

Explanatory Notes to the Draft Bill on Universities (The University Act)

Strengthening university education, research and interaction with society will contribute to the continued growth and welfare of Danish society. In this context, a reform of the country's universities plays a central role in a composite reform of the Danish knowledge and innovation system, which also comprises a reform of the research council system and governmental research.

This bill constitutes a central contribution to improving the release of Denmark's potential in the international sphere of knowledge economy. If society is to give a higher priority to increasing the resources to the research and educational activities of the universities, it is imperative that increased openness and confidence in responsible and professionally effective use of the means is created.

Consequently, the purpose of this bill is to improve the conditions and opportunities of the universities to give multi-disciplinary and strategic priorities to the composite educational, research and dissemination activities and to the many complex and fast changing needs of society. A number of the rules laid down centrally, those that limit the opportunities of the universities to make strategic decisions and lay down focused action plans, must be abolished.

The new progress must start now. It is necessary in order to ensure that new structures have already been implemented when the next large shift of generations in Danish research takes place in just a few years. There must be an even more attractive research environment and improved conditions for research – otherwise Denmark will be unable to maintain and attract the best, young talented researchers, nationally as well as internationally. Alternatively, there is the risk that the quality and relevance of research may decline, and it is a possibility that in some fields of research Denmark will no longer be able to be at the leading edge or will not venture into new fields to do research. This would reduce the significance of the universities as central knowledge-based bodies and cultural repositories for Danish society.

Starting in 2006, the number of young people will begin to increase again. Because of this, the need for university education is expected to increase. Likewise, it is expected that the need for research-based continuing and further education will grow also in the future. The universities are to contribute to ensuring good and relevant possibilities of continuing and further education, thus playing a part in fulfilling the Government's target concerning education of a high quality for everybody. This is also the reason why an educational reform must be realised now, which can develop the quality of education and its relevance for a new generation of young people with new desires and expectations. In this connection, the high quality and relevance of research and attractive education programmes are decisive factors – also to be able to attract a higher number of foreign students to the Danish university programmes.

The bill will lead to a reform of the Danish university system and concerns the tasks, obligations, governance, departmental structure and control of the universities by the central political and administrative levels.

Based on a widely supported wish to develop and change the Danish universities, it is a target in its own right to maintain the academic self-government of the universities and their independence from special interests. The universities must guard freedom of research and scientific ethics. Leaders (Rector, Deans and Heads of Department) at all levels must have academic and managerial legitimacy, and the students must continue to exert considerable influence on education, teaching and study conditions.

It is also a target and a condition for the change to strengthen the management of the universities and to enhance the power of the universities to make decisions, act and develop themselves. A strengthened management structure is to be combined with increased freedom from central governmental control – in particular for the educational sector. The quality of research and educational activities must continue to be of the highest international standards to the benefit of students and society. It is decisive that the priorities of the universities are made stronger and more visible to society. In this connection, it is essential to ensure dissemination of knowledge, application and development with an even broader scope of the knowledge and competencies between the universities and their partners.

The universities undertake several general purposes. They are active contributors to furthering the growth, welfare and development of society by educating individuals in bachelor and master's programmes, by training young talented researchers and by offering continuing and further education. The universities are under an obligation to ensure that the educational programmes are offered on the basis of sound and internationally recognised research, thus ensuring the quality of research-based education. They guard the principles of scientific ethics and freedom of research and undertake basic research, and based on this, they maintain essential basic disciplines. By doing this, they contribute to maintaining and challenging the cultural and intellectual life and values of society, and they are part of the efforts to ensure a free, objective and critical public debate. The universities are open institutions with dedicated researchers and strong research and educational environments of the highest international standards, and they exchange knowledge and competencies with society.

Denmark must be a powerful knowledge society with a competitive knowledge structure characterised by flexibility and an ability for fast readjustment, which will take into consideration the country's small size, its open economic system and majority of small and medium-size businesses relying on medium and low level technologies.

In the knowledge society, the nature of knowledge and education has changed and both are seen in a variety of shapes. University research and education are no longer something exclusive reserved for a limited elite. Knowledge is produced and used by many different organisations, parties and institutions and often in a network based on knowledge exchange, which is a central part of the committed activities of a university. Internationally, the competition in research and education and for students and researchers is heavy and on the rise. The universities have never had a greater number of students, and people with a university degree are found in all walks of Danish society and in other parts of the world.

An increasing share of Danish society makes demands on the universities and has many complex needs and expectations for them – and the demands change with increasing speed. Together these challenges lead to a need for more openness and confidence between Danish universities and Danish society. The gap between the universities and public and private enterprises and institutions must be bridged. We are already witnessing some co-operation and interaction between the universities and society, but this will have to be expanded markedly.

Likewise, the universities need to gain a greater degree of freedom from central control and central provisions if they are to change more rapidly according to these needs and expectations. To do this, their management will have to be strengthened, and to an even higher degree, their management must be able to give a high priority to the multi-sided and complex demands encountered both within and outside the universities and it must continue the development already initiated.

Preparation of the Act

The bill proposing a new university act is the outcome of a process that started in 2000, among others by the creation of the Research Commission, which reported on their findings in autumn 2001. In 2000 and 2001, two self-governing universities were founded with individual Boards featuring a majority of external members; the Danish University of Education and the Technical University of Denmark.

According to its manifesto of 27 November 2001, the Government wanted a reform of the Danish universities. In the course of 2002, there were detailed political discussions, which concluded in October 2002 with a political settlement between the Government, the Social Democratic Party and the Christian People's Party for a new university act.

