulation used in the European Higher Education Area with the purpose of award, recognition and validation of qualifications and education components that facilitates academic mobility of those attaining higher education. ECTS is based on definition of a student workload required to achieve pre-defined learning outcomes and is calculated in ECTS credits;

10) *founder of a higher education institution* shall mean government agencies acting on behalf of the State, relevant councils acting on behalf of territorial communities (communities), natural person and/or legal entity that establish a higher education institution by their decision and using their own assets. Founder's rights stipulated by this Law shall be assumed also on the grounds provided for by the civil legislation;

11) *higher education learners* are individuals studying at a higher education institution at a particular level of education with the purpose of gaining correspondent degree and qualification;

12) *qualification* shall mean an official result of evaluation and recognition obtained when an authorized institution establishes that an individual has achieved competencies (learning outcomes) correspondent with the higher education standards which is attested by an appropriate higher education certification document;

13) *competency* shall mean a dynamic combination of knowledge, abilities and practical skills, thinking patterns, professional, world-conceptualizing and civic qualities, moral and ethical values that defines an individual's capability to successfully engage in professional activity and further learning and is a result of learning at a particular level of higher education;

14) *credit within the European Credit Transfer System (ECTS credit)* shall mean a unit used to measure workload of a learner engaged in higher education required to achieve pre-defined (expected) learning outcomes. One ECTS credit equals 30 working hours. Workload of one year of full-time study is generally represented by 60 ECTS credits.

15) *licensure* shall mean a procedure for recognition of a legal entity's capability to carry out education under a particular speciality at a particular level of education according to the education activity standards;

16) *education activity* shall mean operations of higher education institutions intended to support gaining of higher and post-higher education and addressing other education needs of higher education learners and other individuals;

17) *programme of study (vocational or academic)* is a set of education components correspondent to a particular level of higher education within a speciality that defines requirements to an education level of individuals who may commence study under this programme, list of courses and their logical sequence in learning and instruction, number of ECTS credits required as well as expected learning outcomes (competencies) that learners are required to demonstrate at a particular level of higher education;

18) *individuals with special education needs* shall mean persons with disability requiring additional support in order to be able to gain higher education;

19) *learning outcomes* shall mean an aggregate of knowledge, abilities, skills and other competencies that students have attained in a set of educational experiences under a particular vocational or academic programme which may be identified, numerically assessed and measured;

20) *specialization* shall mean a component of speciality that is defined by a higher education institution and requires a field specific, specialized vocational or academic programme for learners within higher or post-higher education;

21) *speciality* shall mean a component of field of knowledge under which professional training is provided;

22) *endowment fund* of a higher education institutions represents money or value of other assets intended for investment or capitalization for the period of at least 36 months unearned income of which is used by an institution for its authorized operations in a manner defined by donors or their authorized parties;

23) *higher education quality* shall mean a level of knowledge, abilities, skills and other competencies attained by an individual that reflects their proficiency according to the higher education standards;

24) *quality of education activity* shall mean such level of organization of education and learning at a higher education institutions that is compliant with the higher education standards, ensures that individuals receive quality higher education and promotes new knowledge production.

## **Article 2 Ukrainian legislation on higher education**

1. Ukrainian legislation on higher education is based on the Constitution of Ukraine and comprises Laws of Ukraine “On Education”, “On Scientific, Research and Development Activity”, this Law as well as sub-laws and international agreements which Ukraine has concluded in compliance with the established legal and legislative requirements.

2. If Ukraine’s international agreements ratified by the Verkhovna Rada of Ukraine establish rules other than those stipulated by the domestic legislation, rules contained in the international agreements shall apply.

3. Rights of higher education institutions that define their autonomy as established by this Law may not be restricted by other laws or sub-laws.

## **Article 3 State policy on higher education**

1. The State policy in the higher education sector is defined by the Verkhovna Rada of Ukraine and implemented by the Cabinet of Ministers of Ukraine and the central government agency on education and science.

2. The State Policy in the higher education sector is based on the following principles:

1) promotion of sustainable development of the society by producing competitive human capital and creating conditions for education throughout the entire lifetime;

2) accessibility of higher education;

3) non-dependence of gaining higher education in terms of impact of political parties, civil society or religious organizations (except theological and religious education institutions);

4) international integration and integration of Ukraine’s higher education system into the European Higher Education Area, provided that accomplishments and progressive traditions of the national higher education are preserved and developed;

5) continuity of the process of gaining higher education;

6) government support to training of workforce with higher education for priority economy sectors, sectors of fundamental and applied research, pedagogical inquiry and teaching;

7) government support to education, scientific investigations, research and development, and innovation activity of universities, academies, institutes and colleges, including preferential treatment of higher education institutions engaging in such activity with regard to taxes, duties and other compulsory payments;

8) facilitation of public-private partnership in the area of higher education;

- 9) openness in formulation of frameworks and scope of education and professional training of specialists with higher education;
3. Building and implementation of the State policy in the higher education sector shall be facilitated through:
- 1) seamless interaction between the national education systems, science, business and the State in order to ensure sustainable social and economic development of the country;
  - 2) preservation and development of the higher education system and improvement of higher education quality;
  - 3) expansion of opportunities for higher learning and learning throughout life;
  - 4) creating and ensuring equitable conditions of access to higher education, including provisions of individuals with special education needs with special learning and rehabilitation support and creation of free access to institutional infrastructure with the account of health-related functional limitations;
  - 5) promotion of the autonomy of higher education institutions and academic freedoms of education process actors. Autonomy of higher education institutions requires such ways of self-organization and self-regulation that are open to criticism, serve public interests and establishment of a true picture of challenges facing the State and society, and operate in a transparent and visible manner;
  - 6) definition of a well-balanced structure and size of educated workforce with higher education with consideration of individual learners' needs as well as interests of the State, territorial communities and employers;
  - 7) ensuring development of scientific investigations, research and development, and innovation activity of higher education institutions and their integration with industry and production;
  - 8) granting benefits and social guarantees to persons engaged in higher education studies according to the legislated procedures;
  - 9) adequate government support to education and training of individuals with special education needs by creating free access to education experience and ensuring specialized learning and rehabilitation support;
  - 10) creating conditions for higher education graduates to realize their right to work, providing guarantees for equitable opportunities with regard to choice of workplace and type of labour at enterprises, institutions and organizations of all forms of ownership with regard to attained higher education and needs of the society;
  - 11) implementation of mechanisms to incentivize enterprises, institutions and organizations of all forms of ownership to provide higher education graduates with their first employment destination.
4. The State fosters development of higher education institutions as centres of independent thought.

## **Article 4 Right to higher education**

1. Every individual has the right to higher education.

Citizens of Ukraine have the right to be enrolled in higher education at public and municipal higher education institutions on the basis of competitive selection according to the higher education standards, provided this is the first-time degree that the citizen is seeking through support from the state or local budgets.

Citizens of Ukraine are free in their choice of a higher education institution, mode of study and speciality.

The right to engage in higher education studies is guaranteed without regard to age, nationality, place of residence, gender, race, social or property status, ethnic background, language, origin, health status, attitude to religion, previous convictions or other circumstances. Individuals may not be restricted in their right to seek higher education except in cases established by the Constitution of Ukraine and Ukrainian laws.

Establishment of restrictions or preferential terms determined by specific higher education learning experience caused by a particular qualification profile shall not constitute discrimination of this right.

In order to ensure realization of the right to engage in higher education studies by individuals with special education needs, higher education institutions shall create necessary conditions for them to obtain quality higher education.

In order to ensure realization of the right to engage in higher education studies by individuals who require social support as defined by the law, such individuals shall be provided with full or partial financial allowance for the period of their engagement in higher learning under each level of higher education.

Citizens of Ukraine have the right to free higher education enrolment for their second speciality at a public or municipal institution if due to health reasons they have lost capacity to work or serve in positions according to the previously obtained qualification which is attested by professional opinion of a medical and social expert panel and in other cases stipulated by the law.

2. Foreign nationals and stateless persons permanently residing in Ukraine, persons who received refugee status in Ukraine, persons requiring subsidiary or temporary protection and persons with the foreign Ukrainian status who legally stay in Ukraine have the right to seek higher education on equitable terms with the Ukrainian nationals. State-funded enrolment in higher education for these categories of persons shall be allowed within quotas established by the Cabinet of Ministers of Ukraine.

Other foreigners and stateless persons may enrol in higher education studies on a fee-paying basis (either paid by individuals or legal entities) if otherwise not provided for by Ukraine's international agreements ratified by the Verkhovna Rada of Ukraine, legislation or agreements between higher education institutions on international academic mobility.

All persons engaged in higher education studies at higher education institutions shall enjoy equal rights and responsibilities.

## **SECTION II**

### **LEVELS, DEGREES AND QUALIFICATIONS OF HIGHER EDUCATION**

#### **Article 5 Levels and degrees of higher education**

1. Education and training of specialists with higher education degrees is delivered under correspondent vocational, academic and research programmes at the following higher education levels:

initial level (short-cycle) higher education;

Level One (bachelor);

Level Two (master);

Level Three (academic);

research level.

Initial level (short-cycle) higher education corresponds to Qualification Level Five in the National Qualifications Framework and stipulates that the learner receives broad cultural and occupationally-specific training, specialized knowledge and skills as well as some experience in their practical application to be able to perform routine tasks defined for initial jobs in the relevant field of professional activity.

Level One (bachelor) of higher education corresponds to Qualification Level Six in the National Qualifications Framework and stipulates that an individual acquires theoretical knowledge and practical skills and abilities sufficient to successfully perform professional tasks under the chosen speciality.

Level Two (master) of higher education corresponds to Qualification Level Seven in the National Qualifications Framework and stipulates that an individual acquires in-depth theoretical and/or practically oriented knowledge, skills and abilities under the chosen speciality (or specialization), general principles of research and/or professional activity methodology and other competencies sufficient to successfully perform innovative tasks according to the level of professional activity.

Level Three (academic) of higher education corresponds to Qualification Level Eight in the National Qualifications Framework and stipulates that an individual acquires theoretical knowledge, skills and abilities and other competencies sufficient to generate new ideas, find solutions to complex problems in the field of professional and/or research and innovation activity, becomes proficient in research and pedagogical methodology and able to conduct own scientific research producing outputs characterized by scientific novelty, theoretical and practical value.

Research level of higher education corresponds to Qualification Level Nine in the National Qualifications Framework and stipulates that an individual acquires competencies to develop and implement methodologies and methods of research, create new system-building knowledge and/or advanced technologies, address important research or application problem that has nationwide or global significance.

2. Attaining higher education at each of these levels requires successful completion of a relevant programme of study (vocational or academic) or research programme that leads to award of a relevant higher education degree:

- 1) junior bachelor;
- 2) bachelor;
- 3) master;
- 4) doctor of philosophy;
- 5) doctor of sciences.

3. Junior bachelor is a vocational degree acquired at the initial (short-cycle) level of higher education and awarded by a higher education institution upon participant's successful completion of a vocational programme of study comprised of 90-120 ECTS credits.

Individuals may have access to enter junior bachelor degree studies having completed full general secondary education.

4. Bachelor is a degree acquired at Level One of higher education and awarded by a higher education institution upon successful completion of a professionally oriented bachelor programme comprised of 180-240 ECTS credits. The amount of workload for acquisition of bachelor degree on the basis of the already attained junior bachelor degree shall be defined by a higher education institution.

Individuals may have access to enter bachelor degree studies having completed full general secondary education.

5. Master is a degree acquired at Level Two of higher education and awarded by a higher education institution upon successful completion of a correspondent programme of study. Master degree may be acquired under academic or professionally oriented programme. A professionally-oriented master programme is comprised of 90-120 ECTS credits, and an academic programme is comprised of 120 ECTS credits. Academic master programmes should include mandatory research component in the amount of not less than 30 per cent.

Individuals may have access to enter master degree studies having successfully completed a bachelor programme.

Master degree in medical, pharmaceutical or veterinary fields is acquired on the basis of full general secondary education and is awarded by a higher education institution upon successful completion of a relevant programme comprised of 300-360 ECTS credits.



6. Doctor of philosophy is an academic degree and at the same time the first research degree acquired at Level Three of higher education on the basis of attained master degree. Doctor of philosophy degree is awarded by a specialized high council of a higher education institution or research institution upon successful completion of a relevant programme and public defence of a dissertation at a specialized Academic Council.

Individuals have the right to acquire doctor of philosophy degree in the course of post-graduate (post-graduate military) studies. Individuals engaged in professional scientific inquiry, research and development or pedagogical activity at their main workplace shall have the right to seek doctor of philosophy degree outside formal post-graduate programmes, for example, by taking a sabbatical leave, subject to successful completion of a relevant programme and public defence of a dissertation at a specialized Academic Council.

The standard period of doctor of philosophy programme within post-graduate (post-graduate military) studies is four years. The amount of education component of such programme is 30-60 ECTS credits.

Research institutions may offer doctor of philosophy studies under their own programmes subject to proper licensure for delivery of education. Research institutions may also offer such studies under programmes agreed with a higher education institution. In such event research component of such programme is delivered by the research institution, and education component is delivered by the higher education institution.

7. Doctor of sciences is a second research degree acquired at the research level of higher education on the basis of doctor of philosophy degree and stipulates acquisition of the highest competencies in the field of development and implementation of research methodology, engagement in original research leading to scientific results that provide solutions to an important theoretical or application problem, have nationwide or global significant and are published in research and science journals.

Doctor of sciences degree is awarded by a specialized Academic Council of a higher education institution or research institution on the basis of results of public defence of research achievements represented by a dissertation or published monograph, or by body of articles published in the national or international reviewed specialized journals the list of which is subject to approval by the central government agency on education and science.

## **Article 6 Attestation of higher education learners**

1. Attestation is validation of adequacy between the level and extent of knowledge, skills and other competencies attained by a learner engaged in higher education and requirements set by the higher education standards.

Attestation shall be carried out in a publicly open manner. Higher education learners and other persons present during the attestation process, including dissertation defence, are free to make audio and/or video recording of the process.

2. Attestation of persons seeking junior bachelor, bachelor or master degree is carried out by an examination board which may include representatives of employers and their associations, according to the examination board regulation approved by the institutions' Academic Council.

A higher education institution awards relevant higher education degree and correspondent qualification to persons who successfully completed a programme at a particular level of higher education.

Attestation of master degree seekers may be conducted as a single state qualification examination by speciality and according to the procedure defined by the Cabinet of Ministers of Ukraine.

3. Attestation of seekers of doctor of philosophy degree is carried out by a permanent or one-time specialized Academic Council of a higher education institution or research institution accredited by the National Quality Assurance Agency for Higher Education, on the basis of public defence of research achievements in the form of a dissertation. Seekers of doctor of philosophy degree shall have the right to choose a specialized Academic Council.

4. Attestation of seekers of doctor of philosophy degree is carried out by a permanent or one-time specialized Academic Council of a higher education institution or research institution accredited by the National Quality Assurance Agency for Higher Education, on the basis of public defence of research achievements in the form of a dissertation or published monograph, or body of articles published in the national or international reviewed specialized journals the list of which is subject to approval by the central government agency on education and science.

5. Dissertations of persons seeking doctor of philosophy degree and dissertations (or research reports in the event of defending research achievements published in the form of a monograph or body of articles published in the national and/or international reviewed specialized journals) of persons seeking doctor of sciences, and also opponents' reviews shall be made publicly available on official web sites of corresponding higher education institutions (research institutions) as defined by the law.

5. Dissertations (research reports) are accepted for defence provided that seekers completed this work on their own. Discovery of academic plagiarism in a dissertation (research report) submitted for defence shall lead to non-award of the research degree sought.

Discovery of academic plagiarism in a defended dissertation (research report) shall constitute grounds for cancelling decision of the specialized Academic Council on research degree and correspondent diploma award. If a dissertation (research report) with identified academic plagiarism was defended in a permanent specialized Academic Council, the research supervisor (advisor) or official opponents who presented positive reviews about this work, and also the Chair of this specialized Academic Council shall be suspended from participation in specialized Academic Councils for the period of two years, and the higher education institution (research institution) shall be subject to revocation of accreditation held by the correspondent specialized Academic

Council and lose the right to set up one-time specialized Academic Councils for the period of one year. If a dissertation (research report) with identified academic plagiarism was defended in a one-time specialized Academic Council, the research supervisor, members of the Council and official opponents who presented positive reviews about this work shall be suspended from participation in specialized Academic Councils for the period of two years, and the higher education institution (research institution) shall lose the right to set up one-time specialized Academic Councils for the period of one year.

In the event of disclosure of academic plagiarism, the specialized Academic Council's decision on research degree award shall be cancelled by the National Quality Assurance Agency for Higher Education upon representation of the Ethics Committee according to the procedure defined by the Cabinet of Ministers of Ukraine and may be contested according to the law.

### **Article 7 Documents certifying higher education (research degrees)**

A document certifying higher education (research degree) is issued to a person who has successfully completed a relevant education (research) programme and passed attestation.

2. The following types of documents are established to certify higher education (research degree) in the relevant levels:

- junior bachelor diploma;
- bachelor diploma;
- master diploma;
- doctor of philosophy diploma;
- doctor of sciences diploma.

3. Diploma of junior bachelor, bachelor and master shall contain name of a higher education institution that issued this document (if education was acquired at an arm's-length division of an institution, also name of this arm's-length division) and definition of qualification that comprises information about the attained level of higher education, speciality and specialization, and in some cases also professional qualification.

4. Diploma of doctor of philosophy and doctor of sciences shall contain name of a higher education institution (research institution) that provided education, name of a higher education institution (research institution) in which specialized Academic Council the seeker defended research achievements and definition of qualification that comprises information about the attained research degree, field of knowledge and/or speciality.

Qualification definition indicates the doctor of philosophy degree and field of knowledge (e.g. doctor of philosophy in biology, etc.). If the dissertation research is conducted in associated or related fields, doctor of philosophy and doctor of sciences degrees are conferred in the lead field with indication of cross-disciplinary nature of work.

5. An inseparable part of a diploma of bachelor, master, doctor of philosophy and doctor of sciences is Diploma Supplement produced according to the European standards that provides structured information about the completed course of study. Diploma Supplement contains information about the holder's learning outcomes comprising course titles, received grades and number of attained ECTS credits as well as details of the national higher education system in Ukraine.

An inseparable part of a junior bachelor diploma is a supplement.

6. A state-recognized document certifying higher education shall be issued by a higher education institution only for the accredited programme of study. For non-accredited programmes, institutions produce and issue their own documents certifying higher education according to the procedure and form as established by the institution's Academic Council.

7. State recognized documents certifying higher education for persons who study on the state-sponsored basis shall be produced by higher education institutions and issued at the state budget expense, and for persons who study on the fee-paying basis (fees paid by individuals or legal entities) the cost of documents certifying higher education shall be included in their tuition fees. The upper-limit cost of state-recognized documents certifying higher education and specific information to be contained shall be established by the Cabinet of Ministers of Ukraine.

8. In the event of obtaining higher education under programmes of study agreed between higher education institutions, including foreign institutions, they shall have the right to produce and issue joint diplomas established by joined decisions of Academic Councils of these higher education institutions.

9. In the event of obtaining higher education under specialities (specializations) simultaneously, a higher education institution shall have the right to produce and issue a dual diploma in the form established by its Academic Council.

10. Information about issued diplomas is entered by higher education institutions, except military institutions, to the Unified State Education Electronic Database.

## **Article 8 Unified State Education Electronic Database**

1. With regard to the higher education sector, the Unified State Education Electronic Database comprises Registry of higher education institutions, Registry of documents certifying higher education and Registry of external standardized assessment certificates.

2. Registry of higher education institutions contains data about every higher education institution, issued licensing and accreditation certificates. Information in the Registry of higher education institutions is openly available.

3. Registry of documents certifying higher education contains data about:

1) state-recognized documents issued by higher education institutions (research institutions) of Ukraine, excluding graduates of military higher education institutions and military academic divisions of regular higher education institutions;

- 2) own documents certifying higher education issued by higher education institutions of Ukraine;
- 3) documents issued by foreign higher education institutions recognized by the central government agency on education and science;
- 4) documents issued by foreign higher education institutions recognized by higher education institutions of Ukraine.

Physical persons and legal entities shall have access to the Registry of documents certifying higher education to the extent required to validate authenticity of a document.

4. Registry of external standardized assessment certificates contains data about external standardized assessment certificates. This data is available for verification during admission to higher education institutions.

5. The administrator of the Unified State Education Electronic Database is the central government agency on education and science.

6. Individuals shall have full access to all data about themselves entered to the Unified State Education Electronic Database.

7. Open and cost-free access to data contained in the Unified State Education Electronic Database is provided through the official web site of the central government agency on education and science.

8. Regulation on the Unified State Education Electronic Database is developed by the central government agency on education and science and approved by the Cabinet of Ministers of Ukraine.

### **SECTION III**

#### **STANDARDS FOR EDUCATION ACTIVITY AND HIGHER EDUCATION**

##### **Article 9 Education activity standards**

1. Education activity standards constitute a body of minimal requirements established for human workforce, courseware, methodological, physical infrastructure and information resourcing for the education process to be delivered by a higher education institution and research institution.

2. Education activity standards are designed for each level of higher education under each speciality with consideration of necessity to create conditions for individuals with special education needs and are mandatory for all higher education institutions irrespective of their ownership form or subordination as well as research institutions delivering doctor of philosophy and doctor of sciences programmes.

3. Education activity standards are designed and approved by the central government agency on education and science and subject to agreement with the National Quality Assurance Agency for Higher Education.