In parallel with the political discussions and probing, 2002 saw a series of conferences organised by different organisations, research councils, political parties and institutions, and as part of this process the Minister of Science, Technology and Innovation as well as the Parliament's Committee for Science and Technology (the former Research Committee) visited a number of universities as part of the political process. In the course of the year, there have been internal debates at the universities discussing the content of a university reform, and the universities have reported on their particular wishes for the future structure.

With the reform, Denmark joins the group of countries, such as Norway, Finland, Sweden, Austria, the Netherlands, Germany, the UK and Japan, who have recently carried through or are in the process of carrying through similar reforms. These reforms are both part of their efforts to be internationally competitive and to promote wider application of the knowledge of the universities, including development of new partnerships and forms of collaboration.

The Bill

With this bill, the universities become self-governing institutions. The bill focuses on the four tasks of the universities: education, research, dissemination of knowledge and knowledge exchange.

The bill also intends to strengthen the management structure, increase the deregulation of state rules and control of the educational content, and take the freedom to lay down individual organisation structures in the charter further than it is today.

Education

The bill specifies the educational responsibility of the universities. Based on their research activities, the universities train students to earn the degrees of bachelor, master (candidatus) and PhD and offer research-based continuing and further education to the adult population.

An essential educational policy target is that this bill is to reduce the rate of students dropping out of university programmes. From an international point of view, the drop-out figures for several Danish university programmes are high. Another central educational policy target aims to ensure a high degree of student flexibility and mobility between Danish universities and to/from foreign universities. Mobility increases the educational benefit of the individual student, contributes to a diversified student environment and strengthens the development of society. International students need to see the Danish educational structure as something they can benefit from and that is transparent – also the PhD programmes. To be able to realise the target of increased mobility, it must be genuinely possible to transfer between educational programmes, including also the minimisation of difficulties with credit transfer.

Part of the Government's intention with the bill is to safeguard the coherence of the educational policy as expressed in the Government action plan *Bedre uddannelser (Improved educational programmes)*, available in Danish) from June 2002.

According to the current university act, the universities are entitled to impose fees on their foreign students for their education, tests etc. They will continue to be entitled to do so. It is decisive to keep this option, thus making it possible for Danish universities to be players on the fiercely growing international market for education along with foreign universities. In fact, it is assessed that, currently, the overall international market for education is equivalent to a turnover of about DKK 250bn (about EUR 33.3bn). This gives the universities the incentive to increase the internationalisation of their programmes and contribute to the educational programmes and training modules offered across borders. There is another international trend; the universities form strategic alliances with other universities to prepare themselves for the competition in research and education. This is a challenge that the Danish universities must have an opportunity to take up as well.

The target is to ensure that the academic standard of the educational programmes, their relevance, planning and structure are to be developed to match the demands of the research-based tertiary education of a new period. Compared to the present system, the content and structure must reflect the knowledge society's wide needs for competencies to a higher degree. It is essential that the universities

continue to safeguard the training of teachers for, among other things, the upper secondary schools (the Danish *gymnasium*) and the tertiary educational programmes.

The bill proposes that where the educational structure has not already been altered it is to be restructured in order to ensure genuine implementation of the 3+2 structure, that is, 3-year bachelor degrees followed by 2-year master's degrees (*candidatus*). The bill allows for the premises of the Bologna Declaration on the structure of the programmes and the education system.

The bill introduces a modular structure for all bachelor and master's programmes. Students with a relevant academic bachelor degree must be entitled to enrol for an academically relevant master's degree. Students with a bachelor degree will have a genuine choice between several relevant master's degrees – also master's degrees at another university. The academic relevance, correlation and progression must be ensured and the programmes must have clearer competence profiles that are directed at different jobs within the private as well as the public sectors.

To safeguard that bachelor students have a genuine choice of admission and intake to the master's programmes and hence protect their legal rights, the intention is also to introduce a co-ordinated intra-university enrolment scheme (in Danish: *InterUniversitær Koordineret Tilmelding – IU-KoT*) over a period of years jointly with the universities. Offers will be invited to set up and operate this scheme.

The individual student guidance service is to be intensified. In particular, during the final years of an educational programme, the service is to also focus on labour market guidance. In this context and in connection with other student-related services, the universities expand their use of electronic self-service systems. All surveys on the use of computers in Denmark point towards students as one of the groups who have the most extensive use of computers in this country. The intimate knowledge of computers exhibited by students offers an excellent basis for introducing sophisticated use of computers at Danish universities.

For a long period of time, the universities have been developing electronic self-service systems for a series of student-related administrative functions, for instance, enrolment for exams, courses etc. These university initiatives are closely linked to the Government policy to strengthen the electronic communication between citizens and public institutions. The target is to create more obvious, more flexible and more individual guidance and make the administrative treatment more simple, effective and supple – primarily to the benefit of the students.

One of the central goals is to ensure that Denmark has strong university programmes. Danish universities have a long tradition of combining international perspectives with a solid regional foothold and interaction with regional and local public and private enterprises and institutions. Therefore, the universities are to continue to allow for the regional demands for university education.

The alteration of the content and structure of the educational programmes is to be a staged process – to be initiated once the bill has been passed – taking place over a number of years and following a process that the universities and the Ministry of Science, Technology and Innovation will discuss and agree upon.

Quality Development

It is the Government's ambition to promote and strengthen the development of evaluation processes and methods at the Danish universities. A strengthening of the evaluation system is partly intended to improve the ability of Danish universities to compete internationally concerning the quality of their programmes, partly to contribute to meet other central educational policy targets, such as higher academic standards, increased flexibility, lower drop-out rates and student mobility into and out of the country.