## **Article 10 Higher education standards**

1. Higher education standards constitute a body of requirements established for the content and performance of higher education institutions and research institutions for each level of higher education under each speciality.
2. Higher education standards are designed for each level of higher education under each speciality according to the National Qualifications Framework and used to define and evaluate the quality of content and performance of higher education institutions and research institutions.
3. Higher education standards define the following requirements to a programme of study:
  - 1) number of ECTS credits required for acquisition of the correspondent higher education degree;
  - 2) list of graduates' competencies;
  - 3) standard content of studies for higher education learners formulated as learning outcomes;
  - 4) forms of attestation of higher education learners;
  - 5) requirements for having an internal higher education quality assurance system.
4. A higher education institution designs curriculum for each speciality on the basis of professional or academic programme of study to define the list and scope of courses in ECTS credits, sequence of courses delivery, forms of classroom learning and its amount, schedule of studies and forms of formative and summative assessment. To provide more detailed planning of learning and instruction, a working plan is prepared for each year to be approved by the head of a higher education institution.
5. A higher education institution may introduce specializations under the licensed speciality the list of which is determined by an institution.
6. Higher education standards for each speciality are developed by the central government agency on education and science, subject to proposals from sectoral government agencies that supervise operations of higher education institutions as well as industry employers' associations, and approved upon agreement with the National Quality Assurance Agency for Higher Education.

**SECTION IV**  
**MANAGEMENT OF HIGHER EDUCATION SECTOR**

**Article 11 Higher education system**

1. Higher education system is comprised of:
  - 1) higher education institutions of all forms of ownership;
  - 2) levels and degrees (qualifications) of higher education;
  - 3) fields of knowledge and specialities;
  - 4) programmes of study and research;
  - 5) education activity standards and higher education standards;
  - 6) education authorities operating the education sector;
  - 7) actors of education process.

**Article 12 Management of higher education sector**

1. Management of the higher education sector is carried out, within the scope of their mandate:
  - 1) Cabinet of Ministers of Ukraine;
  - 2) central government agency on education and science;
  - 3) sectoral government agencies that supervise operations of higher education institutions;
  - 4) public authorities of the Autonomous Republic of Crimea, local self-governments that supervise operations of higher education institutions;
  - 5) National Academy of Sciences of Ukraine and national sectoral academies of sciences;
  - 6) founders of higher education institutions;
  - 7) public self-governance bodies in the area of higher education and science;
  - 8) National Quality Assurance Agency for Higher Education.
2. Cabinet of Ministers of Ukraine, through the system of executive authorities, undertakes the following functions:
  - 1) ensure implementation of the state policy in the higher education sector;
  - 2) organize development, approve and ensure implementation of nationwide programmes for higher education development;
  - 3) ensure development and implementation of actions on building physical infrastructure and other conditions necessary for higher education development;
  - 4) adopt regulatory and legal acts within the designated mandate on issues of higher education;

- 5) exercise rights of the founder stipulated by this Law and other laws of Ukraine with regard to public higher education institutions, either directly or through authorized bodies;
- 6) create efficient mechanisms by which higher education institutions, pedagogical, research and academic staff and individuals enrolled at higher education institutions may exercise rights stipulated by this Law;
- 7) ensure wide participation of external experts and representatives of the public, employers and individuals enrolled at higher education institutions, in drafting and adoption of regulatory and legal acts as well as other decisions concerning regulation of relations between the elements of the higher education system and its overall operations;
- 8) establish special conditions for training of workforce for the priority high-technologies sectors according to state target programmes;
- 9) ensure control over compliance with the higher education legislation.

### **Article 13 Powers of the central government agency on education and science and other agencies that supervise operations of higher education institutions**

1. The central government agency on education and science undertakes the following functions:
  - 1) elaborate strategy and programmes for higher education development submitting them for approval to the Cabinet of Ministers of Ukraine;
  - 2) participate in building and implementation of the state policy in the sectors of higher education, science and training of skilled workforce with higher education;
  - 3) systematically track and analyse domestic labour market demands, present proposals on the amounts and directions of government support to be given in training of skilled workforce with higher education;
  - 4) undertake analysis and forecasting in the higher education sector, identify trends and developments, impact of demographic, ethnic and socio-economic situations, production and non-production infrastructure, build strategic directions for the higher education development with the account of advanced technologies and other factors, summarize and generalize global and local experience in higher education development;
  - 5) engage in international cooperation on issues within the designated competence;
  - 6) ensure operational functioning of the Unified State Education Electronic Database;
  - 7) define the list of fields of knowledge and specialities under which learner engage in higher education studies, also upon representation from the National Quality Assurance Agency for Higher Education, and submit then for approval of the Cabinet of Ministers of Ukraine;
  - 8) approve forms of state-recognized documents certifying higher education (research degrees);
  - 9) issue licenses for education activity substantiated by positive expert opinion from the National Quality Assurance Agency for Higher Education, re-issue and cancel such licenses;



- 10) prepare proposals and places state contracts for training of skilled workforce with higher education according to the procedure established by the law;
- 11) facilitate employment of higher education graduates;
- 12) approve the list of specialities for which the admission process shall include consideration of creative and/or physical abilities of candidates;
- 13) as instructed by and within the scope established by the Cabinet of Ministers of Ukraine, exercise rights and responsibilities of an authorized body with regard to higher education institutions founded by the State;
- 14) establish the procedure for attestation of pedagogical staff of higher education institutions in order to award qualification categories and pedagogical titles according to the procedure established by the law;
- 15) set up the Attestation Board that approves in an open and transparent manner decisions of the Academic Councils of higher education institutions (research institutions) by which research and academic staff are awarded academic titles of senior researcher, associate professor and professor, organize the Attestation Board work, consider denunciation of such titles, issue corresponding certificates and also consider appeals on the Attestation Board decisions;
- 16) design and approve higher education standards and education activity standards subject to agreement with the National Quality Assurance Agency for Higher Education, publish them on its official web site;
- 17) approve the procedure for recognition of higher education degrees and research degrees obtained at foreign higher education institutions, subject to agreement with the National Quality Assurance Agency for Higher Education, and carry out recognition procedure, except in cases provided for by this Law;
- 18) endorse the procedure for award of research degrees by specialized Academic Councils of higher education institutions (research institutions), upon representation from the National Quality Assurance Agency for Higher Education, with subsequent presentation to the Cabinet of Ministers of Ukraine for approval;
- 19) establish procedure for award of academic titles by higher education institutions and research institutions to research and academic faculty, and also for denunciation of these academic titles;
- 20) issue regulatory and legal acts on aspects of higher education in situations stipulated by this Law;
- 21) approve the regulation on accreditation of programmes of study, upon representation from the National Quality Assurance Agency for Higher Education;
- 22) design the procedure for licensure review with subsequent presentation to the Cabinet of Ministers of Ukraine for approval;
- 23) design the regulation on implementation of the academic mobility right with subsequent presentation to the Cabinet of Ministers of Ukraine for approval;

24) define benchmarks and norms for physical infrastructure and financial resourcing of higher education institutions according to the procedure established by the Cabinet of Ministers of Ukraine;

25) exercise other powers according to the law.

2. Government agencies that supervise operations of higher education institutions undertake the following functions:

1) participate in implementation of the state policy in the sectors of higher education, science, professional training of skilled workforce, and licensure of education activities carried out by higher education institutions;

2) prepare proposals and submit requests for state-supported education of skilled workforce with higher education according to the procedure established by the law;

3) participate in definition of benchmarks and norms for physical infrastructure and financial resourcing of higher education institutions;

4) carry out placement of graduates of higher education institutions they operate for further service (for military higher education institutions (higher education institutions with specific conditions of studying)) and employment at healthcare facilities (for medical higher education institutions) within the scope contracted by the State;

5) analyse quality of education activity of higher education institutions they operate;

6) exercise rights and responsibilities of the founder, stipulated by this Law and other laws of Ukraine, with regard to higher education institutions they operate, either directly or through their authorized body;

7) exercise other powers according to the law.

3. Management of theological higher education institutions shall be carried out with consideration of their specificity and in accordance with the law.

4. Government agencies that supervise operations of military higher education institutions (higher education institutions with specific conditions of studying), military academic divisions of regular higher education institutions shall have the right by their own acts to set special requirements for:

1) management of correspondent military higher education institutions (higher education institutions with specific conditions of studying) and military academic divisions of regular higher education institutions;

2) activity and authority of the Academic Councils;

3) candidates for posts heads of correspondent military higher education institutions (higher education institutions with specific conditions of studying), their structural units, military academic divisions of regular higher education institutions, and recruitment and appointment procedure;

- 4) practical training of individuals enrolled at military higher education institutions (higher education institutions with specific conditions of studying) or military academic divisions of regular higher education institutions;
- 5) procedure for recruitment and appointment to vacant officership and academic positions;
- 6) rights and responsibilities of research and academic faculty and individuals enrolled at military higher education institutions (higher education institutions with specific conditions of studying) or military academic divisions of regular higher education institutions;
- 7) procedure for expulsion, interruption of study, resumption and transfer of individuals enrolled at military higher education institutions (higher education institutions with specific conditions of studying) or military academic divisions of regular higher education institutions;
- 8) training of research and academic cadre at military academic divisions of regular higher education institutions within post-graduate and doctoral programmes of relevant higher education institutions.

Acts referred to in cl. 6 and 7 hereof shall be approved upon agreement with the central government agency on education and science.

5. Acts of the central government agency on education and science, adopted within the scope of its designated mandate, shall be mandatory for state authorities, public authorities of the Autonomous Republic of Crimea, local self-government bodies operating higher education institutions, as well as higher education institutions irrespective of their ownership form.

Letters, instructions, methodological guidelines and other documents of executive agencies, excluding Orders registered with the Ministry of Justice of Ukraine regulating internal operations of the agency, are not legal or regulatory acts and may not establish legal norms.

6. The central government agency on education and science establishes the Research and Methodology Board that, with participation of the National Quality Assurance Agency for Higher Education, shall develop a methodology and methodological guidelines on designing of education activity standards and higher education standards, and also research and methodology committees that shall design education activity standards and higher education standards.

The Research and Methodology Board and research and methodology committees shall be composed of representatives of the Government, employers and their associations, higher education institutions of all ownership forms, research institutions, the National Academy of Sciences of Ukraine and national sectoral academies of sciences, professional associations and international experts for the term of up to three years, provided that these individuals have research degree in the relevant field of knowledge or at least 10 years of professional experience in the sector. The Research and Methodology Board and research and methodology committees may not include heads and deputy heads of higher education institutions (research institutions) and more than one representative from a particular higher education institution (research institution).

Members of the Research and Methodology Board and research and methodology committees may not be part of sectoral expert panels of the National Quality Assurance Agency for Higher Education.

#### **Article 14 Powers of the public authorities of the Autonomous Republic of Crimea and local self-government bodies operating higher education institutions**

1. Public authorities of the Autonomous Republic of Crimea and local self-government bodies operating higher education institutions, within the scope their authority, shall:

- 1) ensure implementation of state programmes in the higher education sector;
- 2) study local needs for specialists with higher education and present proposal on the scope of State contract for their training and in-service training, agreed with government agencies operating higher education institutions, to the central government agency in charge of building and implementation of the state policy in the area of economic development and trade and central government agency on education and science;
- 3) present proposals to the central government agency on education and science on building of the higher education institutions network;
- 4) exercise rights and responsibilities of the founder, stipulated by this Law and other laws of Ukraine, with regard to higher education institutions they operate, either directly or through their authorized body;
- 5) facilitate employment and social protection of graduates of higher education institutions they operate;
- 6) engage enterprises, institutions and organizations (upon their agreement) to addressing problems emerging in development of the higher education system.

#### **Article 15 Powers of higher education institution Founder(s)**

1. Powers of the higher education institution Founder(s) with regard to management of higher education institutions are defined by this Law, other laws of Ukraine and the higher education institution charter.

2. The higher education institution Founder(s) or their authorized body shall:

- 1) approve the higher education institution charter and upon representation of the supreme collegial body of the public self-governance of the higher education institution, introduce amendments to the charter or approves the new version of the charter;
- 2) within one month, conclude the contract with head of the higher education institution elected on a competitive basis according to the procedure outlined herein;
- 3) undertake early termination of the contract signed with head of the higher education institution, upon representation of the supreme collegial body of the public self-governance of the higher

education institution, on the grounds outlined in the labour legislation or for violation of the higher education institution charter or terms and conditions of the contract;

4) control financial and business operations of the higher education institution;

5) control compliance with the higher education institution charter;

6) exercise other authority stipulated by the law and higher education institution charter.

3. The Founder(s) or their authorized bodies may delegate some of their authority to the head or other governing body of the higher education institution.

## **SECTION V**

### **HIGHER EDUCATION QUALITY ASSURANCE**

#### **Article 16 System of higher education quality assurance**

1. The system of higher education quality assurance shall be comprised of:

1) a system by which higher education institutions ensure quality of education activity and higher education (internal quality assurance system);

2) a system of external quality assurance for education activity of higher education institutions and higher education;

3) a system of assuring performance quality of the National Quality Assurance Agency for Higher Education and independent agencies for assessment and quality assurance of higher education.

2. A system by which higher education institutions ensure quality of education activity and higher education (internal quality assurance system) envisages the following actions and procedures:

1) definition of principles and procedures for higher education quality assurance ;

2) monitoring and periodic revision of programmes of study;

3) annual evaluation of higher education learners, research and academic and pedagogical staff of higher education institutions and regular publication of evaluation results on official web sites of higher education institutions, information boards or by other means;

4) ensuring in-service training for pedagogical, research and academic staff;

5) ensuring proper resourcing for organization of learning and instruction, including students' independent work under each programme of study;

6) ensuring that information systems are in place to effectively manage the education process;

7) ensuring that information about programmes of study, degrees and qualifications is publicly available;

8) ensuring that effective system is in place to prevent and disclose academic plagiarism in research and scientific works produced by faculty and learners of higher education institutions;

9) other actions and procedures.

A system by which higher education institutions ensure quality of education activity and higher education (internal quality assurance system) shall be assessed, upon representation of the higher education institution, by the National Quality Assurance Agency for Higher Education or accredited independent agencies for assessment and quality assurance of higher education for its compliance with the requirements of higher education quality assurance approved by the National Quality Assurance Agency for Higher Education.

3. A system of external quality assurance for education activity of higher education institutions and higher education envisages the following actions and procedures:

- 1) ensuring effectiveness of processes and procedures of the internal quality assurance for education activity of higher education institutions and higher education;
- 2) ensuring that systems are in place to carry out procedures for external quality assurance;
- 3) ensuring that publicly available criteria are in place for decision-making in line with quality assurance standards and guidelines recognized for the European Higher Education Area;
- 4) organizing accessible and comprehensible reporting;
- 5) carrying out periodic performance reviews of quality assurance systems and follow-up mechanisms with regard to received recommendations;
- 6) other actions and procedures.

4. A system of assuring performance quality of the National Quality Assurance Agency for Higher Education and independent agencies for assessment and quality assurance of higher education envisages the following actions and procedures:

- 1) ensuring that effective processes and procedures are in place for external higher education quality assurance;
- 2) ensuring adequate and well-balanced resourcing of external higher education quality assurance;
- 3) securing independence of operations of the National Quality Assurance Agency for Higher Education and independent agencies for assessment and quality assurance of higher education;
- 4) accountability;
- 5) other actions and procedures.

## **Article 17 Status of the National Quality Assurance Agency for Higher Education**

1. The National Quality Assurance Agency for Higher Education is a permanent collegial body empowered by this Law for implementation of the state policy in higher education quality assurance.
2. The National Quality Assurance Agency for Higher Education is legal entity acting in accordance with this Law and the Charter approved by the Cabinet of Ministers of Ukraine.

### **Article 18 Powers of the National Quality Assurance Agency for Higher Education**

1. The National Quality Assurance Agency for Higher Education shall:
  - 1) define requirements for the higher education quality assurance system, design regulation on accreditation of programmes of study with its subsequent submission for approval to the central government agency on education and science;
  - 2) scrutinize quality of education activity carried out by higher education institutions;
  - 3) carry out licensure reviews and prepare expert opinion on granting license for education activity;
  - 4) prepare proposals, upon representation of higher education institutions (research institutions), on the list of specialities to be offered to higher education learners at corresponding levels of higher education, to be presented to the central government agency on education and science;
  - 5) build a unified database of specializations introduced by higher education institutions for higher education learners at each level of higher education;
  - 6) carry out accreditation of programmes of study offered to higher education learners;
  - 7) define criteria for evaluation of education activity quality, including quality of research accomplishments, for higher education institutions of Ukraine which may serve the purpose of institutional ranking;
  - 8) identify requirements for the level of research qualification of those seeking research degrees, and develop procedure for their award by specialized Academic Councils of higher education institutions (research institutions) with its subsequent submission for approval to the central government agency on education and science;
  - 9) design regulation on accreditation of specialized Academic Councils with its subsequent submission for approval to the central government agency on education and science, carry out accreditation of specialized Academic Councils and control their activity;
  - 10) grant accreditation to independent agencies for assessment and quality assurance of higher education;
  - 11) exercise other authority stipulated by the law.
2. The National Quality Assurance Agency for Higher Education shall prepare and publish annual reports on quality of Ukrainian higher education, its adequacy to sustainable development objectives, and annual reports on their own operations, prepare proposals on legislative

foundations for higher education quality assurance, referring these documents to the Verkhovna Rada of Ukraine, President of Ukraine, Cabinet of Ministers of Ukraine and higher education institutions for discussion and follow-up.

### **Article 19 Composition of the National Quality Assurance Agency for Higher Education**

1. The National Quality Assurance Agency for Higher Education shall be composed of 25 members and its overall membership shall be based the following scheme:

- 1) two members to be nominated by the National Academy of Sciences of Ukraine, and one member to be nominated by each of the sectoral national academies of sciences;
- 2) thirteen members to be elected by conferences among representatives of public, municipal and private higher education institutions of Ukraine, of which nine members representing public institutions, one member representing municipal institutions and three members representing private institutions;
- 3) three members to be elected by a joint representative body of all-Ukrainian associations of employers;
- 4) two members to be elected by congress of representatives of students' governments of higher education institutions among those enrolled in higher education programmes.

Entities that elected (nominated) their representatives to the National Quality Assurance Agency for Higher Education shall have the right to withdraw their nominees before their official end of office.

The office of member of the National Quality Assurance Agency for Higher Education shall be terminated upon:

- 1) expiration of official term of office;
- 2) personal notice of resignation;
- 3) conviction;
- 4) termination of Ukrainian citizenship;
- 5) deeming to be missing or dead;
- 6) death;
- 7) in cases stipulated by the law.

2. Members of the National Quality Assurance Agency for Higher Education shall stay in office for the period of three years. The same person may not serve on the National Quality Assurance Agency for Higher Education for more than two terms. Chairs and deputy chairs of the National Academy of Sciences of Ukraine and sectoral national academies of sciences, higher education institutions, research institutions, founders of private higher education institutions may not be members of the National Quality Assurance Agency for Higher Education.



3. The Head and Deputy Head of the National Quality Assurance Agency for Higher Education are elected for the period of three years.

The Head and Deputy Head of the National Quality Assurance Agency for Higher Education are employed on full-time basis subject to appointment and dismissal by the Cabinet of Ministers of Ukraine upon representation of the National Quality Assurance Agency for Higher Education.

4. The National Quality Assurance Agency for Higher Education shall invite to participate in its operations international experts who are professors at leading foreign higher education institutions and/or experts from institutions in charge of education quality assurance in other countries.

5. The National Quality Assurance Agency for Higher Education establishes as part of its structure Ethics Committee, Appeal Committee and other committees composed of members of the National Quality Assurance Agency for Higher Education. Ethics Committee shall consider issues of academic plagiarism and make appropriate representations to the National Quality Assurance Agency for Higher Education and perform other responsibilities vested by the National Quality Assurance Agency for Higher Education. Appeal Committee shall review appeals, claims and complaints on actions and decisions of specialized Academic Councils and make appropriate representations to the National Quality Assurance Agency for Higher Education and perform other responsibilities vested by the National Quality Assurance Agency for Higher Education.

## **Article 20 Operations of the National Quality Assurance Agency for Higher Education**

1. Meetings of the National Quality Assurance Agency for Higher Education shall be deemed duly empowered with at least two thirds of its membership attending. Decisions on all issues are adopted by majority vote among the overall membership of the National Quality Assurance Agency for Higher Education.

If a member of the National Quality Assurance Agency for Higher Education finds him/herself in a conflict of interest situation, such member shall abstain from voting.

Decisions on accreditation of a programme of study shall be adopted on the basis of expert opinion rendered by the relevant sectoral expert panel presented by its chair.

Members of the National Quality Assurance Agency for Higher Education act on the basis of openness and transparency. Information about activity of the National Quality Assurance Agency for Higher Education (decisions, meeting minutes, etc.) shall be published on the official web site.

2. Members of the National Quality Assurance Agency for Higher Education perform their assigned functions on the basis of legal civil contracts.

3. Organizational, financial, operational, material, technical, information and other support and resourcing of the National Quality Assurance Agency for Higher Education shall be provided a secretariat. Regulation on this secretariat and its staffing schedule shall be approved by the National Quality Assurance Agency for Higher Education.

4. Members of the National Quality Assurance Agency for Higher Education and members of sectoral expert panels, during their performance as stipulated by this Law, may be freed (fully or partially) from discharge of their professional duties at their main place of employment with retention of their salary.

5. The National Quality Assurance Agency for Higher Education may engage accredited independent agencies for assessment and quality assurance of higher education to conduct accreditation of programmes of study.