The bill specifies the universities' obligation to constantly and systematically develop the quality of their programmes and makes demands that are more stringent in that respect, this also applies to PhD programmes, teaching and student environments. The universities will also have an obligation to draw the students into the quality development and follow-up on evaluations.

The universities' duty to initiate evaluations of teaching, programmes and to specify quality evaluations is detailed. Quality evaluations of allied programmes are to be initiated jointly by the universities. The bill details that the universities' managements are responsible for conducting and following up on the quality assurance and quality development initiatives. The universities will also be obliged to set up a nationwide corps of external examiners to act as a quality assurance mechanism.

An independent external organisation is to conduct the quality evaluations using internationally recognised principles, methods and procedures. It is up to the universities to choose the organisation to conduct the evaluations. Relevant organisations could include existing evaluation institutions in Denmark or, for instance, Norway, the Netherlands, Germany or the UK. The most appropriate thing to do would be to integrate the evaluation of research and education where possible.

The universities are to use the evaluations to demonstrate that the educational programmes offered are relevant to the needs of society and of the highest educational standards. In connection with the evaluations and the development of the content of the programmes, the universities are to draw on relevant users and postgraduates, who have earned their degrees, into the work to ensure a common identity, level and relevance.

The bill details that Deans and, in particular, Heads of Departments are responsible for systematic follow-up on evaluations of education and teaching. The Study Boards and the Directors of Studies are to be included in the work involved in the evaluations and contribute to the systematic follow-up on the evaluations by the leaders (Rector, Deans and Heads of Department).

The evaluations and plans for follow-up are to be specified in the university performance contracts, and are to be approved by the Minister. Follow-up on the evaluations is to be described in the university progress reports to be prepared under the performance contracts. In their performance contracts, the universities specify their method of evaluation and the frequency. Also in the performance contracts, the universities are to lay down clear and binding guidelines for the election of an evaluation

organisation for the quality evaluations. By introducing similar programmes in other countries, the quality evaluations will form a natural part of the benchmarking with other Danish and foreign universities. The idea is that benchmarking is to be a part of the university performance contracts.

The evaluation reports and the plans for follow-up on the educational and quality evaluations are to be available to the public.

In their charters, the universities are to lay down clear guidelines for the documentation systems to be used in connection with the evaluations and follow-ups. Together with the evaluations, the documentation systems are to ensure a high quality of the educational activities, the information and decision basis available to the management, and are to constitute an active management tool.

According to the bill, the Minister is to lay down general guidelines for the quality development initiatives. The bill also makes it possible for the Minister to instigate evaluations on his own initiative in special cases, where it must be assumed that an education is not meeting the standard demands of a research-based education and where the university is not taking its own measures to set the matter right, for instance by instigating an evaluation.

The bill also proposes that the Minister may revoke the approval of an educational programme if it does not live up to the quality demands applicable at all times.

Evaluation of departments, educational environments etc. will still be possible following talks between the university and the Ministry.

As has been possible so far, the Danish Evaluation Institute may instigate evaluation of university programmes following discussions about the department action plan with the Minister of Education and the Minister of Science, Technology and Innovation as laid down in the Royal Decree of 27 November 2001.

In connection with conclusion of new performance contracts, the Minister will report to the Danish Parliament, and in relation to this, the Minister will specify the quality development mechanisms to be established by the universities and the number of planned and perhaps conducted evaluations, including quality evaluations.

Research

The bill maintains that the universities will conduct basic research and that they are under an obligation to guard the freedom of research linked to the universities.

As can be understood, the bill establishes that the universities are free to administer their academic inheritance. All the academic disciplines, from the humanities via theology, social sciences and health sciences to agricultural science, science and technology, contain significant insights and knowledge that must be kept up-to-date and developed.

To be able to protect freedom of research in the universities, it is decisive that there is in fact a solid basis of free research. Public basic research activities with a long perspective are the foundation for the interaction of the universities with society. It is a prerequisite for the universities to be able to form strategic collaborative partnerships with other Danish as well as foreign universities, government research institutes, educational institutions and with public and private business in Denmark and abroad. The existence of strong and free basic research activities is a basic condition if the universities are to be seen as attractive partners at all.

The universities must guard the ethics of science. This applies for instance in relation to the protection of research subjects (test subjects), commercial exploitation of inventions and forgery or twisting of scientific news.

The importance of good and visible management of the research activities and environments is an established fact. For more students to see a research education as an appealing career path, there will have to be good research environments. The bill underlines the need to strengthen the management structure by employing Rectors, Deans and Heads of Departments and emphasises the demands and expectation to them.

Dissemination and Exchange of Knowledge

The bill specifies the universities' obligation to exchange knowledge and competence with – and disseminate knowledge to – society. Based on their research and educational activities, the universities are to provide society with research results and knowledge with a view to promoting growth, welfare and development of society. In this context, the universities are to collaborate with other universities, educational institutions and research institutions, also government research institutes.

The bill emphasises that the universities are to continue to encourage their staff to contribute to and participate in the public debate about important social aspects.

To an increasing degree, the national and international competitiveness of the Danish business sector rests on a functional, coherent and competitive knowledge and innovation structure, in which public and private players act out a closely-knit partnership. The bill intends to ensure the universities new and better opportunities to be equal and competent parties in the overall knowledge and innovation system in Denmark. For instance, the Technical University of Denmark is discussing its possible merger with the science park at Hørsholm.