6. Pedagogical, research and academic staff working in the National Quality Assurance Agency for Higher Education on full-time basis the length of their service shall be included in the pedagogical, research or academic employment history according to the applicable legislation.

7. The National Quality Assurance Agency for Higher Education cooperates with national and international institutions in the field of higher education, specifically with those that have education quality assurance and accreditation as their core activity.

## **Article 21 Sectoral expert panels of the National Quality Assurance Agency for Higher Education**

1. Sectoral expert panels of the National Quality Assurance Agency for Higher Education shall be composed of 9 to 15 members who shall sit on the panel for the period up to three years and have research degree in the relevant field of knowledge or professional experience in the sector for at least 5 years, excluding representatives of students' governments. Sectoral expert panels may include representatives of the Government, employers, their organizations and associations, higher education institutions of all forms of ownership, research institutions, National Academy of Sciences of Ukraine and sectoral national academies of sciences, representatives of students' governments and international experts.

Members of the sectoral expert panels of the National Quality Assurance Agency for Higher Education may not be part of the Research and Methodology Board and research and methodology committees of the central government agency on education and science.

2. Nomination and election procedure for members of sectoral expert panels and panel regulations are approved by the National Quality Assurance Agency for Higher Education.

In order to ensure performance of functions assigned to sectoral expert panels, legal civil contracts may be concluded with their members.

3. Decisions on all issues are adopted by simple majority vote among the overall membership of a sectoral expert panel of the National Quality Assurance Agency for Higher Education.

## **Article 22 Funding of the National Quality Assurance Agency for Higher Education**

1. The National Quality Assurance Agency for Higher Education is a non-for-profit organization.

2. The National Quality Assurance Agency for Higher Education shall be funded from the following sources:

1) the state budget;

2) funds received as payment for work on accreditation and licensure reviews and funds received as payment for other services related to higher education quality assurance in the amounts defined by the National Quality Assurance Agency for Higher Education;

3) grants for improving quality of higher education in Ukraine, including those allocated for improvement of the higher education quality assessment system;

4) other sources not prohibited by the law.

3. Amounts of state budget allocations for operations of the National Quality Assurance Agency for Higher Education, including remuneration expenditure amounts, shall be established annually by the Verkhovna Rada of Ukraine by a separate budget line in the process of adoption of the State Budget of Ukraine.

### **Article 23 Independent agencies for assessment and quality assurance of higher education**

1. An independent agency for assessment and quality assurance of higher education is a non-government organization (institution, agency, bureau, etc.) accredited by the National Quality Assurance Agency for Higher Education that undertakes assessment and evaluation of programmes of study, learning outcomes and/or higher education institutions (their structural units) in order to provide higher education institutions with recommendations and assist them in organization of higher education quality assurance systems and make proposals to the National Quality Assurance Agency for Higher Education on accreditation of programmes of study.

2. Independent agencies for assessment and quality assurance of higher education may cooperate with the European Association for Quality Assurance in Higher Education, in particular in order to implement European standards and recommendations on improving higher education quality in Ukraine.

3. Independent agencies for assessment and quality assurance of higher education may issue to higher education institutions their own certificates on evaluation of a programme of study and/or higher education quality assurance systems.

4. Higher education institutions' participation in the evaluation of a programme of study by an independent agency for assessment and quality assurance of higher education shall be voluntary.

### **Article 24 Education activity licensure**

1. Education activity in the higher education sector is carried out by higher education institutions and research institutions (for doctor of philosophy degree programmes) on the basis of licenses

granted by the central government agency on education and science, according to the procedure defined by the Cabinet of Ministers of Ukraine and compliant with this Law.

2. In order to obtain expert opinion on eligibility for education activity license, the applicant shall submit to the National Quality Assurance Agency for Higher Education a written application and documents confirming compliance with the education activity standard for the relevant speciality. Research institutions of the National Academy of Sciences of Ukraine and sectoral national academies of sciences may submit applications and documents for expert opinion on the basis of correspondent decisions of their presidiums. The National Quality Assurance Agency for Higher Education, within two months upon receipt of an application and documents, shall conduct expert review and provide the applicant with the expert opinion.

3. In order to obtain license for education activity, the applicant submits to the central government agency on education and science a written application and expert opinion of the National Quality Assurance Agency for Higher Education. On the basis of received documents the central government agency on education and science shall issue an education activity licence or deny licensure to a higher education institution within 10 working days. A decision to deny licensure shall be substantiated and contain reference to specific provisions of the education activity standard with regard to which the applicant has been found non-compliant.

In case of failure to grant licensure for continuation of education activity to the applicant within the defined timeline, or to take decision about rejection, the applicant shall have the right to carry out correspondent education activity without licensure in 10 working days after expiration of the timeline established for granting license for education activity or taking decision about rejection, on the basis of the expert opinion of the National Quality Assurance Agency for Higher Education.

4. A license shall be granted for each speciality for the period of ten years and may be revoked only on the grounds stipulated by this Law. Information about granting or revocation of licenses shall be entered to the Unified State Education Electronic Database.

5. A license shall contain:

1) full title and place of a higher education institution and arm's-length divisions that deliver education for the relevant speciality and level of higher education;

2) licensed enrollment size, i.e. maximum number of persons a higher education institution may simultaneously enroll for education under the relevant speciality and level of higher education according to the education activity standards.

6. Form of an education activity license, issuance and re-issuance, delivery, safekeeping and recording procedure shall be approved by the Cabinet of Ministers of Ukraine.

7. Re-issuance of an education activity license shall be required in case of:

1) change of title or place of a higher education institution;

2) reorganization of legal entities that hold an education activity license by way of acquisition or merger;

3) availability of an accreditation certificate for the relevant speciality and level of higher education at the time of license expiration;

4) reorganization or change of title of a structural unit of a higher education institution that delivers education under the relevant speciality and level of higher education and is indicated in a higher education institution license.

8. Re-issuance of an education activity license is exempt from licensure procedure. In the event or reorganization of legal entities holding education activity licenses by way of acquisition or merger, re-issuance shall be processed on the basis of licenses these institutions hold.

9. In the event of loss or damage of an education activity license a higher education institution is entitled to apply for a duplicate license. The central government agency on education and science shall be obliged to issue a duplicate to replace a lost or damaged license to a higher education institution within two weeks upon such application receipt.

10. An education activity license may be revoked only in the event when:

1) a higher education institution files an application for termination of education activity;

2) misrepresentation is found in documents submitted for licensure;

3) a higher education institution fails to comply with the order issued by the central government agency on education and science in the course of Government oversight (control) of higher education institutions on elimination of violation of the education activity standards.

A decision to revoke an education activity license shall be taken by the central government agency on education and science. During consideration of issue to revoke an education activity license, information shall be heard from a representative of the higher education institution concerned.

A decision to revoke an education activity license may not be taken with regard to a higher education institution that holds a valid certificate for accreditation of a programme of study under the relevant speciality.

11. In case of license revocation a higher education institution loses the right to carry out education for the relevant speciality.

12. Theological higher education institutions that desire their data to be entered in the Unified State Education Electronic Database shall be subject to licensure procedure. Theological higher education institutions that desire to award state-recognized diplomas shall have their programmes of study accredited.

## **Article 25 Accreditation of programmes of study**

1. A higher education institution that desires to have their programmes of study accredited shall submit to the National Quality Assurance Agency for Higher Education a written application and documents confirming compliance of its education activity with the higher education standard for the relevant speciality.

2. The National Quality Assurance Agency for Higher Education, within two months upon receipt of an application, shall take a decision on granting or rejecting accreditation of a particular programme of study on the basis of an accreditation review.

3. Within three working days after the decision to grant accreditation to a programme of study, the National Quality Assurance Agency for Higher Education shall provide a higher education institution with an accreditation certificate.

4. An accreditation certificate shall contain the following:

- 1) title and address of a higher education institution;
- 2) speciality and level of higher education for which the programme of study is accredited;
- 3) date of issuance.

5. An accreditation certificate shall be first issued for each accredited programme of study for the period of five years, and upon second and each subsequent accreditation – for the period of ten years. Information about issuance of an accreditation certificate shall be entered to the Unified State Education Electronic Database.

6. Form of an accreditation certificate, issuance and re-issuance, delivery, safekeeping and recording procedure shall be approved by the Cabinet of Ministers of Ukraine.

Re-issuance of an education activity license shall be required in case of:

- 1) change of title or place of a higher education institution;
- 2) reorganization of legal entities that hold an accreditation certificate by way of acquisition or merger;
- 4) liquidation or reorganization, or change of title (place) of a structural unit of a higher education institution that delivers education under the relevant speciality (field) and level of higher education.

7. The certificate confirms conformity of a programme of study offered by a higher education institution under the relevant speciality and level of higher education with the higher education standards and grants the right to issue state-recognized diploma for this speciality.

## **SECTION VI**

### **HIGHER EDUCATION INSTITUTIONS**

#### **Article 26 Main objectives of a higher education institution**

1. Main objectives of a higher education institution are:

- 1) carry out education activity at a high performance level so that it ensures gaining higher education of the relevant degree under the chosen specialities;

- 2) for universities, academies and institutes – carry out research activity through conduct of scientific research and provide for creative engagement of higher education learners, training of research cadre of highest qualification and application of obtained results in education process;
- 3) participate in ensuring social and economic development of the State through building of human capital;
- 4) shape up personality through patriotic, legal and environmental upbringing, strengthening of moral values of learners, their social activism, citizenship position and responsibility, healthy lifestyle, capability for free thinking and self-organization in present-day circumstances;
- 5) ensure seamless integration of education, research and innovation activity in education process;
- 6) create necessary conditions for fulfilment of learners' talents and abilities;
- 7) preserve and enhance moral, cultural and scientific values and achievements of the society;
- 8) spread knowledge among population, raise education and cultural level of citizens;
- 9) build international cooperation and carry out international activity in the areas of education, sport, art and culture;
- 10) survey labour market demands for particular specialities.

#### **Article 27 Legal status of a higher education institution**

1. A higher education institution is established as a public, municipal or private institution and operates on the non-profit basis.
2. A legal entity (except research institutions) assumes the status of a higher education institution upon receipt of an education activity license.
3. A higher education institution may act as founder (co-founder) of other legal entities that carry out their activity according to the areas of education, training, production and innovation activity of a higher education institution and/or ensure implementation of its chartered tasks.
4. Higher education institutions of the state, municipal or private forms of ownership shall enjoy equitable rights in delivery of education, research and other types of activity.
5. Higher education institutions may deliver education jointly with foreign education institutions under agreed and aligned programmes of study.
6. Higher education institutions may establish training, research and production sites and research parks and enter into consortiums. All participants of a site or consortium shall retain their legal entity status and financial independence.
7. Higher education institutions operate on the basis of a charter.

A higher education institution charter shall contain:

- 1) full title and indication of type of the higher education institution, its legal identity, place of location, date of decision about establishment;

- 2) concept of education activity of the higher education institution;
- 3) rights and responsibilities of the founder(s);
- 4) amount of fixed capital (authorized capital size) provided by the founder(s);
- 5) mandate of governing bodies of the higher education institution;
- 6) rights and responsibilities of the head of the higher education institution;
- 7) procedure for electing representatives to public self-governance bodies;
- 8) grounds for early termination of contract concluded with the head of the higher education institution and head of academic and research institute (department);
- 9) sources of revenue and procedure for disbursement of funds and assets of the higher education institution;
- 10) procedure for reporting and control over financial and business operations;
- 11) procedure for making amendments to the higher education institution charter;
- 12) procedure for reorganization and liquidation of the higher education institution.

A higher education institution charter may contain other provisions related to specific characteristics of setting up and operations of a higher education institution.

A higher education institution charter may not contravene the legislation.

## **Article 28 Types of higher education institutions**

1. Higher education institutions in Ukraine are of the following types:

- 1) university is a multi-sectoral (classical, technical) or sectoral (industry-specific, technological, pedagogical, physical education and sport, liberal arts, theological, medical, economic, legal, pharmaceutical, agrarian, arts, cultural studies, etc.) higher education institution that carries out innovative education activity at different levels of higher education (including doctor of philosophy level), conducts fundamental and/or applied research, is a leading research and methodology centre, has well-developed infrastructure of training, research and production divisions, promotes spread of scientific knowledge and implements cultural and outreach activity;
- 2) academy/institute is a sectoral (industry-specific, technological, technical, pedagogical, theological, medical, economic, legal, pharmaceutical, agrarian, arts, cultural studies, etc.) higher education institution that carries out innovative education activity related to provision of higher education at levels one and three in one or several fields of knowledge, may deliver education at level three and highest research level of higher education under particular specialities, conducts fundamental and/or applied research, is a leading research and methodology centre, has well-developed infrastructure of training, research and production divisions, promotes spread of scientific knowledge and implements cultural and outreach activity;



3) college is a sectoral higher education institution or structural division of a university, academy or institute that carries out education activity related to junior bachelor and/or bachelor degree studies and conducts applied research. A college also has the right to train specialists at the education qualification level of associate.

Information about a college that is a structural division of a university, academy or institute shall be entered in the Unified State Education Electronic Database.

## **Article 29 National higher education institution**

1. A university, academy or institute, irrespective of their form of ownership, may be granted the status of a national institution.

2. The national status is granted to a higher education institution upon proposal of the National Quality Assurance Agency for Higher Education submitted according to the procedure and criteria established by the Cabinet of Ministers of Ukraine. The National Quality Assurance Agency for Higher Education validates a national higher education institution's activity against pre-defined criteria in order to confirm or revoke the national status every seven years.

3. A national higher education institution shall have the right to:

1) priority treatment with regard to legislated budget allocations for research and development activities, fundamental and applied research, implementation of research programmes and project of national significance in the amount of at least 10 per cent of budget funds allocated for its operational maintenance;

2) define time norms for instructional and other work of academic and pedagogical staff;

3) make re-distribution of:

- benchmark academic staff to learners ratios between specialities within one field of knowledge on the basis of staff research outputs;
- state-contracted places between specialities within one field of knowledge in the scope of up to 5 per cent of the total state-contracted enrolment of the institution subject to mandatory notification of the central government agency that supervises operations of this institution;
- licensed admission places between specialities within one field of knowledge;

4) train workforce with higher education under own experimental programmes of study and curricula;

5) priority treatment with regard to funds allocated from the state budget for purchase of research and training equipment, software, etc.;

6) use the word "national" in its title;

7) set up within its structure innovative facilities of diverse types (research parks, techno-parks, business incubators, small enterprises, etc.), on the basis of joint interests of high-technology

companies, research, education, business and the State with the purpose of implementation of innovation projects.

4. Particular aspects of management of a national higher education institution that facilitate its development, support quality of education activity, competitiveness and additional fundraising may be determined by its status.

### **Article 30 Research university**

1. A national higher education institution that facilitates the country's breakthrough in particular fields of knowledge in a model that combines education, research and innovation, facilitates the country's integration in the global education and research space, possesses recognized science and research achievements may be granted the research university status.

2. The research university status is granted to a higher education institution by the Cabinet of Ministers of Ukraine on a competitive basis and for a seven-year period, according to the Regulation on Research University approved by the Cabinet of Ministers of Ukraine that also includes benchmarks for number of academic and research staff at an institution.

3. The research university status is granted upon representation from the National Quality Assurance Agency for Higher Education subject to meeting criteria established by the Cabinet of Ministers of Ukraine. The National Quality Assurance Agency for Higher Education validates a national higher education institution's activity against pre-defined criteria in order to confirm or revoke the research university status every seven years.

4. Criteria for granting the research university status shall be based on the following underpinning characteristics:

1) diverse facilitates and physical infrastructure that provides for academic and research activities on the globally recognized level, including recognized research schools, centres, laboratories, etc.;

2) cross-disciplinary nature of learning and research, large share of fundamental research the quality of which is confirmed, inter alia, by publications in the national and international peer reviewed journals;

3) delivery of high quality professional education of doctors of sciences and capacity to implement and commercialize research outputs, quality of the system of training and in-service training of research cadre at a higher education institution;

4) level of integration in the global education and research space, including number of international projects, created intellectual property items, joint research projects, grants, etc. implemented in collaboration with companies and foreign higher education institutions;

5) place in the national, industry and/or international rankings of higher education institutions;

6) number of publications by indexes of recognized international scientometric databases and international peer reviewed journals.

5. A research university shall have the right to:

- 1) use the word “research” in its title;
- 2) receive core funding under a separate budget programme of the State Budget of Ukraine for research activities in the amount of at least 25 per cent of the funds allocated for its operational maintenance, to be used to conduct research, maintain and improve physical infrastructure that supports research;
- 3) formulate topics for fundamental and applied research, research and development through competition, and independently approve the annual thematic plan;
- 4) set up within its structure innovative facilities of diverse types (research parks, techno-parks, business incubators, small enterprises, etc.), on the basis of joint interests of high-technology companies, research, education, business and the State with the purpose of implementation of innovation projects
- 5) take final decisions on academic titles award;
- 6) independently set up one-time specialized Academic Councils for defence of dissertations for seekers of doctor of philosophy degree, composed of at least five persons with relevant degrees two of which shall be employed at other higher education institutions (research institutions);
- 7) establish benchmarks for staff to learners ratios;
- 8) independently decide on expenditure items and amounts with regard to own revenue;
- 9) within the limits of the general payroll fund established according to the pre-defined procedure, and within the availability of own revenue, independently define and approve the staffing schedule for pedagogical, academic, research and other staff, including staffing benchmarks, names and quantity of positions according to the structure of a higher education institution;
- 10) exercise other rights stipulated by the law.

### **Article 31 Establishment, re-organization and liquidation of a higher education institution**

1. A decision about establishment, re-organization (merger, take-over, split-off or conversion) or liquidation of a higher education institution is adopted:

- 1) for public institutions – by the Cabinet of Ministers of Ukraine;
- 2) for municipal institutions – relevant local self-government bodies;
- 3) for private institutions – by physical persons and/or legal entities according to the law.

2. Reorganization or liquidation of a higher education institution must not breach rights or interests of individuals enrolled at this higher education institution. The responsibility to resolve all issues related to ensuring continuity of higher education for such individuals shall lie with the founder(s) of the higher education institution.

3. Establishment of higher education institutions in Ukraine with participation of foreign physical persons or legal entities, or establishment by foreign higher education institutions of their structural divisions on the territory of Ukraine shall be subject to permission of the central

government agency on education and science. Such higher education institutions and their structural divisions shall operate on the territory of Ukraine only on the basis of licensure for correspondent operations subject to procedure set forth by this Law.

4. Ukrainian higher education institutions, according to the laws of foreign states, may establish their structural divisions on the territory of these states.

### **Article 32 Principles of operations, main rights and responsibilities of a higher education institution**

1. A higher education institution shall operate on the following principles:

- 1) autonomy and self-governance;
- 2) separation of rights, powers and responsibility of the founder(s), state authorities and local self-government bodies that operate a higher education institution, governing bodies of a higher education institution and their structural divisions;
- 3) combination of collegial and single authority bases;
- 4) independence from political parties, civil society and religious organizations (except for theological higher education institutions).

2. Higher education institutions shall have equal rights that constitute the meaning of their autonomy and self-governance, including the right to:

- 1) design and deliver programmes of study (research programmes) within the licensed speciality;
- 2) independently define forms of learning and forms of organization of education process;
- 3) decide on types and bachelor and master programmes stipulated by the International Standard Classification of Education;
- 4) hire pedagogical, academic research and other staff;
- 5) define and approve own staffing schedule;
- 6) take final decisions on recognition, including establishment of equivalency, of degrees of bachelor, master, doctor of philosophy and doctor of sciences and academic titles of associate professor and professor obtained at foreign higher education institutions during enrolment or recruitment for academic or research position;
- 7) implement ranking assessment of academic, research and innovation achievements of those engaged in education process;
- 8) provide additional education and other services according to the law;
- 9) independently develop and implement own programmes for education, science, research and development and innovation;
- 10) independently introduce specializations, define their content and course syllabi;

- 11) award degrees to higher education learners who have successfully passed attestation, as required by the law, upon completion of studies at a correspondent level of higher education;
- 12) take final decision on award of research degrees by accredited specialized Academic Council;
- 13) establish general education institutions subject to agreement with the local self-governments;
- 14) establish, reorganize and wind up their structural divisions;
- 15) engage in publishing activity, such as publication of textbooks, manuals, scientific papers, develop own publishing facilities and infrastructure;
- 16) undertake joint activities with education institutions, research institutions and other legal entities on the basis of relevant agreements;
- 17) arrange their training, research and production divisions at enterprises, institutions and organizations;
- 18) participate in the work of international organizations;
- 19) introduce own symbols and branding items;
- 20) define own material and non-material incentives for education process actors;
- 21) initiate with higher education authorities consideration of amendments to the existing or drafting of the new regulations and sub-laws in the area of higher education and participate in draft-making activity;
- 22) carry out financial, business and other operations, in accordance with the law and compliant with the status of a higher education institution;
- 23) manage and disburse own revenue (for public and municipal institutions) such as proceeds from fee-based services;
- 24) open current deposit accounts in banks;
- 25) exercise other rights that do not contravene the law.

3. Higher education institutions shall be obliged to:

- 1) take actions, including those that involve introduction of relevant advanced technology solutions, to prevent and disclose academic plagiarism in research and academic work of pedagogical, research, academic and other staff as well as higher education learners and bring to disciplinary liability stipulated by the correspondent regulation and charter of a higher education institution;
- 2) have in place own quality assurance system for education activity and higher education;
- 3) create conditions necessary for individuals with special education needs to gain higher education;
- 4) make the information about realization of rights and fulfilment of responsibilities publicly available on the official web site, information boards or in any other manner.

### **Article 33 Structure of a higher education institution**

1. Structure of a higher education institution, status and functions of its structural divisions are determined by the higher education institution status and regulations on correspondent structural divisions.

2. Structural divisions are established by decision of the institution's Academic Council according to the procedure defined by this Law and charter of a higher education institution.

3. Main structural divisions of a higher education institution are department, academic department and library.

4. Department is a structural division of a higher education institution that incorporates at least three academic departments and/or laboratories that jointly provide education for at least 200 full-time learners in public and municipal higher education institutions (except departments at military higher education institutions (higher education institutions with specific conditions of studying), higher education institutions for physical education and sport, and higher education institutions for culture and arts).

5. Academic department is a core structural division of a public (municipal) higher education institution (its branches, institutes, departments) that carries out education, methodological and/or research activities under particular speciality (specialization) or cross-disciplinary group specialities comprised of at least five academic staff for whom the academic department is their permanent workplace, and at least three of them should have a research degree or academic (honorary) title.

6. A higher education institution must have a library as part of its structure that should be resourced according to the standards of education activity.

7. Structural divisions of a higher education institution may be:

1) academic and research institute – a structural division of a university, academy, institute that incorporates relevant academic departments, laboratories, science and research centres and experimental laboratories that carry out education activities and engage in research;

2) research, academic, research and development, research and production, design and engineering institutes, centres for education, research and production (sectors, parts, facilities, etc.), experimental stations, design and engineering bureaus, post-graduate and doctoral departments, training production facilities, experimental enterprises, clinical sites of medical higher education institutions, university clinics and hospitals, law clinics, polygons, research parks, techno-parks, opera studios, educational programme theatres, philharmonics and other divisions that provide for practical training of professionals in particular specialities and/or engage in research;

3) preparatory units (divisions), departments for re-training and in-service training, post-diploma education institutes, laboratories, training and methodological offices, computer and information centres, training production and creative workshops, training experimental sites, production sites, publishing facilities, sports facilities, cultural and general services facilities, student sports centres;

- 4) special training and rehabilitation division set up in order to organize inclusive education process and specialized training and rehabilitation support to learners with special education needs, ensuring their access to quality education with consideration of limitations in life functions;
- 5) other divisions activity of which is not prohibited by the law.

8. Higher education institutions that prepare medical and pharmaceutical professionals or provide their post-diploma education, as well as academies, post-diploma institutes that deliver post-diploma education, jointly with central government agencies, the National Academy of Sciences of Ukraine and sectoral national academies of sciences and local self-governments, may establish clinical sites of medical higher education institutions, university clinics and hospitals on the basis of research institutions and healthcare institutions including those belonging to territorial communities.

A clinical site of a medical higher education institution, university clinic or hospital shall be set up to provide learning experience for individuals enrolled in a higher education institution, deliver in-service training for healthcare professionals, engage in research and provision of specialized medical assistance.

Procedure for establishment and operations of clinical sites of medical higher education institutions, university clinics and university hospitals shall be defined by regulations and sub-laws adopted by the central government agency on healthcare.

9. A branch is a territorially separated structural division of a higher education institution established to meet the demands of regional labour markets in particular professionals and provide proximity of a place of learning to learners' place of residence. A branch is not a legal entity and acts on the basis of regulation approved by a higher education institution and in compliance with the license obtained for education activity.

A branch is led by the head subordinated to the head of a higher education institution who acts on the basis of a relevant authorization.

Information about branches of higher education institutions are entered in the Unified State Education Electronic Database.

10. Universities, academies and institutes may have as their part military education divisions (education division with specific conditions of studying – a military institute, college, department, academic department for military training or military training division) that carries out training of cadets (trainees, students) at particular levels of higher education for further service on positions of sergeant, sergeant major, officer or command personnel in order to meet the needs of the Ministry of Interior of Ukraine, Armed Forces of Ukraine and other military units and formations established according to the laws of Ukraine, special-status central executive agencies, Security Service of Ukraine, Foreign Intelligence Service of Ukraine, central executive agency implementing the state policy on national border control, central executive agency in charge of building and implementation of the state policy on civil defence. Military institute as a division of a higher education institution may have departments and a military college as parts of its structure.

A decision on establishment or termination of a military education division of a higher education institution is taken by the Cabinet of Ministers of Ukraine.

## **SECTION VII**

### **MANAGEMENT OF HIGHER EDUCATION INSTITUTIONS**

#### **Article 34 Head of a higher education institution**

1. Direct management of a higher education institution is carried out by its head (rector, president, head, director, etc.) whose rights, responsibilities and obligations are defined by the laws and charter of a higher education institution.
2. Head shall be a higher education institution representative in relations with state authorities, local self-governments, legal entities and physical persons and act without power of attorney within the scope of mandate designated by this Law and charter of a higher education institution.
3. Head of a higher education institution, within the scope of given mandate, shall:
  - 1) organize activity and operations of a higher education institution;
  - 2) address issues of financial and business operations of a higher education institution, approve its structure and staffing schedule;
  - 3) issue orders and instructions, and delegate tasks mandatory for all participants of education process and structural divisions of a higher education institution;
  - 4) be accountable for higher education institution performance outcomes before the founder(s) or their authorized body (person);
  - 5) be administrator of property and funds;
  - 6) ensure implementation of a financial plan (estimated budget), enter into agreements;
  - 7) appoint and dismiss staff;
  - 8) ensure on-the-job safety, enforcement of the law and order;
  - 9) define functional responsibilities of staff;
  - 10) build the body of persons enrolled in a higher education institution;
  - 11) expel from a higher education institution and restore enrolment of learners upon agreement with student governments and primary trade unions of persons enrolled for studies (if a person concerned is part of a trade union) on grounds set forth by this Law;
  - 12) ensure organization and enforcement of control over implementation of curricula and course syllabi;
  - 13) control observance of staffing and financial discipline by all structural divisions;
  - 14) control quality of performance of pedagogical, academic, research and other staff;



- 15) ensure conditions for open and effective public monitoring of activity and operations of a higher education institution;
- 16) promote and create conditions for activity of student government bodies, trade union organizations of higher education institution employees and students, civil society organizations that operate at a higher education institution;
- 17) promote healthy lifestyle of learners, enhancement of sports and recreation facilities of a higher education institution, create suitable conditions for grassroots sports;
- 18) together with the elective bodies of primary trade union organizations of higher education institution employees and students, submit for approval to the supreme collegial body of public self-governance internal rules and procedures and a collective agreement, signing these documents upon their approval;
- 19) exercise other authority stipulated by the charter.

4. Head of a higher education institution shall be responsible for education, research, research and development, and innovation activities at a higher education institution, for financial and business performance, conditions and safekeeping of immovable and other property of an institution.

5. Head of a higher education institution shall annually report before the founder(s) or their authorized body (person) and the supreme collegial body of public self-governance of a higher education institution.

Head of a higher education institution shall be obliged to publish annual reports about his/her activity on the official web site of a higher education institution.

6. Head of a higher education institution, according to the charter, may delegate part of his/her authority to deputies and heads of structural divisions.

7. Specific aspects of authority and responsibilities of the head of a military higher education institution (higher education institution with specific conditions of studying) or military education division of a higher education institution shall be defined by the central government agency that supervises operations of this military higher education institution or military education department of a higher education institution, subject to agreement with the central government agency on education and science.

8. Upon retirement from the position of the head of a higher education institution, the person who has worked in this position for at least ten consecutive years may be appointed as advisor to the head of a higher education institution on the pro bono basis or on terms of remuneration funded from the institution's own revenue, according to the procedure defined in the charter of a higher education institution.

### **Article 35 Head of department, academic and research institute, and academic department**

1. Department shall be managed by dean (head), and academic and research institute shall be managed by director (head) who may not hold these positions for longer than two terms of office.

2. Head of a department (academic and research institute) should have a research degree and/or academic (honorary) title correspondent to the sectoral orientation of a department (academic and research institute).

3. Dean (head) of a department and director (head) of an academic and research institute may delegate part of their authority to their deputies. Authority of the head of a department (academic and research institute) shall be defined by the regulation on a department (academic and research institute) approved by the Academic Council of a higher education institution.

4. Dean (head) of a department and director (head) of an academic and research institute shall issue instructions on operations of a relevant department (academic and research institute) that are binding for all participants of education process within the department (academic and research institute) and may be cancelled by the head of a higher education institution if they contravene legislation, the charter of a higher education institution or harm the interests of a higher education institution.

5. Management of a military education division of a higher education institution and department (division) of a military higher education institution (higher education institutions with specific conditions of studying) shall be carried out by the head appointed to this position on a competitive basis. A competitive selection and recruitment procedure shall be defined by sub-laws issued by the government agency that supervises operations of this military higher education institution (higher education institutions with specific conditions of studying), military education division of a higher education institution, subject to agreement with the central government agency on education and science.

6. Academic department shall be managed by chair (head) of academic department who may not hold this position for longer than two terms of office.

An academic department chair should have a research degree and/or academic (honorary) title correspondent to the sectoral orientation of an academic department. An academic department chair shall be elected on a competitive basis by secret vote of the Academic Council of a higher education institution for the period of five years with consideration of proposals brought forward by the staff of a department (academic and research institute) and academic department. Head of a higher education institution signs a contract with an academic department chair.

7. An academic department chair ensures organization of education process, implementation of curricula and course syllabi, controls quality of instruction, methodological and research activity of the teaching staff.

### **Article 36 Academic Council**

1. Academic Council is a collegial governing body of a higher education institution set up for the period of five years, the composition of which is subject to approval by Order of the head of a higher education institution within five working days upon expiration of office of the preceding Academic Council membership.

2. Academic Council of a higher education institution shall:

- 1) define strategy and potentially viable areas for the development of education, research and innovation activities of a higher education institution;
- 2) elaborate and submit for approval to the supreme collegial body of public self-governance the draft charter of a higher education institution and decisions for charter amendments;
- 3) approve financial plan and annual financial report of a higher education institution;
- 4) define the system and approve procedures for internal quality assurance for higher education;
- 5) adopt decisions on placement of own revenue in territorial units of the central government agency on treasure servicing of budget funds or banking institutions;
- 6) adopt decisions, upon representation from the head of a higher education institution, on establishment, reorganization and liquidation of structural divisions;
- 7) elect on a competitive basis and by secret vote deans, academic department chairs, professors and associate professors, director of the library, and heads of branches;
- 8) approve programmes of study and curricula for each level of higher education and speciality;
- 9) adopt decisions with regard to education delivery arrangements, defines length of study for correspondent levels;
- 10) approve the form and production procedure for own documents certifying higher education, together with regulation and requirements for their issuance and award to graduates, as well as forms, production procedure, issuance procedure and requirements concerning award of joint and dual diplomas;
- 11) approve main areas of research and innovation activities;
- 12) evaluate academic and research performance of structural divisions;
- 13) grant academic titles of professor, associate professor and senior researcher, submit relevant decisions for approval of the Attestation Board of the central government agency on education and science;
- 14) adopt final decisions on recognition of foreign documents certifying higher education, research degrees and academic titles during recruitment of pedagogical, academic, research and other staff and during students' enrolment in studies;
- 15) have the right to make representation about recall of the head of a higher education institution on grounds stipulated by the laws, charter of a higher education institution and the contract, to be considered by the supreme collegial body of public self-governance of a higher education institution;
- 16) consider other issues of activity of a higher education institution according to its charter.

3. Academic Council is led by the Chair to be elected by secret vote among the Academic Council members that have research degree and/or academic (honorary) title, for the period of Academic Council office. Academic Council shall include the following members by virtue of their positions:

head of a higher education institution, deputy heads, heads of departments (academic and research institutes), academic secretary, director of the library, chief accountant, heads of self-governance bodies and elective bodies of primary trade union organizations of higher education institution staff and elective representatives that represent academic and research staff and are elected among academic department chairs, professors, doctors of philosophy, doctors of sciences, elective representatives that represent other employees of a higher education institution and employed full-time, elective representatives of graduate students, doctoral candidates, trainees, fellows, interns, medical residents, resident physicians, heads of elective bodies of primary trade union organizations of undergraduate and graduate students, heads of student self-governments of a higher education institution according to quotas defined by the charter of a higher education institution.

Elections to Academic Council start within 30 calendar days before end of term of the preceding Academic Council.

4. By decision of Academic Council it may also include representatives of employers' organizations. Under such arrangements, at least 75 per cent of its composition shall be constituted of academic and research staff of a higher education institution and at least 10 per cent shall be elective representatives of students (cadets).

5. Elective representatives of a higher education institution staff are elected by the supreme collegial body of public self-governance of a higher education institution upon representation of structural divisions at which they are employed, and elective representatives of students (cadets) are elected by students (cadets) through direct secret voting.

6. Decisions of Academic Council of a higher education institution are enacted by decisions of head of a higher education institution.

7. Academic Councils may be set up for structural divisions of a higher education institution, in which case their authority is defined by Academic Council of a higher education institution according to its charter. Academic Council of a higher education institution may delegate part of its authority to Academic Councils set up for structural divisions. Composition of relevant Academic Councils is build on the basis defined in parts three and four of this Article.

### **Article 37 Supervisory Board**

1. Supervisory Board is established by a higher education institution to perform oversight of the institution's assets management and adherence to its original purpose.

2. Supervisory Board of a higher education institution assists in addressing forward-looking developmental objectives, financial resourcing to ensure activities in the main areas of development, and control over disbursement of funds, effective interaction of a higher education institution with state authorities and local self-governments, academia, social and political organizations and businesses in the interests of development and improving the quality of learning and instruction as well as competitiveness of a higher education institution, exercises public control over its operations, etc.

3. Supervisory Board members shall have the right to participate in the work of the supreme collegial body of public self-governance of a higher education institution with the advisory vote.
4. Supervisory Board shall have the right to make representation to the supreme collegial body of public self-governance of a higher education institution to recall the head of a higher education institution on grounds stipulated by the laws, charter of a higher education institution and the contract.
5. Supervisory Board setting up procedure, its term of office, competency and working procedures are defined by the charter of a higher education institution. Employees of a higher education institution may not be members of Supervisory Board.

### **Article 38 Working and advisory bodies**

1. For the purpose of addressing its day-by-day operations, a higher education institution shall set up its working and operational bodies such as rector's office, dean's office, admissions board, administrative board, etc.
2. For the purpose of elaboration of strategy and directions of academic and/or research activities the head of a higher education institution shall have the right to set up advisory bodies operating on a pro bono basis (council of employers, council of investors, council of businesses, students' council, scientific council, etc.), if otherwise not stipulated by the charter of a higher education institution.
3. Regulations on working and advisory bodies are approved by Academic Council of a higher education institution according to the charter of a higher education institution.

### **Article 39 Public self-governance bodies of a higher education institution**

1. The supreme collegial body of public self-governance of a higher education institution is General Assembly (Conference) of employees, including elective representatives of students (cadets).
2. Convening and decision-making procedures for the supreme collegial body of public self-governance are defined by the charter of a higher education institution.
3. The supreme collegial body of public self-governance shall have representation of all groups of participants of education process at a higher education institution. Under such arrangements, at least 75 per cent of the elective body delegates (members) shall be constituted of pedagogical, academic and research staff of a higher education institution that work full-time, and at least 15 per cent shall be elective representatives of students (cadets) elected by students (cadets) through direct secret voting.
4. The supreme collegial body of public self-governance shall be convened at least once every year.
5. The supreme collegial body of public self-governance shall:

- 1) upon representation of Academic Council of a higher education institution, agree the charter of a higher education institution or amendments to the charter;
  - 2) hear annual report of the head of a higher education institution and evaluate his/her performance;
  - 3) elect a committee on employment disputes according to the labour legislation;
  - 4) upon substantiated representation of Supervisory Board or Academic Council of a higher education institution, consider early termination of office of the head of a higher education institution;
  - 5) approve internal rules and procedures of a higher education institution and collective agreement;
  - 6) consider other issue of activity and operations of a higher education institution.
6. A public self-governance body of an academic and research institute (department) is General Meeting (Conference) of employees of an academic and research institute (department), including elective representatives of persons who are enrolled at a higher education institution.
7. Procedure for convening meetings of a public self-governance body of an academic and research institute (department) and its operations procedure are defined by the charter of a higher education institution.
8. A body of public self-governance of an academic and research institute (department) shall have representation of all groups of employees of an academic and research institute (department) and elective representatives of persons who are enrolled at an academic and research institute (department). Under such arrangements, at least 75 per cent of the elective body delegates (members) shall be constituted of academic and research staff of an academic and research institute (department) and at least 15 per cent shall be elective representatives of students (cadets) elected by students (cadets) through direct secret voting.
9. General Meeting (Conference) of participants of education process of an academic and research institute (department) shall be convened at least once every year.
10. A body of public self-governance of an academic and research institute (department) shall:
- 1) evaluate performance of the head of an academic and research institute (department);
  - 2) approve annual report about activity of an academic and research institute (department);
  - 3) submit proposals to the head of a higher education institution on recalling the head of an academic and research institute (department) on grounds stipulated by the laws of Ukraine, charter of a higher education institution and the contract signed with this person;
  - 4) elect representatives to Academic Council of an academic and research institute (department);
  - 5) elect delegates to the supreme collegial body of public self-governance of a higher education institution.

## **Article 40 Students' self-government**

1. Higher education institutions and their structural divisions shall have students' self-government that constitutes an inseparable part of public self-governance of education institutions. Students' self-government is empowerment of students (cadets, except cadet servicemen) for addressing the issues of academic and day-to-day life, protection of rights and interests of students and participation in a higher education institution management.

Students' self-government comprises all students (cadets, except cadet servicemen) of a particular higher education institution. All students (cadets) enrolled at a higher education institution enjoy equal rights and may elect and be elected to the working, advisory, elective and other students' self-government bodies.

Students' self-government ensures protection of rights and interests of students (cadets) and their participation in a higher education institution management. Students' self-government is exercised by students (cadets) directly and through students' self-government bodies elected through direct secret voting of students (cadets).

2. In their activity, students' self-government bodies are governed by the laws, the charter of a higher education institution, and regulation on students' self-government at a higher education institution.

3. Students' self-government bodies operate on the basis of the following principles:

- 1) voluntary participation, collegiality, openness;
- 2) electiveness and accountability;
- 3) equitable rights of students (cadets) to participate in students' self-government;
- 4) independence from influence of political parties and religious organizations (except theological higher education institutions).

4. Students' self-government is exercised on the levels of a student group, institute (department), division, residence hall, higher education institution. Depending on student (cadet) cohort, type and specific characteristics of a higher education institution, students' self-government may be exercised on the levels of year of study, speciality, student campus, structural divisions of a higher education institution.

Students' self-government bodies may assume diverse forms (parliament, senate, student rector's office, student dean's office, student councils, etc.).

Representative, executive and audit bodies of students' self-government are elected for the period of one year. Students (cadets) elected to students' self-government bodies may be removed from their positions upon general secret voting among students. In order to initiate such voting, it is necessary to collect signatures of at least 10 per cent of students (cadets) of a higher education institution.

Head of students' self-government and deputy heads may hold their office for not longer than two terms.

Termination of study at a higher education institution entails termination of participation in students' self-government according to the procedure stipulated by the students' self-government regulation at a higher education institution.

A students' self-government body may be registered as a civil society organization according to the existing legislation and with consideration of specific aspects set forth by this Law.

5. Students' self-government bodies shall:

1) participate in management of a higher education institution according to the procedure established by this Law and the charter of a higher education institution;

2) participate in discussion and addressing of issues with regard to improvement of education and learning, research activities, allocation of allowances and scholarships, organization of leisure, recreation, housekeeping and catering;

3) carry out organizational, outreach, research, sports, recreational and other activities;

4) participate in actions (processes) related to higher education quality assurance;

5) protect rights and interests of students (cadets) enrolled at a higher education institution;

6) delegate their representatives to working and advisory bodies;

7) adopt acts regulating their organization and activity;

8) participate in addressing issues related to provision of adequate conditions for students' accommodation in residence halls and organization of students' catering facilities;

9) disburse funds and manage other property on the books and bank accounts of students' self-government bodies;

10) bring forward proposals on content of curricula and syllabi;

11) have the right to announce protests;

13) perform other functions stipulated by this Law and the charter of a higher education institution.

6. The following decisions are subject to agreement with the students' self-government body of a higher education institution:

1) expulsion of students (cadets) from a higher education institution and their renewal for study;

2) transfer of persons enrolled at a higher education institution on the state-sponsored scheme to the fee-based scheme sponsored by physical persons and legal entities;

3) transfer of persons enrolled at a higher education institution on the fee-based scheme sponsored by physical persons and legal entities to the state-sponsored scheme;

4) appointment of deputy dean, deputy director of an institute, deputy head of a higher education institution;

5) placement of persons enrolled at a higher education institution in a residence hall and their moving out of a residence hall;



6) approval of internal rules and procedures of a higher education institution in parts that concern persons enrolled for study;

7) operations of campuses and residence halls for accommodation of persons enrolled at a higher education institution.

7. The supreme students' self-government body is General Assembly (Conference) of students (cadets) that shall:

1) approve a regulation on students' self-government at a higher education institution, define the structure, authority and procedure for conducting direct secret voting of representative and executive bodies of students' self-government;

2) hear reports of representative, executive and audit bodies of students' self-government, evaluate their performance;

3) approve procedure for management of assets and funds of students' self-government and support to be provided to students' initiatives through competition;

4) approve the annual cost estimates (budget) of students' self-government bodies, introduce changes and adjustments, hear the report on its execution;

5) elect audit committee among students (cadets) tasked with on-going control of assets management and budget implementation of students' self-government bodies.