The bill further proposes that following the forthcoming evaluation of the Danish Act on Inventions at Public Research Institutions (in Danish: *Forskerpatentloven*), which also comprises the universities, a complete set of rules be set up for the different types of external activities performed by the universities, which includes science park activities, innovative environments, patents etc. These rules are to detail any new opportunities open to the universities.

As a result of this, the universities will actively, and to the benefit of both parties, exchange knowledge and competencies with a multitude of players, organisations, authorities and public and private enterprises.

Whilst being a natural partner for business enterprises and public organisations nationally and internationally, the universities should continue to be a central link between the cultural identity of Denmark and European and international culture. This is a side of the university values to develop even further.

The bill proposes that all universities contribute to making the latest knowledge available to non-research based tertiary education, including professional bachelor degree programmes and short-cycle tertiary programmes. On the one side, the collaboration rests on the universities' research, research profiles and research programmes, on the other side, on the professional education programmes and the practical challenges facing the trades.

Governance

The bill proposes that the universities become self-governing institutions. To achieve this, the governance structure will have to be subjected to reforms. It is necessary to introduce Boards with a majority of external members. The chairman of the Board is to be found among the external members.

There must be as a minimum two students on the Boards, and there must be representatives from the academic and technical and administrative staff. In fact, it is assumed that the influence of the technical and administrative staff takes place via the local liaison committees.

The future Boards and the Rectors will be responsible for fulfilling the targets set out in the new performance contracts. The new performance contracts are to lay down clear objectives and success criteria as well as describe and render visible the vision and target areas of the individual university within the university's four main tasks.

This is the result of the development efforts that were initiated with the University Act of 1992. According to this act, the universities could experiment with their departments; they could introduce other ways of managing the tasks for their Boards and employed leaders (Rector, Deans and Heads of Department) – often focusing on external partnerships. At the time, these experiments were regarded as exceptions. Today, a high number of self-governing and often large institutes have been set up with Boards and employed leaders.

In 1999, the IT University in Copenhagen was set up as a free faculty under Copenhagen Business School according to the exemptions provided in the University Act applicable at the time. The IT University has developed new and profitable partnerships relative to education and research across disciplines, such as the sciences of computer, media, communication, organisation etc. In addition, a large number of students have profited from the cross-disciplinary collaboration between the four universities in the western part of Denmark within the framework of the IT university in the western

part of Denmark (*IT University West*). It has turned out that these IT universities provide significant contributions to strengthening the computer competencies in Denmark, and a recent international evaluation of them was positive. The bill proposes that the IT University in Copenhagen become an independent university. In parallel with this, the bill proposes that the strong educational collaboration that takes place in connection with the IT university in the western part of Denmark be made permanent.

In 2000 and 2001, two self-governing universities were set up featuring their own Boards with external majorities – the Danish University of Education and the Technical University of Denmark. With this, the two first Danish universities went along with the structure that applies to most of Denmark's institutions for short- or medium-cycle tertiary educations.

With this bill, all Danish universities become self-governing institutions featuring Boards with external majorities and employed leaders (Rector, Deans and Heads of Department).

Institutional Self-government

This bill establishes institutional self-government for the present state-run institutions among the universities. Self-government and the self-governing institution are well-known concepts within public service, and the concept has been used for at least one hundred years, especially in connection with institutions within the education and social sectors. The concept covers two different clearly defined legal entities, that is, the civil law entities known as foundations, cf. the Act on Foundations (in Danish: *Fondsloven*), and the concept of special administrative entities pertaining to public law, which comprises for instance DR Radio and TV or the Danish National Research Foundation. For further details, please refer to the publication *Fonde med offentlig interesse (Foundations of public interest, available in Danish)*, Copenhagen 1998, issued by the Ministry of Finance.

The special administrative entities are separated from the rest of the public administration by law, which also defines the measure of independence that the administrative entity concerned is to be granted in relation to the rest of the public administration. Therefore, these special administrative entities are not governed according to clearly defined principles, and the measure of independence may vary considerably from one area to another. It is, however, a characteristic feature that they are not included in the governmental hierarchy and that they are not under the directions of the minister concerned. Consequently, there is no legal title to protest to the minister concerning the decisions of the institution. It is suggested, however, to maintain the possibility to protest to the minister in terms of student protests of legal issues.

Normally, the management will be left in the hands of an independent Board to be appointed by the minister or others. They do not receive funding under the state rules of appropriation. Instead, their funding comes from other sources, for instance, they have accumulated capital, as the Danish National Research Foundation has, or they are financed through tuition fees or state subsidies. Furthermore, they are legal persons, that is, they may bear their own rights and obligations, and they may institute proceedings in a court of law in their own name. Their tasks will typically be clearly defined in terms of discipline(s) covered or geography.

For the institutional self-government as described in the bill to work, the present government institutions among the universities will become special administrative entities under the provisions of the bill. The term self-governing institution (in Danish: *selvejende institution*) is chosen to be used because this concept is used elsewhere in the educational sector and because it is used in the budget rules issued by the Ministry of Finance. Furthermore, this concept has already been used in connection with the self-government schemes for the Danish University of Education and the Technical University of Denmark. The intentions of the bill are consequently to achieve more homogenous rules of governance for all the Danish universities.