8. Administration of a higher education institution may not interfere with activities of students' self-government bodies.

9. Head of a higher education institution shall ensure proper conditions are in place for activity and operations of students' self-government bodies (provide premise, furniture, office equipment, telephone communication, permanent Internet access, space for placement of billboards, etc.) which is subject to conclusion of a relevant agreement.

10. Financial standing of students' self-government is based on:

1) funds allocated by Academic Council of a higher education institution in the amount of at least 0.5 per cent of own revenue that a higher education institution receives from its main activity;

2) membership fees paid by students (cadets) the size of which is established by the supreme students' self-government body of a higher education institution. The amount of monthly membership fee per person may not exceed 1 per cent of the legislated minimal wage.

11. Students' self-government bodies direct their funds towards implementation of their tasks and authority in accordance with their approved budgets.

Students' self-government bodies shall publicly report on use of funds and budget execution at least once every year.

#### **Article 41 Research societies for students (cadets, trainees), graduate students, doctoral students and young researchers**

1. Higher education institutions and their structural divisions shall have research societies for students (cadets, trainees), graduate students, doctoral students and young researchers that are part of public self-governance of relevant higher education institutions.
2. Research societies for students (cadets, trainees), graduate students, doctoral students and young researchers bring together people up to 35 years of age (for doctoral students – up to 40 years of age) who are enrolled in studies or work at a higher education institution.
3. Research societies for students (cadets, trainees), graduate students, doctoral students and young researchers ensure protection of rights and interests of persons who are enrolled in studies or work at a higher education institution in the areas concerning their research activities, support to research-intensive ideas, innovation and knowledge sharing.
4. In their activity, research societies for students (cadets, trainees), graduate students, doctoral students and young researchers are governed by the law, the charter of a higher education institution and regulation on research societies for students (cadets, trainees), graduate students, doctoral students and young researchers.
5. Research societies for students (cadets, trainees), graduate students, doctoral students and young researchers operate on the following principles:
  - 1) freedom of research creativity;
  - 2) voluntary participation, collegiality, openness;
  - 3) equitable rights of persons enrolled in studies to participate in research societies for students (cadets, trainees), graduate students, doctoral students and young researchers.
6. Research societies for students (cadets, trainees), graduate students, doctoral students and young researchers shall:
  - 1) adopt acts regulating their organization and activity;
  - 2) carry out organizational, research and education activities;
  - 3) promote research efforts among young students, facilitate engagement of persons engaged in learning to research and innovation activities;
  - 4) represent the interests of students (cadets, trainees), graduate students, doctoral students and young researchers with the administration of a higher education institution and other organizations in the areas of research and development of academic career;
  - 5) promote quality of research;
  - 6) facilitate information sharing among young scholars and researchers;
  - 7) promote development of inter-institutional and international cooperation;
  - 8) interact with the National Academy of Sciences of Ukraine and sectoral national academies of sciences, academic, research and development institutions;

9) perform other functions stipulated in regulation on research societies for students (cadets, trainees), graduate students, doctoral students and young researchers, this Law and other laws of Ukraine.

7. Decisions concerning expulsion of individuals seeking doctor of philosophy degree and their renewal for studies at a higher education institution are subject to agreement with research societies for students (cadets, trainees), graduate students, doctoral students and young researchers.

8. Governing bodies of research societies for students (cadets, trainees), graduate students, doctoral students and young researchers are set up on democratic principles through election process. The structure of a research society for students (cadets, trainees), graduate students, doctoral students and young researchers and mechanisms of its operations are defined in a regulation that is subject to approval by the supreme collegial body of public self-governance of a higher education institution.

9. Administration of a higher education institution may not interfere with the operations of research societies for students (cadets, trainees), graduate students, doctoral students and young researchers except in cases when such activity contravenes the law, the charter or harms the interests of a higher education institution.

10. Head of a higher education institution shall provide comprehensive support to setting up of proper conditions for activity and operations of research societies for students (cadets, trainees), graduate students, doctoral students and young researchers (provide premise, furniture, office equipment, telephone communication, permanent Internet access, space for placement of billboards, etc.).

11. Financial standing of research societies for students (cadets, trainees), graduate students, doctoral students and young researchers is constituted of funds allocated by Academic Council of a higher education institution.

#### **Article 42 Election, appointment and dismissal of the head of a higher education institution**

1. A candidate seeking appointment to position of the head of a higher education institution shall display full command of the state language, hold academic title and research degree and have the history of employment in academic and research capacity of at least 10 years. Candidates seeking appointment to a position of the head of a public or municipal higher education institution must be Ukrainian nationals.

A person may not hold position of the head of a higher education institution for more than two terms.

2. The founder(s) or their authorized body (person) shall be obliged to announce competitive recruitment to position of the head of a higher education institution not later than in two months before expiration of the office of a preceding post-holder. In the event of early office termination of

the head of a higher education institution, the competition shall be announced within two weeks upon opening of a vacancy.

Within two months upon announcement of competitive recruitment of the head of a higher education institution, the founder(s) or their authorized body (person) shall be receiving proposals as to candidates to this position and within 10 days after submission deadline shall present candidates eligible under this Law to the higher education institution for voting.

Head of a higher education institution is elected by secret voting for the period of five years according to the procedure stipulated by this Law and the charter of a higher education institution. Methodological guidelines on specific aspects of the election system and procedure of electing the head of a higher education institution are defined by the Cabinet of Ministers of Ukraine.

Individuals entitled to participate in election of the head of a higher education institution are:

- ▶ each member of pedagogical, academic and research staff of a higher education institution;
- ▶ representatives of other staff members elected by these employees through direct secret voting;
- ▶ elective representatives of students (cadets) elected by students (cadets) through direct secret voting.

Under this arrangement, the overall representation of pedagogical, academic and research staff of a higher education institution shall not be less than 75 per cent of the total number of persons empowered to elect; the number of elective representatives of other staff members shall be up to 10 per cent, and the number of elective representatives of students (cadets) – at least 15 per cent of persons empowered to elect.

Elections shall be deemed to be duly completed when more than 50 per cent of the total number of persons empowered to elect participated. Each person entitled to elect shall have one vote and must vote personally.

The founder(s) or their authorized body (person) shall sign a contract for the period of five years with the person (candidate) who received more than 50 per cent of votes of those empowered to elect no later than within one month after the election date.

The head of a higher education institution may be dismissed by the founder(s) or their authorized body (person) and upon decision to recall him/her from the post taken by the supreme collegial body of public self-governance that elected this person on grounds defined by the labour legislation, for breach of the charter of a higher education institution or contract terms and conditions. Representation for recall may be brought to the supreme collegial body of public self-governance of a higher education institution by at least half of the chartered composition of Supervisory Board or Academic (Pedagogical) Council of a higher education institution. A decision to recall the head of a higher education institution is taken by majority vote with attendance of at least two thirds of the chartered composition of the supreme collegial body of public self-governance of a higher education institution.

3. The founder(s) of the newly established higher education institution or their authorized body (person) shall appoint the acting head of a higher education institution for the period not longer than six months.
4. Methodological guidelines on specific aspects of the election system and procedure for electing the head of a higher education institution, as well as contract template with the head of a public higher education institution are approved by the Cabinet of Ministers of Ukraine.
5. Procedure for appointment of heads of theological higher education institution shall be regulated by their charters (regulations) registered according to the legislated procedure.

**Article 43 Election and dismissal of the head of a department (academic and research institute) of a public (municipal) higher education institution**

1. The head of a department (academic and research institute) is elected by Academic Council of a higher education institution for the period of five years with consideration of proposals of a department (academic and research institute). The head of a higher education institution signs a contract with the head of a department (academic and research institute).

The head of a higher education institution appoints the head of a department (academic and research institute) for the period of five years. The head of a department (academic and research institute) shall perform his/her duties on a full-time basis. Other issues related to election of the head of a department (academic and research institute) shall be defined in the charter of a higher education institution.

2. The head of a department (academic and research institute) may be dismissed by the head of a higher education institution upon representation of Academic Council of a higher education institution or a public self-governance body of a department on grounds defined by the labour legislation, for breach of the charter of a higher education institution or contract terms and conditions. A proposal to dismiss the head of a department (academic and research institute) shall be brought to a public self-governance body of a department (academic and research institute) by at least half of the chartered composition of Academic Council of a department (academic and research institute). A proposal to dismiss the head of a department (academic and research institute) is taken by at least two thirds of votes of the chartered composition of a public self-governance body of a department (academic and research institute).

3. The head of a higher education institution that established a new department (academic and research institute) shall appoint the acting head of this department (academic and research institute) for the period before holding elections of the head of a department (academic and research institute) which may not be longer than three months.

4. Election, appointment and dismissal of the head of a branch of a higher education institution or college that are structural divisions of a higher education institution are subject to procedure defined in this Article.

5. A person may not hold the post of the head of a department (academic and research institute), college or branch of a higher education institution for more than two terms of office.

## **SECTION VIII**

### **ACCESS TO HIGHER EDUCATION, ADMISSIONS, TERMINATION OF ENROLMENT, STUDY GAP, RENEWAL AND TRANSFER OF PERSONS ENROLLED AT HIGHER EDUCATION INSTITUTIONS**

#### **Article 44 Requirements for admission to higher education institutions**

1. Admission to higher education institutions is based on competition according to Requirements for admission to higher education institutions approved by the central government agency on education and science. Terms and conditions of competitive selection must ensure individual's rights in the area of education.

2. Requirements for admission to higher education institutions shall be published on the official web site of the central government agency on education and science no later than 15th October in the year before the admission year.

3. Exemption from competition is allowed for enrolment to public and municipal higher education institutions in cases stipulated by the law. Exemption may not be granted for enrolment to master or doctor of philosophy degree programmes.

4. Admission to junior bachelor or bachelor degree programmes (master degree programmes for medical, pharmaceutical or veterinary fields) shall be conducted on the basis of full general secondary education upon results of the external standardized assessment of candidates' knowledge and skills and level of their creative and/or physical abilities with consideration of grade point average of the full general secondary education certificate.

5. According to the Requirements for admission to higher education institutions, Academic Council of a higher education institution approves Admission Rules that establish:

1) list and number of external standardized assessment certificates, whereas the weight to each certificate may not constitute less than 20 per cent of the total admission score;

2) weight of grade point average of full general secondary education certificate that should constitute 0 to 10 per cent of the total admission score;

3) weight of the score received during competition for creative and/or physical abilities (when conducted) that should constitute not more than 50 per cent of the total admission score;

4) weight of special achievements score (winners of Stage IV of All-Ukrainian Pupils' Olympiads on core subjects; winners of Stage III of All-Ukrainian Competition of Pupils' Research Papers for members of the "Small Academy of Sciences of Ukraine") and/or successful completion of preparatory courses offered by a higher education institution for admission to this institution's

natural sciences, mathematics and engineering programmes, that may constitute 0 to 5 per cent of the total admission score.

6. Total admission score is calculated as a sum of scores in each certificate, grade point average of full general secondary education certificate, score received during competition for creative and/or physical abilities (when conducted) multiplied by weights established by institution's Admission Rules. The sum of all weights shall equal 1.

7. According to the established procedure and within the defined timelines, a higher education institution seeking to receive state-contracted places for junior bachelor or bachelor degree programmes (master degree programmes for medical, pharmaceutical or veterinary fields) shall submit its Admission Rules to the specially authorized institution that implements external standardized assessment.

An individual who seeks enrolment to junior bachelor or bachelor degree programmes (master degree programmes for medical, pharmaceutical or veterinary fields) on a state-sponsored basis shall submit to the specially authorized institution that implements external standardized assessment an application of pre-defined format indicating desired specialities and a list of identified higher education institutions presented in the order of priority that offer programmes for each of the selected specialities.

Applicants for each speciality shall be rank-ordered on the basis of external standardized assessment results, and each applicant shall be informed about their eligibility for state-sponsored placements at higher education institutions.

Individuals who have been identified as eligible for state-sponsored placement shall be distributed according to the rank order among higher education institutions that offer programmes for correspondent specialities according to applicants' priorities and institutions' Admission Rules.

Individuals who have been identified as eligible for state-sponsored placement for several specialities shall select one speciality under which they will proceed to higher education within the timeline specified by the admission requirements. Then, rank-order lists of applicants shall be adjusted for each specialty with regard to those eligible for state-sponsored placement.

For each of the applicants' rank-order lists under each speciality, the Cabinet of Ministers of Ukraine may allocate guaranteed number of state-contracted places (up to 5 per cent) for particular groups of applicants as defined by the law. Procedure for entitlement to state budget support with regard to gaining higher education by specified groups of applicants shall be established by the Cabinet of Ministers of Ukraine.

Admission to higher education institutions for junior bachelor or bachelor programmes under specialities that require competitive selection with regard to creative and/or physical abilities shall be subject to a competitive selection procedure approved by the central government agency on education and science upon agreement with the central government agencies that supervise operations of correspondent higher education institutions.

8. Admission Rules formulated by a higher education institution must contain a list of accredited and non-accredited programmes of study that open admission for each level of higher education.

9. Admission to bachelor degree programmes on the basis of junior bachelor diploma for related or other specialities shall be based on entrance examination results.

10. Admission to master degree programmes on the basis of bachelor diploma shall be based on entrance examination results. A person may enter a higher education institution to study at master degree level on the basis of bachelor diploma awarded within a different speciality upon successful passing of additional entrance examinations with consideration of grade point average of the document certifying completion of a bachelor degree programme.

11. Admission to doctor of philosophy degree programmes on the basis of master diploma shall be based on entrance examination results.

12. Admission to doctoral programmes or granting of sabbatical leave to prepare a dissertation for attaining doctor of sciences degree shall be based on consideration of achievements in science, research and development under a chosen speciality according to requirements defined by the central government agency on education and science.

13. Exemption from competitive selection during enrolment shall be granted to:

1) members of Ukraine's national teams who participated in international Olympiads the list of which is defined by the central government agency on education and science;

2) champions and prize winners of the Olympic Games and Paralympics – for specialities in the field of physical education and sport.

14. Admission to higher education institutions shall be based on principles of objectivity and openness.

A higher education institution is obliged to create conditions for applicants to be made knowledgeable about the license for education activity, accreditation certificates, admission rules, information about number of places available for enrolment for each speciality and education level and number of places allocated for preferential-terms enrolment.

Heads of higher education institutions shall be responsible for ensuring objectivity and openness of admissions to higher education institutions.

15. The scope and procedure for publication of information about the progression and results of admission to higher education institutions are defined by the Requirements for admission to higher education institutions.

16. Specific aspect of admission to theological higher education institutions shall be regulated by their charters (regulations) registered according to the legislated procedure.

#### **Article 45 External standardized assessment**

1. External standardized assessment is evaluation of learning outcomes achieved at a particular level of education carried out by a specially authorized state institution.



External standardized assessment of learning outcomes achieved on the level of full general secondary education is used for purposes of admission to higher education institutions based on competitive selection.

The procedure for external standardized assessment and education quality monitoring is established by the Cabinet of Ministers of Ukraine.

The State shall ensure that applicants with special education needs have equitable access to external standardized assessment at their place of residence (stay).

Buildings, facilities and premises where external standardized assessment is administered must meet accessibility requirements according to the state construction norms and standards.

2. The list of external standardized assessment programmes for individuals seeking enrolment to higher education on the basis of full general secondary education is approved by the central government agency on education and science and no later than within 1.5 year before the administration of external standardized assessment shall be published on its official web site.

External standardized assessment objectivity shall be ensured through common requirements for administration and selection of items according to external standardized assessment programmes.

3. Items used in external standardized assessment (item bank) are developed by educators, researchers and academics.

External standardized assessment programmes targeting achievements of full general secondary education may not extend beyond general secondary education curricula approved according to the law. External standardized assessment programmes are approved by the specially authorized central government agency on education and science simultaneously with approval of a list of subjects and external standardized assessment schedule agreed with the public association of heads of higher education institutions.

Procedure for development and use of the external standardized assessment item bank shall be defined by the specially authorized institution that implements external standardized assessment.

4. External standardized assessment openness shall be ensured through provision of timely and complete information to those who seek admission to higher education about programmes, schedule and procedure of external standardized assessment administration as well as government oversight and public observation of external standardized assessment administration.

Regulation on public observation of external standardized assessment administration is approved by the central government agency on education and science.

5. On the basis of external standardized assessment for particular subject(s), a person is issued an external standardized assessment certificate the form of which is approved by the central government agency on education and science.

6. External standardized assessment is administered by the specially authorized institution the regulation on which is approved by the Cabinet of Ministers of Ukraine.

The specially authorized institution that implements external standardized assessment shall be governed by legislation requirements stipulated for higher education institutions with regard to its research, financial, economic and international activities.

For pedagogical, academic or research cadre who move to employment at the specially authorized institution that implements external standardized assessment the period of time spent in this employment shall be included in their relevant pedagogical, academic or research length of employment.

Pedagogical, academic, research and other cadre may be involved in external standardized assessment administration according to the procedure approved by the Cabinet of Ministers of Ukraine.

Premises of public and municipal education institutions may be used free of charge for the purposes of external standardized assessment administration, according to the procedure defined by the central government agency on education and science.

7. Activities related to external standardized assessment administration shall be funded from the state budget according to the legislated procedure.

8. Content of certification work items of external standardized assessment in the current year on each subject is qualified as restricted access information from the time of development of sets of certification work items of external standardized assessment in each subject to the time of authorized opening of subject-specific packs with certification work items.

9. The following information is not qualified as restricted access information:

- 1) statistical information about external standardized assessment results;
- 2) information contained in certification works of persons who have taken external standardized assessment, except for their personal identification information, after scoring of works is completed.

10. Persons who have taken external standardized assessment shall have the right to review their certification work after has been scored and received an attested copy of their work. Procedure for provision of attested copies of completed certification works is established by the institution authorized to implement external standardized assessment.

11. Certification work items of external standardized assessment shall be composed in the state language. Upon person's request, items may be provided in translation into a regional language or minority language used as language of school instruction (except for items in the Ukrainian language and literature and foreign languages).

12. Entrance examinations, if such are stipulated under this Law, shall be conducted in the state language or, upon candidate's request, in another language which is the language of instruction in this institution.

## **Article 46 Termination of enrolment, study gap, renewal and transfer of persons enrolled in higher education programmes**

1. Enrolment at a higher education institution is terminated on the following grounds:

- 1) completion of a programme of study (research);
- 2) voluntary withdrawal;
- 3) transfer to a different education institution;
- 4) failure to meet curriculum requirements;
- 5) breach of agreement (contract) concluded between a higher education institution and a person enrolled or physical person (legal entity) that pays tuition fees;
- 6) other cases stipulated by the law.

A person whose enrolment has been terminated before completion of a programme of study shall receive a transcript containing subjects, learning outcomes, grades, and number of ECTS credits received. The form of such transcript is established by the central government agency on education and science.

2. Persons enrolled in higher education programmes are entitled to a study gap due to circumstances that prevent completion of a programme of study (research) (due to health reasons, military draft due to loss of deferral, family situation, etc.). Such persons shall be granted a study leave according to the established procedure. Study or internship at education or research institutions (including those abroad) may serve as grounds for study gap if otherwise not stipulated by international acts or agreements concluded between higher education institutions.

Persons enrolled in higher education programmes who have been drafted for military service due to mobilization are guaranteed retention of their place and student allowance.

Persons enrolled in higher education programmes who exercise their academic mobility right are guaranteed retention of their place and student allowance during their study, internship or research activity at a different higher education (research) institution on the territory of Ukraine or abroad, according to the procedure on realization of academic mobility rights. Enrolment of such persons is not terminated.

3. A person whose enrolment was terminated before completion of relevant programme of study shall have the right to be renewed in enrolment within the licensed number of places available at a higher education institution.

4. Renewal of enrolment for persons whose enrolment was terminated or who was granted a study leave and transfer of those enrolled in higher education programmes is conducted within the licensed number of places available and typically during the study recess.

5. Procedure for termination of enrolment, study gap, renewal and transfer of persons enrolled in higher education programmes and procedure for granting study leaves are defined by a regulation approved by the central government agency on education and science.

6. In the event of expiration of accreditation certificate for a particular programme of study and when a higher education institution fails to obtain a new accreditation certificate, persons enrolled in higher education programmes whose study is sponsored from the state (local) budget shall have the right to be transferred to a different higher education institution where the relevant programme of study is accredited in order to complete the study sponsored from the state (local) budget according to the procedure approved by the Cabinet of Ministers of Ukraine.

## **SECTION IX**

### **ORGANIZATION OF EDUCATION PROCESS**

#### **Article 47 Education process**

1. Education process is intellectual and creative activity in the area of higher education and science that takes place at a higher education institution (research institution) through a system of research, methodological and pedagogical efforts and is aimed at transference, assimilation, multiplication and use of knowledge, skills and other competencies of learners and development of harmonious and mature individuals.
2. Regulation on organization of education process is approved by Academic Council of a higher education institution according to the law.

#### **Article 48 Language of instruction at higher education institutions**

1. Language of instruction at higher education institutions is the state language and other languages according to the Constitution of Ukraine.
2. For the purpose of creating conditions for international academic mobility, a higher education institution has the right to adopt a decision about delivery of instruction for one or several courses in the English language and/or other foreign languages, ensuring at the same time that the learners shall have knowledge of the correspondent course in the state language.

In order to deliver instruction in a foreign language, higher education institutions set up separate groups for foreign nationals or stateless persons who seek higher education on a fee-paying basis or develop customized programmes. Apart from this, higher education institutions ensure that such persons study the state language as a separate course. The list of foreign languages to be used for instruction is defined by a higher education institution.