Pursuant to the bill, the Board is to undertake the interests of the university as an educational and research institution in compliance with the university purpose as laid down in the charter, and is responsible for determining the guidelines of the organisation, its activities from a long-term perspective and its development. In this context, the administration of the university economy is a central part of the responsibilities of the Board. The universities change to separate financing in the form of subsidies, and the universities will be given the opportunity to compile funding separate from the treasury, for instance through savings or revenue from requested funding or patents etc.

The proposed establishment of institutional self-government with Boards and leaders (Rector, Deans and Heads of Department) that answer to the Board is decisive to increasing the freedom of the universities in relation to the Minister and other parties of the public administration, which the universities have wanted for a long time.

It is proposed that the universities get a certain measure of freedom, and it has also been attempted to establish a degree of flexibility that will make it possible to increase the measure of freedom as the rules are simplified, the red tape dismantled etc. This means that from a long-term perspective, further competencies will be added to the universities and with that freedom relative to the Minister and other parts of the public administration.

The universities, however, will continue to be under the supervision of the Minister. One of the effects of this is that the Minister may intervene in the Board, as the university executive authority, if it does not live up to its responsibilities in compliance with this bill.

Financially, the status of the universities will continue to differ. According to the bill, all universities will get the opportunity to compile capital separate from the State assets as such, but in relation to the buildings, the bill only provides that the present Government institutions among the universities take over the buildings at a later point, with the approval of the authorities making the grants.

Management Structure

The proposed reform of the university management structure is to strengthen the management and further the university powers to act and make decisions. The bill combines the management reform with extensive freedom for the universities to lay down their organisational structure in a charter.

Together the members of the Board are to contribute to the promotion of the strategic and general development of the university based on their experience and insight of education, research and dissemination and exchange of knowledge. There should be representatives covering non-domestic research and educational experience. The Boards will have a majority of external members and there will be representatives from the students, the academic staff and the technical and administrative staff. The work of the Board must be surrounded with openness, which is provided for in the bill and to be specified in detail in the individual university charters.

The university may set up a representative assembly, which besides its advisory functions may appoint some or all of the external members of the Board, if the university wants this.

In future, the Rector, the Deans and the Heads of Department will be employed. As the overall principle, the Board employs the Rector. The Rector employs the Deans, who employ the Heads of Department. Furthermore, the Deans appoint Directors of Studies upon the recommendations of the Study Boards. The employment procedure is to ensure their academic and managerial legitimacy. One or more Academy Council(s) are to be set up at each university. These Councils will treat academic questions and make statements on all academic questions of material importance to the academic activities of the university.

A management reform is to safeguard that research activities, education and knowledge exchange continue to be elevated to the highest international quality standard. In general, the management reform is to contribute to the maintenance and strengthening of the process of changes that started with the many attempts at developing organisational structures and educational programmes.

Simplification of Rules and Dismantling of Red Tape

One of the central objectives of the Government's university policy is to ensure self-government for the universities and to simplify the rules, where rules applicable to Government institutions inexpediently bind the universities.

The universities have already today a considerable degree of self-government relative to their economy, because they receive block grants for research, education and other purposes. The present University Act does not lay down any rules on this aspect, apart from section 9(2), which says, among other things, "the institution shall abide by the premises on which the grants were founded and by the rules of disposal, and carry out the tasks for which the appropriation has been made in pursuance of". This financial self-government structure will be maintained.

The building taximeter scheme gives the universities the incentive to ensure an economically viable building administration scheme and effective use of their facilities.

In the cases where a university wants to take over all or some of the state-owned buildings of which they are tenants, the terms and conditions for such transfer are to be specified, this includes a transfer

sum. These terms and conditions are to be tailored to suit the needs of the individual university, and normally the transfer is to be cost neutral to the state.

Having changed over to self-government, the universities are to continue to adhere to the provisions of applicable legislation, the acts on the access to public administration files, on the administration, the ombudsman, the Auditor General, public accounting and public building (in Danish: *offentlighedsloven, forvaltningsloven, ombudsmandsloven, rigsrevisorloven, lov om statens regnskabsvæsen and statsbyggeloven*). These provisions apply to Government institutions and to self-governing institutions that receive more than 50% of their income via public appropriations. The universities organise their own administrative procedures within the framework provided by the bill.

Together with the new freedom to accumulate capital, handle staff issues etc., the political desire to simplify the rules and provisions partly is to support the management's potential to make decisions and act and provide a known framework, partly is to contribute to the creation of better opportunities to nurse talents through strategic career planning, one of the purposes being to solve the problems involved in generation shifts.

The most important condition for the new freedom is the introduction of a stronger management structure at the universities, that is Boards with external majorities, employed Rectors and employed leaders. In view of this, a process will be initiated to modify the job-related structure and the ministerial order on employment.

It is also proposed that the rules applicable to education be simplified and the academic central control reduced. As a result of this, the procedure that has so far been followed in connection with the approval of new educational programmes will be altered. The five present educational councils are abolished. The intention of the bill is to reduce central control and increase academic self-government.

Most of the provisions of this bill directly result from the universities' change of status to institutional self-government and as a result, the mandates mostly concern economic issues. The idea is to reduce the present number of about 150 ministerial orders to about 20. Furthermore, the ministerial approval of new programmes will be limited to primarily an assessment of the economic aspects relative to the taximeter grading and of society's need for the education. The universities are to safeguard the academic environment, content and relevance of new programmes.

This bill integrates the university-relevant provisions and mandates from the act on open education (professional adult education) into the University Act. The present act on universities etc. (the University Act) and the act on business schools and business school departments are repealed. Furthermore, the bill proposes that the Minister – subject to discussions with the Board of the Technical University of Denmark and the Board of the Danish University of Education – may fully or in part repeal the acts on the Technical University of Denmark and the Danish University of Education. This would mean that all universities in Denmark would be covered by the same act.

The bill will be subjected to legislative monitoring.

Assessment of the Consequences of the Bill

Financial Consequences to the State, Municipalities and County Authorities

According to the bill, the university appropriations will change to subsidies to be paid as lump-sum grants (the taximeter scheme) to cover the direct and indirect expenses of the university activities.

It is estimated that the bill will be cost neutral to the state. The advantages of the increased efficiency resulting from the bill are expected to compensate for any additional expenses incurred by the implementation of the management reform etc.

When changing over to self-government, the universities become special administrative entities and will have to adhere to the general provisions on taxes and expenses etc. to a greater extent. One of the consequences of this is that the Minister, as set out in the bill, reimburses the universities' tax related expenses pursuant to the act on VAT. The universities are not expected to incur additional expenses by this.

Administrative Consequences to the State, Municipalities and County Authorities

The bill proposes a simplification of the provisions, among other things in the form of a considerable reduction of the number of education-related orders. Also, the taximeter scheme will be made simpler. In addition to these measures, it is the intention to continue to update the provisions even further, if conditions allow it.

The universities are extracted from the Government accounts, and the ministry is to set up another model for the economic administration of the universities comprising issue of rules, payment of subsidies, treatment of accounts and auditory matters. The universities have to adapt to these conditions. It is estimated, however, that this is compensated for by the efficiency gained through the bill.

Financial Consequences to the Business Sector

The bill is expected to have an indirect positive impact on the economy of the business community, because the bill intends to strengthen university education and research and improve interaction with Danish society, including the private business sector. The intention is to release the Danish potential into the international knowledge economy.

Administrative Consequences to the Business Sector

The bill is not expected to have any administrative consequences to the business sector.

Environmental Consequences

The bill has no environmental consequences.

Administrative Consequences to Citizens

The bill is not expected to have any administrative consequences to citizens.

Community law aspects

The bill does not implement community law.

	Positive consequences/reduction in costs (if yes, please specify extent)	Negative consequences/additional costs (if yes, please specify extent)
Financial consequences to the State, municipalities and county authorities	None	None
Administrative consequences to the State, municipalities and county authorities	Simpler rules. Simpler taximeter scheme. Fewer education-related orders.	When changing over to self-government, the universities leave the government accounts, and the Ministry of Science, Technology and Innovation another model for the economic administration of the universities comprising issue of rules, payment of subsidies, treatment of accounts and auditory matters.
Financial consequences to the business sector	None	None
Administrative consequences to the business sector	None	None
Environmental consequences	None	None
Administrative consequences to citizens	None	None
Community law aspects	The bill does not implement community law.	

The bill was distributed to the universities and a large number of institutions, organisations and authorities, etc. for their comments, as listed below. The draft bill was also published on the website of the Ministry of Science, Technology and Innovation.

Parties commenting on the bill

Universities, etc.:

University of Copenhagen
 University of Aarhus
 University of Southern Denmark
 Roskilde University
 Aalborg University
 Technical University of Denmark
 The Royal Veterinary and Agricultural University
 The Danish University of Pharmaceutical Sciences

Copenhagen Business School
The Aarhus School of Business
The Danish University of Education
IT University of Copenhagen
IT University West

Ministries:

Ministry of Employment
Ministry of Finance
Ministry of Defence
Ministry of the Interior and Health
Ministry of Justice

Ministry of Ecclesiastical Affairs
Ministry of Culture
Ministry of the Environment
Ministry for Refugee, Immigration and Integration Affairs
Ministry of Food, Agriculture and Fisheries
Ministry of Social Affairs
Ministry of Foreign Affairs
Ministry of Education
Ministry of Economic and Business Affairs

Others:

The Academy for the Technical Sciences
The Danish Confederation of Professional Organisations
The Association of County Councils in Denmark
The Danish Institute for Studies in Research and Research Policy
The chairmen of the examiners
The Centre for Language Technology
Association of Danish Business Economists
Rectors' Conference for Danish University Colleges
Denmark's Electronic Research Library
The Danish Evaluation Institute
The Danish Council for Research Policy
The Danish Institute for Advanced Studies in the Humanities
The Danish Association of Employers
Danish Commerce & Services
The Confederation of Danish Industries
The Danish Association of Master's and PhDs
Danish Metalworkers Union
Danish Space Research Institute
National Union of Students in Denmark

The Danish Council of Ethics
The Royal Danish Academy of Sciences and Letters
Erhvervsakademirådet (advisory board concerning short-cycle tertiary educations)
The National Union of Danish University and Business School Students
The Danish Society for the Advancement of Business Education (FUHU)
The Danish Research Training Council
Risø National Laboratory
The Board of Danish Research Councils
Municipality of Frederiksberg
Salaried Employees' and Civil Servants' Confederation
Gymnasierådet (advisory concerning upper secondary education)
The Danish National Union of Upper Secondary School Teachers
Gymnasieskolernes Rektorforening (union of upper secondary school headmasters)
Union of Commercial and Clerical Employees in Denmark (HK) (Government institutions)
The Greater Copenhagen Authority (HUR)
The Society of Danish Engineers (IDA)
The Danish Institute of Border Region Studies (IFG)
Local Government Denmark (LGDK)
Municipality of Copenhagen