3. Higher education institutions or their structural divisions established on the territory of Ukraine by foreign states and private higher education institution of Ukraine have the right to freely choose languages of instruction ensuring that persons enrolled in such institutions study the state language as a separate course.

4. As desired by persons enrolled in higher education programmes, a higher education institution creates opportunities for their study of a minority language to the extent that would allow them to carry out professional activity in the chosen field using this language.

#### **Article 49 Modes of study at higher education institutions**

1. Higher education institutions may offer the following modes of study:

- 1) full-time (day-time, evening-time);
  - 2) part-time (distance learning).
2. Modes of study may be combined.

#### **Article 50 Forms of organization of education process and types of classroom learning**

1. Higher education institutions deliver education process in the following forms:

- 1) classroom learning;
- 2) independent learning;
- 3) practical training;
- 4) control activities.

2. Main types of classroom learning at higher education institutions are:

- 1) lecture;
- 2) laboratory class, practical class, seminar, individual class;
- 3) consultation.

3. A higher education institution shall have the right to establish other forms of education process and types of classroom learning.

#### **Article 51 Practical training of persons enrolled at higher education institutions**

1. Practical training of persons enrolled at higher education institutions is delivered through traineeship at enterprises, institutions and organizations according to agreements concluded by higher education institutions or at institutions' structural divisions that provide for practical training.

2. Heads of enterprises, institutions and organizations shall be obliged to create adequate conditions for traineeship, observance of on-the-job and occupational safety and sanitary requirements according to the law.

3. Students undertake traineeship according to the law.

**SECTION X**  
**EDUCATION PROCESS ACTORS**

**Article 52 Categories of education process actors**

1. Education process actors at higher education institutions are:
  - 1) academic, pedagogical and research staff;
  - 2) learners enrolled in higher education programmes and other persons enrolled in programmes of study at higher education institutions;
  - 3) practitioners involved in education process within professional programmes;
  - 4) other staff of higher education institutions.
2. Education process may involve employers.

**Article 53 Academic, pedagogical and research staff of higher education institutions**

1. Academic staff shall mean persons who in their main place of employment at higher education institutions engage in instructional, methodological and research (research and development, artistic) and organizational activities.
2. Pedagogical staff shall mean persons who in their main place of employment at higher education institutions engage in instructional, methodological and organizational activities.
3. Research staff shall mean persons who in their main place of employment and according to the employment contract engage professionally in research, research and development, or research and organizational activities and possess appropriate qualification irrespective of research degree or academic title.
4. Research, research and development and innovation activity of academic staff is regulated by the legislation on research, research and development and innovation activity.

**Article 54 Academic titles of research and academic staff**

1. The following academic titles are awarded in Ukraine:
  - 1) senior researchers;
  - 2) associate professor;
  - 3) professor.
2. The academic titles of professor and associate professor are awarded to persons who engage professionally in academic or creative artistic activities.

3. The academic title of senior researcher is awarded to persons who engage professionally in research or research and development activities.
4. The academic titles of professor, associate professor and senior researcher are awarded by Academic Council of a higher education institution (Academic Council of a structural division). Research Councils (Research and Development Councils) of research institutions also have the right to award the titles of professor and senior researcher. Decisions of relevant Academic Councils are subject to approval of the Attestation Board of the central government agency on education and science according to the procedure established by the Cabinet of Ministers of Ukraine.
5. Forms of state documents on academic title award are approved by the Cabinet of Ministers of Ukraine.

#### **Article 55 Main positions of academic, research and pedagogical staff of higher education institutions and recruitment procedure**

1. Main positions of academic staff at higher education institutions are:
  - 1) head (rector, president, head, director);
  - 2) deputy head (vice-rector, vice-president, deputy head, deputy director, deputy chair) whose activity is directly connected with education or research process;
  - 3) director (head) of an institute and deputy heads whose activity is directly connected with education or research process;
  - 4) dean (head) of a department and deputy deans whose activity is directly connected with education or research process;
  - 5) director of a library;
  - 6) chair (head) of an academic department;
  - 7) professor;
  - 8) associate professor;
  - 9) senior lecturer, lecturer, assistant lecturer, graduate associate;
  - 10) researcher at a library;
  - 11) director of post-graduate or doctoral programmes.
2. Main positions of pedagogical staff at higher education institutions are:
  - 1) lecturer;
  - 2) methodologist.
3. A complete list of academic and pedagogical staff positions at higher education institutions is established by the Cabinet of Ministers of Ukraine. The list of research staff positions at a higher

education institution is defined according to the Law of Ukraine “On Scientific, Research and Development Activity”.

4. Appointment to pedagogical staff positions may be offered to holders of master degree in relevant speciality.

5. Charter of a higher education institution may set additional requirements to persons who shall be eligible for pedagogical staff positions, according to the law.

6. Pedagogical staff are appointed and dismissed by the head of a higher education institution. Pedagogical staff are subject to attestation every five years. Attestation results are used to determine employees’ adequacy to positions they hold, award qualification categories and pedagogical titles.

7. Procedure for attestation of pedagogical staff is established by the central government agency on education and science.

8. List of qualification categories and pedagogical titles of pedagogical staff and award procedure are defined by the Cabinet of Ministers of Ukraine.

9. Appointment to academic staff positions may be offered to holders of research degree or academic title, and also to holders of master degree.

10. Charter of a higher education institution may set additional requirements to persons who shall be eligible for academic staff positions, according to the law.

11. Recruitment to vacant academic staff positions such as academic department chair (head), professor, associate professor, senior lecturer and lecturer shall be based on competitive selection followed by signing of an employment contract. Competitive selection procedure is approved by Academic Council of a higher education institution.

12. Occasionally, when it becomes impossible to deliver education process with the staff available, recruitment to vacant academic staff positions may be based on employment contract before holding competitive selection for these positions in the current year.

13. A person employed at a higher education institution may not simultaneously hold two or more positions that involve administrative and managerial functions.

#### **Article 56 Working time of academic, research and pedagogical staff**

1. Working time of academic, research and pedagogical staff shall equal 36 hours per week (shortened working time).

2. Working time of academic staff includes time spent for scientific inquiry, research, consultancy, expert and organizational work and other job responsibilities. Working time of research staff includes time spent for instructional, methodological, research and organizational work and other job responsibilities. Working time of pedagogical staff includes time spent for instructional, methodological and organizational work and other job responsibilities.



Time norms for instructional work at public and municipal higher education institutions (except higher education institutions that have the status of national or research university) are established by the central government agency on education and science subject to agreement with stakeholder state authorities. Time norms for methodological, research and organizational work are defined by a higher education institution.

Upper limit of full-time equivalent workload of academic staff may not exceed 600 hours per academic year.

3. Recommended list of types of instructional, methodological, research and organizational work for academic, research and pedagogical staff is established by the central government agency on education and science.

4. Types of instructional work for pedagogical and academic staff according to their positions are established by a higher education institution subject to agreement with the elective bodies of primary trade union organizations (trade union representative).

5. Engagement of academic, research and pedagogical staff to perform work that is not stipulated by the employment contract is allowed only by their consent or in cases stipulated by the law.

#### **Article 57 Rights of academic, research and pedagogical staff**

1. Academic, research and pedagogical staff of higher education institutions of all forms of ownership shall have the right to:

- 1) academic freedom exercised in the interests of the individual, society and humankind;
- 2) academic mobility for the purpose of professional activity;
- 3) protection of professional honour and dignity;
- 4) participation in management of a higher education institution, elect and be elected to the supreme body of the public self-governance, Academic Council of a higher education institution or its structural division;
- 5) choice of methods and tools of learning that ensure high quality of learning and instruction;
- 6) appropriate conditions for work, professional development, organization of rest and living environment as established by the legislation, regulations of a higher education institution, terms of conditions of individual employment contract and collective agreement;
- 7) free-of-charge use of library, information resources, services of educational, sports and cultural facilities of a higher education institution;
- 8) protection of intellectual property rights;
- 9) in-service training and internship at least once every five years;
- 10) receive housing, including accommodation provided by an employer, according to the procedure set forth by the law;

- 11) receive preferential long-term loans for construction (re-construction) and purchase of housing according to the procedure set forth by the law;
  - 12) participate in associations of citizens;
  - 13) social and retirement benefits according to the procedure set by the law.
2. Academic, research and pedagogical staff of higher education institutions shall also have other rights stipulated by the law and charter of a higher education institution. Academic and research staff of higher education institutions shall enjoy all rights stipulated by the law for research staff employed at research institutions.
3. Academic and research staff of higher education institutions shall have the right to retirement benefits according to the Law of Ukraine “On Scientific, Research and Development Activity”.

### **Article 58 Obligations of academic, research and pedagogical staff**

1. Academic, research and pedagogical staff of a higher education institution shall be obliged to:
- 1) ensure delivery of instruction on high scientific, theoretical and methodological level for subjects and courses under correspondent programme of study within the speciality, engage in research (for academic staff);
  - 2) improve professional level, pedagogical skills, research qualification (for academic staff);
  - 3) adhere to pedagogical ethical standards, respect dignity of persons enrolled at higher education institutions, cultivate love for Ukraine, bring them up in the spirit of Ukrainian patriotism, respect to the Constitution of Ukraine and Ukrainian national symbols;
  - 4) foster self-reliance, initiative and creativity in persons enrolled at higher education institutions;
  - 5) comply with the charter of a higher education institution, laws and other legal and regulatory acts.

### **Article 59 Guarantees for academic, research, pedagogical and other staff employed at higher education institutions**

1. Academic, research, pedagogical and other staff employed at higher education institutions shall be ensured:
- 1) appropriate conditions for work, professional development, organization of living environment, rest and medical care, including those for teaching staff with disabilities;
  - 2) payment of job loss compensation according to the law.
2. Pay increments are established for academic, research and pedagogical staff employed at higher education institutions for research degrees of doctor of philosophy and doctor of sciences in the respective amounts of 15 and 20 per cent of the base salary rate, and for academic titles of associate professor and senior researcher in the amount of 25 per cent of the base salary rate, and for

academic title of professor in the amount of 33 per cent of the base salary rate. A higher education institution may establish higher increments using their own revenue funds.

3. The head of a higher education institution, guided by the law, charter and collective agreement, shall establish amounts of increments, bonuses, financial aid and reward for academic, research, pedagogical and other staff employed at higher education institutions.

### **Article 60 Post-diploma education, in-service training and internship of pedagogical and academic staff**

1. Post-diploma education is specialized enhancement of education and professional training of individuals through deepening, expansion and updating of their professional knowledge, skills and abilities or acquisition of a different profession or specialization on the basis of previously attained level of education and practical experience.

2. Post-diploma education is delivered by post-diploma education institutions or relevant structural divisions of higher education institutions and research institutions.

3. Pedagogical and academic staff shall undertake in-service training and internship both in Ukraine and abroad.

4. A higher education institution ensures in-service training and internship of pedagogical and academic staff at least every five years with retention of their average salary.

5. Outcomes of in-service training and internship shall be considered as factors:

1) during attestation of pedagogical staff;

2) election to a position through competition or conclusion of employment contract with academic staff.

6. Positions of pedagogical and academic staff engaged in full-time in-service training and internship for this period may be offered to other persons without additional competition on the basis of a fixed-term employment contract.

### **Article 61 Persons enrolled at higher education institutions**

1. Persons enrolled at higher education institutions are:

1) higher education learners;

2) other persons enrolled at higher education institutions.

2. Higher education learners are:

1) student – a person enrolled at a higher education institution for the purpose of attaining junior bachelor, bachelor or master degree;

2) cadet – a person enrolled at a military higher education institution (higher education institution with specific conditions of studying) and military institute that is part of a higher education

institution according to the established procedure for the purpose of attaining relevant higher education degree and who has a military rank of private, sergeant or sergeant major personnel or special rank of private and junior command personnel or had held such rank at the time of admission. The status of cadet may be granted to particular categories of persons enrolled in non-military higher education institutions according to the procedure established by the Cabinet of Ministers of Ukraine.

A person enrolled at a military higher education institution (higher education institution with specific conditions of studying) according to the established procedure for the purpose of attaining relevant higher education degree and who has a military rank of officership or relevant special rank of middle or senior command personnel shall have the status of a trainee of a military higher education institution (higher education institution with specific conditions of studying);

3) graduate student – a person enrolled at a higher education institution (research institution) for attainment of doctor of philosophy degree;

4) military academy advanced student – a person enrolled at a military higher education institution (higher education institution with specific conditions of studying) to study for attainment of doctor of philosophy degree;

5) doctoral candidate – a person enrolled in or affiliated to a higher education institution (research institution) for attainment of doctor of sciences degree.

3. Other persons enrolled at higher education institutions include:

1) trainee – a person who study at a preparatory department of a higher education institution or person who receives additional or separate education services including those offered under post-diploma programmes;

2) fellow – a person who possesses higher education at master degree level and studies under a fellowship programme of a higher education institution in arts and performance specialities in order to improve artistic and performance skills;

3) intern – a person who possesses master degree in medical or pharmaceutical field and studies to obtain qualification of a medical professional or pharmacist of a particular speciality according to the index of medical or pharmaceutical specialities of internship;

4) medical resident – a person who possesses master degree in medical field and studies only at relevant clinical departments to obtain qualification of a medical professional of a particular speciality according to the index of specialities for residency;

5) resident physician – a person who possesses master degree in medical field and qualification of a medical professional according to the index of medical specialities and studies in order to deepen professional knowledge and enhance competency of a medical specialist.

## **Article 62 Rights of persons enrolled at higher education institutions**

1. Persons enrolled at higher education institutions shall have the right to:

- 1) choice of a mode of study during admission;
- 2) safe and harm-free conditions of study, work and leisure;
- 3) employment outside classroom hours;
- 4) additional paid leave due to study at the main place of employment, shortened working time and other benefits stipulated by the law for persons who combine work and study;
- 5) free-of-charge use of library, information resources, educational, research and sports facilities of a higher education institution;
- 6) free-of-charge provision of information for study in accessible forms with the use of technologies that take into consideration limitations of life functions due to health conditions (per persons with special education needs);
- 7) use of production, cultural, leisure and recreational facilities of a higher education institution according to the procedure set forth in the charter of a higher education institution;
- 8) provision of residence hall accommodation for the period of study according to the procedure set forth by the law;
- 9) participation in scientific investigations and research and development activities, conferences, symposia, exhibitions, competitions, presentation of work for publication;
- 10) participation in events within educational, scientific, research and development, sports, arts, and civic activities that take place in Ukraine and abroad according to the procedure set forth by the law;
- 11) participation in discussions and addressing of issues related to the improvement of education delivery, research and development, allocation of student allowance and scholarships, organization of leisure, living conditions and recreation;
- 12) bringing forward proposals on conditions and amount of tuition fees;
- 13) participation in associations of citizens;
- 14) participation in activity of public self-governance of a higher education institution, institute, department, division, Academic Council of a higher education institution, student self-government bodies;
- 15) choice of courses within the framework of a relevant programme of study and academic schedule, and in the scope of at least 25 per cent of the overall number of ECTS credits required for a particular level of higher education. Under this provision, learners at a particular level of higher education have the right to select courses offered for other levels of higher education, subject to agreement with the head of a correspondent department or division;
- 16) study simultaneously under several programmes and in several higher education institutions provided that attainment of only one higher education degree is sponsored from the state (local) budget;
- 17) academic mobility, including international mobility;

- 18) social benefits and allowances in cases established by the law;
  - 19) calculation of periods of full-time study at higher education institutions, graduate studies, doctoral studies, clinical residency, internship or residency as pensionable service according to the Law of Ukraine "On compulsory state pension insurance" upon voluntary payment of insurance contributions;
  - 20) academic leave or study gap with retention of some of the rights granted to learners engaged in higher education, and renewal for study according to the procedure set forth by the central government agency on education and science;
  - 21) participation in making up of an individual plan of study;
  - 22) material and/or non-material reward for achievements in learning, research and development or community work, accomplishments in sports, arts, etc.;
  - 23) protection from any forms of exploitation, physical or psychological abuse;
  - 24) free-of-charge traineeship at enterprises, institutions and organizations and payment for work during performance of certain operational functions according to the law;
  - 25) vacations for at least eight calendar weeks per academic year;
  - 26) target easy-term government loans to engage in higher education according to the procedure set forth by the Cabinet of Ministers of Ukraine;
  - 27) appeal against actions of governing bodies of a higher education institution and their officials, pedagogical and academic staff;
  - 28) special education and rehabilitation support and free access to infrastructure of a higher education institution according to medical and social indication in cases of limitations of life functions due to health conditions.
2. Persons who engage in studies at higher education institutions on a full-time basis and are sponsored from the state or local budgets shall be entitled to student allowance according to the procedure set forth by the law.
  3. Persons who engage in studies at higher education institutions on a full-time basis may receive other types of allowance allocated by individuals (legal entities).
  4. The size of a student allowance fund of a higher education institution should ensure payment of academic allowances for at least two thirds and not more than 75 per cent of students (cadets of non-military higher education institutions) studying on a full-time basis and sponsored from the state budget, not considering persons who receive social allowances.
  5. The amount of academic and social allowances and procedure for their granting and payment are established by the Cabinet of Ministers of Ukraine.
  6. The amount of minimal academic and social allowance for learners attaining higher education degrees may not be less than the minimum cost of living calculated on a monthly basis per person. The amount of minimal academic and social allowance for learners attaining junior bachelor

degree may not be less than two thirds of the minimum cost of living calculated on a monthly basis per person.

7. Academic allowance is paid to at least two thirds of students (cadets) for each year of study (excluding the first semester in the first year of study) for each speciality, not considering persons who receive social allowances. Academic allowance is granted to students (cadets) who have shown best academic results according to the ranking drawn up at a higher education institution on the basis of assessment in a particular semester. Before the first semester assessment, academic allowance at its minimal level shall be allocated to all students (cadets) enrolled for the first years of study at a higher education institution.

8. Persons who have shown significant achievements in academic and/or research activities, upon decision of Academic Council of a higher education institution, may be awarded personalized grants.

9. Persons engaged in higher education learning at higher education institutions on a full-time basis are entitled to discounted transport fare according to the procedure set forth by the Cabinet of Ministers of Ukraine.

10. Students and cadets of higher education institutions are entitled to have a student ID card the form of which is approved by the central government agency on education and science.

### **Article 63 Responsibilities of persons enrolled at higher education institutions**

1. Persons enrolled at higher education institutions shall be obliged to:

1) comply with the legislation, the charter and internal rules and procedures of a higher education institution;

2) adhere to requirements of occupational safety, health and fire-safety regulations set forth in relevant rules and guidelines;

3) meet the requirements of a programme of study (research).

### **Article 64 Employment of higher education graduates**

1. The Government, in collaboration with employers, shall ensure conditions under which higher education graduates shall be able to realize their right to labour, and guarantee equitable conditions for choice of place of employment and type of labour with consideration of attained higher education and needs of the society.

2. Graduates of military higher education institutions (higher education institutions with specific conditions of studying), military institutes that are part of regular higher education institutions among servicemen (command personnel) shall be directed to further service according to the law.

## **SECTION XI**

## **SCIENTIFIC, RESEARCH AND DEVELOPMENT AND INNOVATION ACTIVITY AT HIGHER EDUCATION INSTITUTIONS**

### **Article 65 Purpose and objectives of scientific, research and development and innovation activity at higher education institutions**

1. Scientific, research and development and innovation activity at higher education institutions constitutes inseparable part of education activity and is carried out with the purpose of integrating research, education and production in the system of higher education. Universities, academies and institutes are obligated to carry out scientific investigations and research and development activities.

2. Actors of scientific, research and development and innovation activity are research and academic staff, persons enrolled in higher education institutions and employees of enterprises that carry out scientific, research and development and innovation activity together with higher education institutions.

3. The main purpose of scientific, research and development and innovation activity is gaining of new knowledge through scientific explorations and research and development directing it towards creation and implementation of new competitive technologies, types of equipment, materials, etc, to ensure innovative development of the society and preparation of innovative type of workforce.

4. Main objectives of scientific, research and development and innovation activity include:

1) achievement of competitive scientific and application-oriented results;

2) application of new science- and research-based knowledge for training of professionals with higher education;

3) building up-to-date research cadre able to ensure development and implementation of innovative science and research outputs.

### **Article 66 Integration of scientific, research and development and innovation activity of higher education institutions and research institutions of the National Academy of Sciences of Ukraine and sectoral national academies of sciences**

1. Integration of scientific, research and development and innovation activity of higher education institutions and research institutions of the National Academy of Sciences of Ukraine and sectoral national academies of sciences is aimed at development and implementation of priority research programmes, carrying out of scientific investigations, explorations, etc., on the principles of joining cadre, financial, technical and organizational resources according to the law.

2. Main areas of integration of scientific, research and development and innovation activity of higher education institutions and research institutions of the National Academy of Sciences of Ukraine and sectoral national academies of sciences are:



- 1) participation in development and implementation of state target programmes for economic and social development;
- 2) conduct of joint research, exploratory and innovation investigations, including those funded from the state budget and own revenue;
- 3) participation in setting up of academic and research, scientific research associations, innovative facilities and other organizational arrangements for cooperation;
- 4) introduction of jointly created innovative products in mass production, other sectors of economy, etc.;
- 5) ensuring acquisition and protection of intellectual property rights for scientific and research and development outputs;
- 6) carrying out joint publishing and information resourcing activity;
- 7) engagement by higher education institutions of research staff from research institutions and organizations of the National Academy of Sciences of Ukraine and sectoral national academies of sciences, and by academies' research institutions and organizations of academic staff of higher education institutions on the basis of employment contract for carrying out education and research activity, in particular training of graduate students, doctoral candidates, writing and reviewing of textbooks, manuals, programmes of study and higher education standards to provide for education process at higher education institutions;
- 8) organization of research conducted by young researchers, graduate students and doctoral candidates, systematic traineeship of students of higher education institutions ensuring their direct involvement in research on the basis of the research institutions and organizations of the National Academy of Sciences of Ukraine and sectoral national academies of sciences.