Danish Agricultural Council
The Danish Confederation of Trade Unions, LO
MVU-Rådet (board for medium-cycle and tertiary educations)
Rektorforsamlingen for Teknika (Rectors' Conference (technical educations))
Danish Rectors' Conference
Auditor General
Rådet for Teknologi og Innovation (board for technology and innovation)
The National Council for Educational And Vocational Guidance
SEDIRK (Assembly of Director Generals of the Danish Government Research Institute)
Statens IT-Råd (board for the use of IT)
Danish Agricultural and Veterinary Research Council
Danish Natural Science Research Council
Danish Social Science Research Council
Danish Medical Research Council
Danish Technical Research Council
Studenterrådgivningen (student guidance)
The Danish Board of Technology

Explanatory notes to individual sections of the draft bill for the act on universities (the University Act)

To section 1

To subsection (1)

The bill applies to the following universities: The University of Copenhagen, University of Aarhus, University of Southern Denmark, Roskilde University, Aalborg University, The Royal Veterinary and Agricultural University, Technical University of Denmark, Danish University of Pharmaceutical Sciences, Copenhagen Business School, Aarhus School of Business, Danish University of Education, and the IT University of Copenhagen, which the bill proposes be established as an independent university. Assessment is suspended as to whether or not to include newly formed universities in the scope of this act, in the exceptional case that this should happen. In the event, a new university could be established administratively under this act with the consent of the approving authorities, i.e., through provisions in the Appropriation Act or by presenting an instrument for adoption.

To subsection (2)

The universities will become independent institutions under the public-sector administration and a number of acts continue to apply to them, viz. the Access to Public Administration Files Act, the Public Administration Act, the Ombudsman Act, the Act on Public Building, the Act on Gender Equality, etc. In addition, the special provisions applicable to the public administration as provided in the Act on Processing of Personal Data apply.

To section 2

To subsection (1)

The university is to conduct research and offer research-based bachelor and master's programmes, PhD programmes, and research-based continuing and further education at the highest international level.

The university is to ensure the relationship between research and education and the quality of the research-based teaching and the study environment, so that the programmes are relevant to both students and employers and continue to be of an up-to-date standard and the highest quality.

To subsection (2)

The intention is not to change the principle of freedom of research that the university enjoys. The university is to safeguard this freedom and ensure a climate where independent and self-supported research with a promising perspective is being conducted. The freedom of research is linked to the university.

Freedom of research is central to the maintenance and further enhancement of the quality of research-based programmes, since the quality of education is promoted through independent, committed and critical knowledge production.

It is imperative that the university undertake basic research and use this platform to keep up-to-date and further develop essential basic disciplines within the subject areas covered by the university.

Likewise, the university is to guard the ethics of science. It follows from this that research must be conducted with due respect to the guidelines, etc. issued to govern ethical questions and in respect of the ethical issues associated with research.

This aspect is governed by three acts. First, the Act on a Scientific Ethical Committee System and the Handling of Biomedical Research Projects, which lays down provisions for the protection of trial subjects participating in biomedical research projects, but at the same time allowing for the possibility of developing new, valuable knowledge.

Second, the Danish Act on Inventions at Public Research Institutions provides that an institution may accept that an invention shall not be the object of commercial exploitation, if this is due to particular ethical conditions. At the time of publication (spring 2004), this act is being evaluated. Also, the Patent Act and the Act on Utility Models provide ethical considerations concerning when patents can be granted and when utility models are registered.

Finally, the Danish Committees on Scientific Dishonesty should be mentioned. These committees are to treat questions of, for example, forgery or distortion of the scientific message.

To subsection (3)

The bill details specifically the social obligations of the university. The university is to take an active part in the exchange of knowledge and competencies with society.

As an integral part of its activities, the university exchanges knowledge and competencies with a wide range of interested parties, organisations, authorities, public and private enterprises, etc. to mutual benefit.

Society in this case is partly meant to refer to knowledge institutions in Denmark and abroad – e.g., universities, government research institutes, science park activities, university hospitals, centres for tertiary education, single institutions providing medium-cycle higher education, business academies, innovation environments, and approved technological service institutes (the so-called GTS-institutes (Godkendte Teknologiske Serviceinstitutter)) – and partly to public and private organisations and enterprises in Denmark and abroad. As a result of this, the Technical University of Denmark is in the process of discussing merging with the Danish Science Park at Hørsholm.

In its efforts to strengthen the dissemination and exchange of knowledge and as part of its teaching and research, the university includes library and museum functions, etc. as central tools in the overall scope of its activities. For those universities that lack their own research libraries, this takes place as a collaborative effort, with the library(ies) that acts as library to such universities.

The university is open to society and provides research and education with a number of objectives in mind, among others to promote growth, prosperity and the development of the society. The university's

obligations must not work in opposition to the intentions of the Danish Act on Inventions at Public Research Institutions, according to which inventions produced by means of public funds shall be utilised for the Danish society through commercial exploitation.

As a knowledge-based body and cultural repository, the university's significance to society is considerable. The university is to encourage its employees to take an active part in disseminating knowledge to society. This includes the university engaging in the public debate about essential social aspects, also in an international perspective.

To subsection (4)

This provision also concerns non-research based further education, i.e., professional bachelor degree programmes and short-cycle tertiary education programmes.

With this provision, it is proposed that all universities contribute to the research-based aspects of the medium-cycle tertiary education programmes. This matches the obligation currently imposed on the Danish University of Education, cf. section 1(2) of the act on the Danish University of Education. In addition, the Danish University of Education continues to be bound by an obligation to ensure the research relationship with the Danish Institute for Educational Training of Vocational Teachers, cf. section 1(2) of the act on the Danish University of Education. Funds have been allocated under the Ministry of Education allowing the centres for tertiary education and single institutions providing medium-cycle higher education programmes to contract with universities for research activities, and funds have also been allocated to the development of the business academies.