#### **Article 67 Organization of scientific, research and development and innovation activity**

1. Scientific, research and development and innovation activity at higher education institutions shall be carried out according to the laws on education, scientific, research and innovation activity. Government agencies that supervise operations of higher education institutions shall frame policy on research and innovation activity carried out by higher education institutions on the principles of autonomy.

2. The central government agency on education and science shall:

1) in compliance with the laws, prepare proposals on the amount of funding to be allocated for scientific, research and development and innovation activity carried out by higher education institutions, other enterprises, institutions and organizations operating within the higher education system, and the amount of capital construction of such enterprises, institutions and organizations on the basis of their demands;

2) agree decisions on setting up of academic and research, scientific research associations that carry out scientific, research and development and innovation activity together with the research

institutions and organizations of the National Academy of Sciences of Ukraine and sectoral national academies of sciences, research parks, techno-parks, business incubators, arts workshops, etc.;

3) develop state target programmes aimed at equipping higher education institutions with state-of-the-arts instruments, research equipment, practice laboratories, information and telecommunication networks, etc., with consideration of their demands.

3. Scientific research funded from the state budget and local budgets shall receive funds from government agencies and local self-governments which supervise operations of higher education institutions irrespective of funding of their education activity. First priority funding shall be directed to fundamental research as well as application-oriented research carried out in major fields of science and technology development. Government agencies and local self-governments which supervise operations of higher education institutions shall define the amount of funding to be allocated for research under separate budget programmes on the basis of their research achievements and outputs. Higher education institutions, on the basis of competition, shall prepare topics for scientific investigations and research and independently approve thematic plans for research activity.

4. The State shall apply economic incentives to encourage enterprises of various forms of ownership to cooperate with higher education institutions in terms of implementation of research and innovation projects, training and re-training of specialists with higher education and delivery of students' traineeship.

5. A research institutions and organization that engages in research that is highly relevant for science, economy and industry and desires to receive government support shall have the right to undergo state attenuation according to the Law of Ukraine "On Scientific, Research and Development Activity".

#### **Article 68 Organizational forms of scientific, research and development and innovation activity**

1. Scientific, research and development and innovation activity may be carried out by higher education institutions, including through legal entities established by these institutions with the purpose of bringing scientific, research and development outputs produced by a higher education institution to the level of an innovative product and its further commercialization.

2. Implementation of scientific, research and development and innovation activity at a higher education institution may engage academic, research and pedagogical staff and other employees of higher education institutions, persons enrolled at higher education institutions and staff of other organizations.

3. Higher education institutions, in particular those that are founders of innovative facilities of various types (research parks, techno-parks, business incubators, etc.) shall have the right to engage in joint research, demonstration explorations, etc., including those that involve use of land plots that higher education institutions hold in their permanent use.

## **Article 69 Intellectual property rights and their protection**

1. Acquisition and protection of rights of higher education institutions and participants of the education process with regard to outputs of their research, research and development and other types of activity shall be ensuring according to the applicable law.
2. Higher education institutions shall be entitled to manage intellectual property rights for intellectual property rights items.
3. Costs incurred by public and municipal higher education institutions in relation to safeguarding and legal protection of intellectual property rights items and property rights acquired according to the legislated procedure shall be funded from own revenue of a higher education institution.
4. Intellectual property rights items shall be subject to valuation. On the basis of valuation outcomes, their value shall be reflected in the accounting records of a higher education institution according to the procedure set forth by the law.
5. Higher education institutions shall take actions for implementation of intellectual property rights items, including technology transfer, with the regard to which they have acquired property rights.
6. Higher education institutions shall take actions to prevent academic plagiarism, i.e. publication (in part or in full) of research outputs achieved by other individuals as results of own research and/or reproduction of published texts produced by other authors without appropriate reference.
7. A contract for creating intellectual property rights items upon particular order shall set forth methods, conditions and procedure for realization of related intellectual property rights.

## **SECTION XII**

### **FINANCIAL AND ECONOMIC RELATIONS IN HIGHER EDUCATION SECTOR**

## **Article 70 Physical infrastructure and legal framework for property of higher education institutions**

1. Physical infrastructure of higher education institutions includes buildings, structures, land, service lines, equipment, vehicles, institution's accommodation and other tangible assets.
2. In compliance with the law and with regard to organizational and legal form of a higher education institution, in order to ensure its chartered operations the founder(s) shall transfer into operational management or grant ownership of buildings, structures, facilities, service lines, equipment, vehicles and other property.

Use of land and realization of land owner rights, including acquisition of relevant rights to land shall be exercised by higher education institutions according to the Land Code of Ukraine.

Authority of the founder(s) of a higher education institution with regard to management of the government property in the higher education system shall be implemented according to the law.

2. Property shall be allocated to public or municipal higher education institutions on the basis of operational management rights and may not be pledged, expropriated or transferred into ownership of legal entities or physical persons without consent of the founders of a higher education institution and the supreme collegial body of self-governance of a higher education institution, except in cases stipulated by the law.

Public and municipal higher education institutions as well as research institutions shall at their own discretion and without endorsement from government agencies shall manage their own revenue, including for the purposes of assets acquisition and use. Own revenue of public or municipal higher education institutions and research institutions received from fees paid for services delivered according to their education and research activity, charitable contributions and grants, according to a decision of Academic Council of a higher education institution or research institution shall be paid into special registration accounts opened in territorial units of the central government agency on treasure servicing of budget funds or current and/or deposit accounts of institutions of state-owned banks. Such revenues, and also interest earned from placing funds of a higher education institution or research institution on current and/or deposit accounts of institutions of state-owned banks shall be included in financial plans (estimated budgets) of a higher education institution or research institution.

Public or municipal higher education institutions may lease property under their operational management without purchase option, according to the law.

Buildings, structures and premises of higher education institutions must meet accessibility requirements according to the state construction norms and standards. If such sites may not be fully accommodated to the requirements of persons with special education needs, their reasonable accommodation is provided with regard to the common standard design.

Land plots are conveyed to higher education institutions irrespective of their ownership form for permanent use according to the procedure stipulated by the Land Code of Ukraine.

3. A higher education institution, according to the procedure defined by the law and in line with its charter, shall have the right to:

1) own intellectual property rights items created by using own funds or funds from the state or local budgets (except in cases stipulated by the law);

2) establish endowment fund of a higher education institution and disburse income received from its use according to terms and conditions applied to the endowment fund operations, receive property, funds and tangible assets such as buildings, structures, equipment and vehicles, from government agencies, local self-governments, legal entities and individuals, also as charitable aid;

3) undertake financial and business operations in Ukraine and abroad;

4) use property conveyed for operational management, for the purposes including business conduct; lease this property and convey for use according to the law;

- 5) create own physical infrastructure or use other facilities on the basis of relevant contract in order to deliver education, research, innovation activity or business operations;
- 6) set up and develop own social and general service infrastructure, network of sports, recreational, medical, cultural and arts sites and facilities;
- 7) undertake capital construction, re-construction, capital renovation and routine maintenance of fixed assets;
- 8) direct funds towards social benefits for academic, research, pedagogical and other staff of higher education institutions and persons enrolled in programmes of study;
- 9) open current and deposit accounts in the national and foreign currency in accordance with the law, use bank loans without restrictions on borrowings established by Article 16 and clause 27 of part 1 in Article 116 of the Budget Code of Ukraine;
- 10) participate in the authorized capital of innovative facilities and small enterprises set up with participation of higher education institutions that develop and launch innovative products through contribution of non-tangible assets (property rights to intellectual property rights items);
- 11) establish education and research institutions;
- 12) establish enterprises for innovative and/or production activity;
- 13) transfer money in foreign currency to pay fees for collective membership in international education and research associations, subscription to foreign scientific journals and access to global information networks and databases;
- 14) through contribution of non-tangible assets (property rights to intellectual property rights items) participate in the authorized capital of innovative facilities of various types (research parks, techno-parks, business incubators, etc.).

#### **Article 71 Funding of higher education institutions**

1. Public higher education institutions are funded from the state budget on the basis of state contracts for services on training of specialists, research and pedagogical cadre and from other sources not prohibited by the law, provided that this is done with adherence to the principles of targeted and effective use of allocated funds, publicity and transparent in the decision-making.
2. Council of Ministers of the Autonomous Republic of Crimea, local state administrations and local self-governments may undertake funding of public higher education institutions according to the legislated procedure.
3. Budget allocation amounts to be directed to training specialists with higher education as well as research and pedagogical cadre are established in the State Budget of Ukraine for the corresponding year.
4. Municipal higher education institutions are funded from local budgets according to the Budget Code of Ukraine and from other sources not prohibited by the law.

5. Private higher education institutions are funded by their founders and from other sources not prohibited by the law.
6. Engaged funds are directed to implementation of chartered activity of a higher education institution according to the procedure and on conditions defined by the laws and charter of a higher education institution.
7. Financial plans (estimated budgets) of higher education institutions must include costs related to development of physical infrastructure and laboratory facilities with provisions made for licensed software necessary to deliver education and research, as well as traineeship and pre-defence practice to be undertaken by seekers of higher education degrees.
8. Funds received by higher education institutions as tuition fees, payment for training, re-training or in-service training of workforce or for education services may not be deducted as income of the state or local budgets.

## **Article 72 Preparation and placement of state contracts**

1. Indicators of state contracts for training of specialists with higher education are drawn up for each level of higher education and each specialities on the basis of mid-term forecasts of relevant labour market demand by the central government agency in charge of building and implementation of the state policy in the area of economic development and trade, according to the procedure set forth by the law and with participation of higher education institutions, the National Quality Assurance Agency for Higher Education, employers and employer associations.

The overall scope of state contract for training of specialists with junior bachelor, bachelor (master in medical, pharmaceutical or veterinary fields) for the current year shall be not lower than 51 per cent of the number of secondary education leavers that obtained full general secondary education in this year.

The overall scope of state contract for training of specialists with master degrees for the current year shall be not lower than 50 per cent of individuals who in the current year shall acquire bachelor degrees on the state-contracted scheme.

The overall scope of state contract for training of specialists with doctor of philosophy degree for the current year shall be not lower than 5 per cent of individuals who in the current year shall acquire master degrees on the state-contracted scheme.

Indicators of the state contract broken down by specialities and levels of higher education shall be made publicly available by the central government agency in charge of building and implementation of the state policy in the area of economic development and trade on its official web site no later than within 30 calendar days before the start of the admissions cycle.

2. A higher education institution with the status of research institution shall have preferential right to receive state contract for training of specialists at master degree level in the amount of up to 75 per cent of the bachelor graduation cohort who studied on the state-contracted scheme in this institution, and for training of specialists at the doctor of philosophy level in the amount of up to

20 per cent of the master graduation cohort who studied on the state-contracted scheme in this institution.

3. Placement of the state contract shall be done on the competitive basis, adhering to the principles of fair competition, openness and transparency, equality, objective and impartial evaluation of bidders' proposals.

4. State contracts for training of specialists with junior bachelor or bachelor degree (master in medical, pharmaceutical or veterinary fields) are placed through relevant agreements signed between the state contracting authorities that supervise operations of higher education institutions and correspondent higher education institutions of Ukraine that have provided information, according to the established procedure, on admission of individuals who through competitive selection have received the right to seek higher education on the basis of funds provided from the State Budget of Ukraine.

5. State contracts may be placed by the state contracting authorities without holding competition when:

1) the situation concerns Ukraine's defence, state security and national boarder control, meeting demands of the Armed Forces of Ukraine, Security Service of Ukraine, Civil Defence Service, State Service for Special Communications and Information Security of Ukraine, organization and operational procedures of which are defined by the law;

2) specialists in the relevant speciality are trained by one education institution according to the granted license.

6. Special aspects of state contract placement for specialities admission to which involves competition with regard to creative and/or physical abilities are defined by the central government agency on education and science with consideration of proposals from correspondent government agencies that supervise operations of these higher education institutions.

7. Information about the scope of state contract placed, broken down by higher education institutions, specialities and levels of higher education (except state contracts for military higher education institutions (higher education institutions with specific conditions of studying) and military departments of regular higher education institutions) shall be made publicly available by the state contracting authorities on their official web sites no later than 01 October each year.

8. Funding from the expenditure part of the State Budget of Ukraine to be directed to training of specialists with higher education by specialities and relevant higher education degrees shall be established in the amount required to provide for at least 180 students for each 10,000 of population. In addition, the amount of expenditure from the State Budget of Ukraine for the current year may not be lower than the amount of expenditure from the State Budget of Ukraine for the preceding year adjusted for the inflation rate.

### **Article 73 Fee-based services in higher education sector**

1. A higher education institution, according to the law and the charter, may provide fee-based services to physical persons and legal entities on condition that the institution ensures appropriate level of education services as its chief chartered type of activity.

2. The list of fee-based education and other services that may be provided by public and municipal higher education institutions is approved by the Cabinet of Ministers of Ukraine.

Procedure for delivery of fee-based education and other services, including definition of their cost for those enrolled in higher education programmes, is established by the central government agency on education and science, central government agency in charge of building and implementation of the state policy in the area of economic development and trade and central government agency in charge of building the state financial, budget and tax policies.

3. Public and municipal higher education institutions shall have the right to provide additional fee-based education and other services only beyond the scope established by the national standard and beyond activity funded from the correspondent budgets.

4. Fee-based education services may be delivered by the same structural divisions that deliver education on the state-contracted scheme or by separate structural divisions of a higher education institution established for provision of fee-based services that operate on the basis of regulation approved according to the law and the charter of a higher education institution.

5. Fee-based education and other services are delivered by higher education institutions on condition that their physical infrastructure meets the requirements of the law and upon receipt of relevant permission documents if such the law requires licensure or obtaining of permits for delivery of fee-based services.

6. The amount of fee to be paid for the entire period of study for a particular higher education degree or in-service training as well as payment schedule (one-time payment, annual payment, payment per semester or per month) shall be set forth in a contract (agreement) to be concluded between a higher education institution and a physical person (legal entity) that contracts a fee-based service for themselves or another person assuming financial obligation to pay for this service.

A template of contract to be concluded between a higher education institution and a physical person (legal entity) for the period of study is approved by the Cabinet of Ministers of Ukraine.

7. The amount of fee to be paid for the entire period of study for a particular higher education degree or in-service training shall be established by higher education institutions in the national currency.

A higher education institution shall have the right to change the amount to be paid according to the procedure outlined in a contract provided that the shortest allowed revision period is once every year and the adjustment rate does not exceed the official inflation rate for the preceding year.

The amount of fee to be paid for the entire period of study for a particular higher education degree or additional education services shall be made publicly available through mass media, official web sites, billboards or in any other manner.



## SECTION XIII

### INTERNATIONAL COOPERATION

#### **Article 74 State policy on international cooperation in higher education sector**

1. For the purpose of harmonization of Ukraine's legislation and other regulations in the field of higher education and implementation of major provisions contained in international documents, the State affirms prevalence of norms contained in Ukraine's international agreements ratified by the Verkhovna Rada of Ukraine.

2. For the purpose of development of international cooperation in higher education sector and integration of the higher education system into the global education space. The State promotes:

1) implementation of a mechanism that would guarantee the higher education quality in order to create mutual trust and harmonize the systems that assess quality of higher education in Ukraine and in the European Higher Education Area;

2) alignment of the National Qualifications Framework with the Qualifications Framework of the European Higher Education Area to ensure academic and professional mobility and lifelong learning;

3) cooperation with the European Network of National Information Centres on academic recognition and mobility;

4) implementation of outputs of scientific, research and development explorations and other knowledge products of higher education institutions on the international markets, sale of patents and licenses;

5) engagement of funds from international funders, institutions, civil society organizations, etc., for implementation of research, training and other programmes at higher education institutions.

3. The State shall implement actions to develop and strengthen mutually benefitting international cooperation in the field of higher education and research, in line with bilateral and multilateral international agreements.

4. The State shall create conditions for international cooperation of higher education institutions of all forms of ownership, as well as research, engineering, production, healthcare, recreational, cultural and sports and wellness facilities that support operations and development of the higher education system and higher education authorities by:

1) making appropriate budget allocations in the State Budget;

2) providing funds to pay fees for membership in international organizations, participation in their events, foreign business travel of participants of the education process for the purpose of research, academic work or internship according to terms and conditions set in the international agreements and agreements between higher education institutions and foreign partners concluded with regard to academic and research projects supported by international grants and technical assistance.

## **Article 75 Main areas of international cooperation in higher education sector**

1. Higher education institutions engage in international cooperation, enter into cooperation agreements, establish direct contacts with higher education institutions, research institutions and enterprises of foreign states, international organizations, funders, etc., according to the law.

2. Main areas of international cooperation of higher education institutions include:

1) participation in programmes of bilateral and multilateral inter-state and inter-institutional exchanges of students, graduate students, doctoral candidates, educators, academics and researchers;

2) conduct of joint research;

3) organization of international conferences, symposia, congresses and other events;

4) participation in international academic and research programmes;

5) joint publishing activity;

6) provision of services related to attainment of higher education and post-diploma education by foreign nationals in Ukraine;

7) setting up of joint academic and research programmes with foreign higher education institutions, research institutions and organizations;

8) foreign business travel of pedagogical, academic and research staff for pedagogical, academic and research work according to Ukraine's international agreements and agreements between these higher education institutions and foreign partners;

9) engagement of pedagogical, academic and research staff of foreign higher education institutions to participate in pedagogical, academic and research work in higher education institutions in Ukraine;

10) sending of persons enrolled at higher education institutions in Ukraine to study at foreign higher education institutions;

11) promotion of academic mobility of academics, researchers and learners;

12) other areas and forms not prohibited by the law.

## **Article 76 Foreign economic activity in higher education sector**

1. Foreign economic activity of a higher education institution shall be carried out according to the law through contracts with foreign legal entities and physical persons.

2. Main areas of foreign economic activity of a higher education institution are:

1) organization of preparation of foreign national for admission to Ukrainian higher education institutions and preparation of Ukrainian nationals for study abroad;

2) delivery of education activities related to education of foreign students and training of research cadre for foreign states;

- 3) organization of study abroad;
- 4) implementation of scientific investigations and research and development.

## **SECTION XIV**

### **CONTROL IN HIGHER EDUCATION SECTOR**

#### **Article 77 Government control in higher education sector**

1. Government oversight (control) of higher education institutions' compliance, irrespective of their ownership form and subordination, with the legislation on education and science and education activity standards shall be performed by the central government agency on education and science.

#### **Article 78 Public control in higher education sector**

1. Public control in higher education sector is the right of the society and individual citizens, employees of higher education sector, persons enrolled for study, public self-governance bodies, professional unions, employers' organizations and their associations, and civil society organizations to access information, according to the procedure established by the law, at all stages of decision-making in the field of higher education and science, present proposals and comments and endorse adoption of decisions outlined by the law.

2. Public control shall be exercised by civil society groups and associations as well as individual citizens on the principles of openness and transparency.

#### **Article 79 Openness of decision-making and operations in higher education sector**

1. Decisions and operations in higher education sector, except for restricted access information, shall be open. Information about procedures and results of decision-making and operations in higher education sector is subject to mandatory publication on official web sites, mass media and billboards or in any other manner.

2. Budget of a higher education institution, its revenue and expenditure parts, conditions of institution's assets and procedure for assets utilization are subject to mandatory public discussion among the workforce and student cohort of a higher education institution.

3. The Charter and other documents of a higher education institution that regulate procedure for delivery of education, information about composition of the institution's governing bodies, the institution's budget and annual report, including financial statement, must be published on the institution's official web site.

4. Higher education institutions shall be obliged to publish on their official web sites:
  - 1) estimated budget of a higher education institution for the current year and amendments thereto;
  - 2) report on costs and receipts;
  - 3) information about tendering;
  - 4) staff schedule for the current year.

## **SECTION XV**

### **FINAL AND TRANSITIONAL PROVISIONS**

1. This Law shall come into force in one month after its publication, excluding:
  - paragraph two in part two of Article 56 hereof that shall come into force from 1 September 2015;
  - part seven of Article 44 and part four of Article 72 hereof that shall come into force from 1 January 2016.
2. This Law of Ukraine “On Higher Education” (*The Verkhovna Rada Bulletin*, 2002, N 20, Art. 134 as amended) shall be invalidated.
3. Establish that:
  - 1) education activity for qualification level of “specialist” that is carried out by higher education institutions and was initiated before this Law coming into force shall continue for the period of study for the relevant professional programme with issuance of the state-recognized documents certifying higher education – diploma of specialist. The last admission for “specialist” level programmes shall take place in 2016;
  - 2) after this Law coming into force, higher education for qualification level of “specialist” (complete higher education) shall be deemed equivalent to master level of higher education;
  - 3) education activity for qualification level of “junior specialist” that is carried out by higher education institutions and was initiated before this Law coming into force shall continue for the period of study for the relevant professional programme with issuance of the state-recognized documents certifying higher education – diploma of junior specialist. The last admission for “junior specialist” level programmes shall take place in 2016;
  - 4) after this Law coming into force, diploma of “junior specialist” (initial higher education) shall be deemed equivalent to diploma certifying higher education of professional degree of junior bachelor;
  - 5) higher education institutions that deliver education under “junior specialist” qualification programmes shall have the right to continue education activity for professional degree of junior bachelor subject to relevant licensure. Special licensure requirements for education activity of

higher education institutions accredited at Level I in order to receive license for professional junior bachelor programmes are established by central government agency on education and science. The first license for the period of five years may be issued for professional junior bachelor programmes without a requirement to deliver education on bachelor level. During these five years a higher education institution accredited at Level I may have Pedagogical Council. Accreditation of junior bachelor programmes shall be subject to common requirements according to this Law;

6) higher education institutions accredited at Level I that during the five years of junior bachelor licensure period do not obtain license for bachelor degree programmes shall be classified within the system of vocational education;

7) education of candidates and doctors of sciences carried out by higher education institutions and research institutions initiated before this Law coming into force shall continue for the previously established period of study. Persons who completed a graduate or doctoral programme before this Law coming into force shall have the right to defend their dissertation within one year. On the basis of defence results, seekers of research degrees shall be awarded candidate of sciences or doctor of sciences degrees and issued respective diplomas;

8) after this Law coming into force, the research degree of candidate of sciences shall be deemed equivalent to doctor of philosophy degree, and the title of senior research fellow shall be deemed equivalent to senior researcher title;

9) persons who were awarded the research degree of candidate of sciences before this Law coming into force shall, at their own choice, be issued doctor of philosophy diplomas in the respective field by a higher education institution (research institution) at which specialized Academic Councils these persons defended their dissertations;

10) Articles 43 and 44 hereof in part concerning the requirement for being in office for not longer than two service terms for the head of a higher education institution or structural division shall apply to heads elected to their posts after this Law coming into force. Heads of higher education institutions and their structural divisions (departments, institutes, colleges or branches) elected to their respective posts at the time of this Law coming into force shall continue to perform their duties according to the concluded contracts and shall have the right to be elected to their posts for one more term of office.;

11) higher education institutions with the status of a national or research institution, after this Law coming into force shall retain their status and acquire additional rights stipulated by this Law;

12) before alignment of sub-laws regulating remuneration, pensions and student allowance with the requirements of this Law, terms and conditions of remuneration and pension for pedagogical, academic and research staff and student allowance for those enrolled in programmes of study shall remain:

for universities, academies, institutes – on the level of higher education institutions accredited at Levels III-IV;

for colleges (including those which are part of universities, academies, institutes) – on the level of higher education institutions accredited at Levels I-II;

13) up to 1 January 2016, "Placement of state contracts in the amount of 80 per cent of the overall state contract for training of specialists with bachelor degrees shall be carried out in higher education institutions irrespective of their ownership form on the basis of state contract indicators of the preceding year broken down by institutions and respective specialities and proposals of higher education institutions.

Placement of the remaining 20 per cent of state contract of the overall state contract for training of specialists with bachelor degrees shall be carried out in higher education institutions irrespective of their ownership form on the basis of competition results in the current year defined by the average combined admission score for bachelor programmes under respective speciality at the time of closure of application acceptance for admission to higher education institutions";

14) the first composition of the National Quality Assurance Agency for Higher Education shall be built within three months after this Law coming into force according to the following arrangements:

for the period of two years, two members to be delegated from the National Academy of Sciences of Ukraine, and one member to be delegated from each of the sectoral national academies of sciences;

for the period of four years, nine members to be elected from public higher education institutions;

for the period of four years, three members to be elected from private higher education institutions;

for the period of three years, one member to be elected from municipal higher education institutions;

for the period of two years, two members to be elected by the conference of representatives of students' self-governments of higher education institutions;

15) higher education institutions of private form of ownership incorporated in the legal organizational form of a company or other forms stipulated by the law may continue their operations in the existing legal organizational form or may have the right to acquire the status of a private institution. Provisions contained in Articles 29, 42 and 72 hereof apply only to higher education institutions that have the status of public, municipal or private institutions;

16) during ten years after this Law coming into effect, pedagogical (academic) staff with length of employment at a higher education institution of at least 10 years shall have the right to participate in competitive recruitment to a position of head of college, head of department or head of academic department at a college. Requirement of academic title and research degree for candidates seeking appointment to a position of head of college, head of department or head of academic department at a college shall apply in five years after this Law coming into force.

Requirements set forth in Article 43 hereof have no retroactive effect and do not apply to heads of college, department or academic department at a college before expiration of their contracts;

17) state-owned or municipal land plots leased to higher education institutions irrespective of their ownership form shall be conveyed into their permanent use by respective government agencies or local self-governments within six months after the head of a higher education institution files an appropriate request;

18) with regard to licensure of a theological higher education institution, implemented according to the legislated procedure, as well as accreditation of programmes under the speciality “Theology”, establishment and operations of graduate programmes, doctoral programmes and specialized Academic Council of a theological higher education institution in the field of theology, documents certifying higher education, research degrees and academic titles of teaching staff (pedagogical and academic staff) and members of specialized Academic Council issued by a theological higher education institution shall be deemed equivalent to respective documents issued according to the procedure established by the law.

4. The National Quality Assurance Agency for Higher Education, within six months of its establishment, shall prepare and submit for approval of the central government agency on education and science a unified list of specialities based on combination of the current list of specialities under which higher education institutions deliver education and the current list of specialities for defence of dissertations for research degrees of candidate of sciences and doctor of sciences, award of research degrees and academic titles, taking the latter as a baseline.

At the same time, current specialities shall be regarded as specializations that are developed and approved directly by higher education institutions and are not subject to approval by government agencies.

5. Amend the following legislative acts of Ukraine:

1) the Law of Ukraine “On Scientific, Research and Development Activity” (*The Verkhovna Rada Bulletin*, 1999, N 2-3, Art. 20 as amended):

a) paragraphs four, eight and eleven of Article 1 to be set forth as follows:

“academic activity – pedagogical activity at higher education institutions related to scientific and (or) research and development activity”;

“scholar – a physical person (Ukrainian national, foreigner or stateless person) who has higher education on the level of master degree and engages in fundamental and (or) applied scientific research and obtains scientific and (or) research and development outputs”;

“academic staff – a scholar who in their main workplace at a higher education institution professionally conducts pedagogical and research or research and development activity”;

b) in Article 4 the phrase “higher education institutions accredited at Levels III-IV” to be substituted by the phrase “higher education institutions”;

c) in part one of Article 6 the phrase “higher education institutions accredited at Levels III-IV” to be substituted by the phrase “higher education institutions”;

d) part one of Article 13 to be set forth as follows:

“The status of a national research centre may be granted to a research institution or higher education institution that has the national status (association of research institutions or higher education institutions) that engage in integrated research of national significance and have global recognition of their activity”;

e) in Article 16:

in part one of the phrase “higher education institutions accredited at Levels III-IV” to be substituted by the phrase “higher education institutions”;

in part three the phrase “higher education institutions accredited at Levels III-IV” to be substituted by the phrase “higher education institutions”;

f) Article 20 to be set forth as follows:

“Article 20. Research degrees and academic titles

Scholars shall have the right to seek research degrees of doctor of philosophy and doctor of sciences and be granted academic titles of senior researcher, associate professor and professor.

Academic titles of senior researcher, associate professor and professor are awarded by Academic Councils of higher education institutions (research institutions) according to the law and approved by Attestation Board of the central government agency on education and science.

Holding of relevant research degree or academic title is a qualification requirement for appointment of a researcher to a correspondent position”;

g) Article 22<sup>2</sup> to be set forth as follows:

“Article 22<sup>2</sup>. Academic staff positions

The list of academic staff positions at higher education institutions is established by the Cabinet of Ministers of Ukraine”;

h) in paragraph three of Article 22<sup>3</sup> the phrase “higher education institutions accredited at Levels III-IV defined in part two of Article 48 of the Law of Ukraine “On Higher Education” to be substituted by the phrase “higher education institutions”;

i) in part four of Article 23 the phrase “higher education institutions accredited at Levels III-IV” to be substituted by the phrase “higher education institutions”;

j) in Article 24:

in part eight the phrase “higher education institutions accredited at Levels III-IV” to be substituted by the phrase “higher education institutions”;

in part nine:

in paragraph two the phrase “higher education institutions accredited at Levels III-IV” to be substituted by the phrase “higher education institutions”;

in paragraph three the phrase “accredited at Levels III-IV” to be removed;

in paragraph four the phrase “accredited at Levels III-IV” to be removed;



in paragraphs one to three in part fourteen, in paragraph one in part nineteen and in part thirty one, the phrase “higher education institutions accredited at Levels III-IV” to be substituted by the phrase “higher education institutions” in all respective grammatical forms;

k) Article 34 after part eight to be supplemented by two new parts set forth as follows:

“Regulation on grants to be awarded to finance fundamental scientific research, applied research, and research and development (experimental) work from the State Budget of Ukraine is approved by the Cabinet of Ministers of Ukraine.

Property rights for intellectual property rights items (except in cases stipulated by the law) created by using state funds or funds of a higher education institution shall be retained by a research institution that implemented respective forms (types) of research and development activities (scientific inquiry, design and engineering, technological, exploratory works, production of prototypes or sets of research and development products as well as other works implemented for bringing scientific and research knowledge to the stage of their practical application), if otherwise not established by an agreement”.

With regard to the above, parts nine and ten shall be considered as parts eleven and twelve respectively;

2) the Law of Ukraine “On Education” (*The Verkhovna Rada Bulletin*, 1996, N 21, Art. 84 as amended):

a) in paragraph two of part two of Article 12 the phrase “higher education institutions” to be removed;

b) in Article 15:

paragraph two of part one to be set forth as follows:

“National Education Standards are designed separately for each education level and approved by the Cabinet of Ministers of Ukraine (excluding standards for higher education). These standards are subject to revision and re-approval at least once every ten years”;

Part two after the phrase “subordinated education institutions” to be supplemented by the phrase “by the National Quality Assurance Agency for Higher Education”;

Part four to be removed;

c) Section I to be supplemented by Article 27<sup>1</sup> set forth as follows:

“Article 27<sup>1</sup>. National Qualifications Framework

1. National Qualifications Framework is a systemic description of qualification levels structured around competencies.

2. National Qualifications Framework is intended to:

1) introduce European standards and principles of education quality assurance aligned with the labour market requirements for skilled workforce competencies;

2) ensure harmonization of legislative norms in the areas of education and social and employment relations;

3) promote national and international recognition of qualifications attained in Ukraine;

4) build effective interaction between the education services sector and the labour market.

3. National Qualifications Framework is developed with participation of employers' organizations associations and approved according to the procedure set forth by the law";

d) paragraphs eight and nine of Article 29 to be removed;

e) Article 30 to be set forth as follows:

"Article 30. Education, education qualification levels and degrees

1. In Ukraine the following education levels are established:

pre-primary education;

primary general education;

basic general secondary education;

full general secondary education;

vocational education;

higher education;

2. In Ukraine the following education qualification levels and degrees are established:

skilled worker;

junior specialist;

junior bachelor;

bachelor;

master;

doctor of philosophy;

doctor of sciences";

f) in Article 31:

paragraph two in part one to be set forth as follows:

"doctor of philosophy";

part two to be set forth as follows:

"2. Research degrees of doctor of philosophy and doctor of sciences are awarded by specialized Academic Council of a higher education institution, research institution and organizations according to the procedure established by the National Quality Assurance Agency for Higher Education";

g) in paragraph two of parts one and two of Article 32 the phrase “research staff” to be substituted by the word “researcher”;

h) in Article 42:

in part one the phrase “education qualification levels” to be substituted by the phrase “higher education degrees”;

sentence two in part two to be removed;

paragraph three in part three to be removed;

i) parts one to four of Article 43 to be set forth as follows:

“1. Higher education institutions are university, academy, institute, college.

2. In order to recognize a legal entity’s capacity to deliver education in a particular speciality and at a particular level of higher education that meets the education activity standards, these entities undergo licensure.

3. In order to validate quality of education activity for a particular speciality and at a particular level of higher education that meets the higher education standards, higher education institutions shall have the right to undergo accreditation of a programme of study within which they offer education.

4. Higher education institutions deliver training of specialists for the following degrees:

junior bachelor and bachelor – offered by colleges;

bachelor, master, doctor of philosophy, doctor of sciences – offered by universities, academies and institutes”;

j) in paragraph two of part one in Article 44 the phrase “education qualification levels” to be substituted by the word “degrees”;

k) Articles 46 and 47 to be set forth as follows:

“Article 46. Autonomy of higher education institution

1. Autonomy of higher education institution is self-sufficiency, independence and responsibility of a higher education institution in decision-making on development of academic freedoms, organization of scientific research, education process, internal governance, economic and other operations as well as recruitment and allocation of cadre at their own discretion, within the scope defined by this Law.

2. Rights of higher education institutions that determine the meaning the their autonomy are defined by the Law of Ukraine “On Higher Education” and may not be restricted by other laws and sub-laws.

Article 47. Post-diploma education

1. Post-diploma education is specialized enhancement of education and professional training of individuals through deepening, expansion and updating of their knowledge, skills and abilities on

the basis of previously attained higher education (speciality) or vocational education (occupation) and practical experience.

2. Post-diploma education includes:

specialization – field-specific specialized training to acquire skills for performance of particular tasks and duties that have specificity within a speciality;

re-training – professional training aimed at acquisition of another profession by persons who already received initial professional training;

in-service training – enhancement of a readiness to perform professional tasks and duties and acquisition of skills to perform additional tasks and duties by gaining new knowledge and abilities within given professional activity or field of knowledge;

internship – acquisition of experience to perform tasks and duties within given professional activity or field of knowledge.

3. Forms of post-diploma education include:

vocational training for blue-collar occupations;

fellowship programme;

internship;

medical residency;

clinical residency, etc.

4. Vocational training for blue-collar occupations includes initial vocational training, re-training and in-service training of blue-collar workers and may be conducted directly at the employer's place or contracted with the vocational education institutions, enterprises and organizations, and as for staff classified in the categories of managers, professionals and specialists, their re-training, internship, specialization and in-service training may be contracted with the higher education institutions.

5. Fellowship programmes are delivered at universities, academies and institutes and are major form of training offered to academic, arts and performance specialists in the field of arts.

6. Internship is delivered at universities, academies and institutes and is the mandatory form of initial specialization for medical and pharmaceutical specialities for obtaining qualification of a medical professional or pharmacist of a particular speciality.

7. Medical residency is delivered at universities, academies and institutes and is the form of specialization of medical professionals for particular medical fields only at relevant clinical departments to obtain qualification of a medical professional of a particular speciality according to the index of medical specialities approved by the central government agency on healthcare.

8. Clinical residency is delivered at universities, academies, institutes and research institutions and is the form of in-service training of medical professionals that received training through internship and/or medical residency in the respective medical field.

9. Persons who successfully complete training under a post-diploma education programme shall receive a document the form of which is approved by the founder(s) of an education institution or their authorized bodies.

10. Post-diploma education is received at academies, post-diploma education institutes, vocational education institutions and respective structural divisions of higher education institutions, research and academic institutions according to the procedure approved by the Cabinet of Ministers of Ukraine”;

l) part two of Article 52 to be removed;

m) sentence one in paragraph two, part five of Article 61 to be supplemented by the phrase “(except higher education institutions”);

3) in the Land Code of Ukraine (*The Verkhovna Rada Bulletin*, 2002, N 3-4, Art. 27):

a) part two of Article 92 to be supplemented by item (e) set forth as following:

“e) higher education institutions irrespective of their ownership form”;

b) paragraph six in part two of Article 134 after the phrase “budget-funded institutions” to be supplemented by the phrase “higher education institutions”;

4) in the Law of Ukraine “On Electrical Power Industry” (*The Verkhovna Rada Bulletin*, 1998, N 1, Art. 1; 2004, N 8, Art. 67; 2005, N 4, Art. 103, N 27, Art. 359, N 33, Art. 428; 2012, N 22, Art. 210; 2014, N 22, Art. 781):

a) in parts six and seven of Article 26 the phrase “vocational education institutions and higher education institutions accredited at Levels I-IV of public and municipal forms of ownership” to be substituted by the phrase “and education institutions”;

b) part two of Article 27 to be supplemented by paragraph eleven set forth as follows:

“termination or restriction of electrical power supply of an education institution irrespective of ownership form during an academic year”;

5) item 11 in part six of Article 42 of the Law of Ukraine “On Employment of Population” (*The Verkhovna Rada Bulletin*, 2013, N 24, Art. 243) to be set forth as follows:

“11) foreigners that entered Ukraine for the purpose of engaging in teaching and/or research activities in higher education institutions upon their invitation”.

6. Founders of higher education institutions are recommended to:

1) within one year to bring the type and charter of education institutions in compliance with this Law;

2) ensure that higher education institutions align their programmes of study with the requirements outlined in paragraph two of part two in Article 56 hereof, taking into consideration that the new programmes of study that envisage reduction of one ECTS credit to 30 hours and reduction of maximum instruction workload of academic staff to 600 hours come into effect from 1 September 2015. At the same time, reduction of maximum instruction workload per one

academic staff full-time equivalent to 600 hours per academic year does not constitute basis for increasing the number of staff full-time equivalents.

7. The Cabinet of Ministers of Ukraine shall:

1) within three months after this Law coming into effect, ensure approval of a unified list of fields of knowledge that should combine current lists of fields of education and science, distinguishing “Theology” as an individual field of knowledge;

2) before 1 January 2015, define timelines for gradual increase in the level of minimal size of student allowance on the level of the minimum cost of living calculated for one person per month;

3) ensure payment of increments to fixed salary rates of academic staff employed at public and municipal higher education institutions in the following amounts:

Starting from 1 January 2016:

salary increment for research degree of doctor of philosophy in the amount of not less than 13 per cent of the fixed salary rate;

salary increment for research degree of doctor of sciences in the amount of not less than 16 per cent of the fixed salary rate;

salary increment for academic title of associate professor and senior researcher in the amount of not less than 15 per cent of the fixed salary rate;

salary increment for academic title of professor in the amount of not less than 23 per cent of the fixed salary rate;

Starting from 1 January 2017:

salary increment for research degree of doctor of philosophy in the amount of not less than 14 per cent of the fixed salary rate;

salary increment for research degree of doctor of sciences in the amount of not less than 18 per cent of the fixed salary rate;

salary increment for academic title of associate professor and senior researcher in the amount of not less than 20 per cent of the fixed salary rate;

salary increment for academic title of professor in the amount of not less than 28 per cent of the fixed salary rate;

Starting from 1 January 2018:

salary increment for research degree of doctor of philosophy in the amount of not less than 15 per cent of the fixed salary rate;

salary increment for research degree of doctor of sciences in the amount of not less than 20 per cent of the fixed salary rate;

salary increment for academic title of associate professor and senior researcher in the amount of not less than 33 per cent of the fixed salary rate;

salary increment for academic title of professor in the amount of not less than 23 per cent of the fixed salary rate;

4) ensure guaranteed funding of research activity of each higher education institution with the status of a research higher education institution in the following amounts:

Starting from 1 January 2016 – not less than 10 per cent of public funds allocated for its operational maintenance;

Starting from 1 January 2017 – not less than 15 per cent of public funds allocated for its operational maintenance;

Starting from 1 January 2018 – not less than 25 per cent of public funds allocated for its operational maintenance;

5) ensure guaranteed funding of research activity of each higher education institution with the status of a national higher education institution in the following amounts:

Starting from 1 January 2016 – not less than 4 per cent of public funds allocated for its operational maintenance;

Starting from 1 January 2017 – not less than 7 per cent of public funds allocated for its operational maintenance;

Starting from 1 January 2018 – not less than 10 per cent of public funds allocated for its operational maintenance;

6) in six months after this Law coming into force:

draft and present to the Verkhovna Rada of Ukraine for consideration a new version of the Law of Ukraine “On Vocational Education”;

draft and present to the Verkhovna Rada of Ukraine for consideration proposals on bringing laws of Ukraine in compliance with this Law;

bring its sub-laws in compliance with this Law and ensure that ministers and other central government agencies bring their sub-laws in compliance with this Law;

ensure adoption of sub-laws envisaged by this Law;

design a procedure for state recognition of documents certifying theological higher education, research degrees and academic titles of persons who at the time of this Law coming into effect have attained education, defended dissertation for research degrees and received academic titles at theological higher education institutions that have charters (regulations) registered according to the legislated procedure;

with participation of representatives from religious organizations, adopt new sub-laws and amend the existing sub-laws in order to provide legal basis and institutionalize setting up and operations of graduate programmes, doctoral programmes and specialized Academic Councils of theological higher education institutions and further state recognition of awarded research degrees in research specialities referred to the field of science “Theology”, as well as procedure for awarding academic titles to academic staff of theological higher education institutions;

- 7) during drafting of the State Budget of Ukraine for 2015, include expenditure necessary to support operations of the National Quality Assurance Agency for Higher Education;
- 8) within three months after this Law coming into force develop and approve Methodological Guidelines on special aspects of the election system and procedure for election of the head of a higher education institution;
- 9) within one year after this Law coming into force develop and approve a Comprehensive State Programme on ensuring the constitutional right to education for persons with special education needs, in particular to ensure implementation of provisions set forth in paragraph four of part two in Article 70 hereof;
- 10) within two months after this Law coming into force ensure establishment of the National Quality Assurance Agency for Higher Education on the principles and according to the procedure set forth by this Law;
- 11) ensure development of a methodology for standards-based funding of higher education institutions.

**Chair of the Verkhovna Rada of Ukraine**

**O. Turchynov**