To section 3

To subsection (1)

According to this provision, the university continues its freedom to determine which educational programmes to offer within its academic fields. At the same time, the provision also proposes a higher degree of decentralisation and freedom in relation to the university's own assessment of the academic standard of the programmes offered. The bill makes it possible to give the university the responsibility to ensure that the educational programmes are based on a sustainable research environment, and that research-based teaching can be offered within the specified student intake at an international level and of a high standard. As has been the case so far, the university is to ensure that the programmes offered are in agreement with society's need for programmes within various disciplines, and in this context, the university is to make a qualified assessment to safeguard that graduating students are not educated for ensuing unemployment.

The educational programmes offered are given a taximeter ranking as part of the Minister's approval of the university's educational programme, this also ensures that a programme is in compliance with the rules laid down for an educational programme, cf. section 8 with amendments. Included in the Minister's approval is an assessment of society's need for the programme concerned and its relationship with the other parts of the educational system, jointly, with among others, the Minister of

Education and the Minister for Culture.

It should be noted that to approve programmes for specialised occupations, e.g. programmes giving access to authorisation/certification and programmes qualifying for teaching at upper secondary level and short- and medium-cycle tertiary education programmes, such approval is subject to the Minister's consultation with the relevant resort minister or authority responsible for the programme to ensure that the programme fulfils educational and legal requirements.

The authority to approve programmes comprises full-time or part-time programmes that are new either to the educational system as such or to the university concerned, cf. sections 4(1), par. 1–2 and 5(1).

To subsection (2)

Along with the introduction of the new degree of freedom for the university to determine the programmes offered and to specify the academic content, cf. the notes to subsection (1), the bill proposes that the Minister may revoke the approval of a programme offered if society no longer needs that programme or if the quality no longer lives up to the required standard. Usually, the Ministry will assess the need and the quality based on an evaluation of the programme.

To subsection (3)

The intention is only to apply this provision in the special cases when it must be assumed that a programme no longer lives up to the standard requirements of research-based education and when the university does not take the initiative to remedy this, for instance, by initiating evaluation procedures. It could be relevant, for example, if there have been repeated instances of student criticism and complaints to the Minister of relevance to the programme. The Minister may decide that the evaluation should comprise other programmes at the university or at other universities, this could be the same programme or related programmes, to allow for a comparison.

To section 4

To subsections (1) and (2)

The provision specifies that the fundamental structure be maintained with independent admission to 3-year bachelor programmes, 2-year master's programmes, and 3-year researcher programmes. In its third year, a bachelor programme finalises with a bachelor project, and the master's programme with a master's thesis. The programmes and the individual components of the programmes are denoted in ECTS points (European Credit Transfer System), which is the common European model for quantitative evaluation of tertiary educational programmes. According to the ECTS rules, 60 ECTS points make up a year of full-time studies. A number of countries, including Denmark, have already introduced the system of ECTS points as a national system of measurement.

Bachelor programmes are full-time studies organised in a manner allowing a student to finalise the programme in 34 months, although for programmes commencing in the spring this is 36 months. The master's programmes are full-time studies organised in a manner allowing a student to finalise the programme in 24 months for programmes following immediately after the bachelor programme. These programmes are divided into months, with due consideration to the provisions of the act on the Danish State Education Grant and Loan Scheme, under the resort of the Ministry of Education.

Usually, a PhD programme is organised as three full-time years. However, the university may decide otherwise and organise the programme on a part-time basis, for instance, when research training concerns programmes linked to a field of industrial relevance or to a profession, so that the PhD student continues the association with his/her industry/profession during the course of the educational programme. Admission to a PhD programme must be based on qualifications at the level of a finalised master's programme or equivalent. As has been the case so far, students who have not yet finalised an education at the level of a master's degree can be admitted as PhD students under the so-called "4-4 scheme" following rules laid down by the university.

To subsection (3)

The special circumstances apply to the specific programmes giving access to authorisation / certification, where the granting of such authorisation/certification may be conditioned by a study period other than that laid down in subsection (1); this could be, for instance, master's programmes giving access to authorisation as a doctor or veterinary surgeon following a bachelor degree. It is decisive, however, that any extension of the standard duration of a study programme is added to the master's programme so that the student can achieve a well-rounded bachelor degree after the third year of study.

This applies also specifically to the special introductory course instruction today offered in connection with a number of bachelor programmes that may be of an extent not exceeding 60 ECTS points, e.g., language programmes under the humanities either not offered at upper secondary level or if so then only in a few places in this country, and the theology programme, in which students are offered to study Latin and Greek. It is imperative that any extension of the standard duration of a study programme is added to the bachelor programme, since the ruling principle behind the introductory course is to provide the students with language skills at the level of upper secondary education before they start university studies.

In view of any side effects impacting on the Government's expenses to the State Educational Study and Loan scheme, the Minister will discuss the application of the option outlined in subsection (3) with the Minister of Education being the resort minister of the State Educational Grant and Loan Scheme Agency.

To subsection (4)

According to the ruling principle, the university decides the specific student intake. Since there are no limits to the student intake into the individual bachelor and master's programmes, the university sets its

own figures for the intake into the individual programmes, provided the university is able to offer satisfactory research-based instruction using qualified teachers and is able to procure sufficient space. The bill does propose, however, that sufficient powers be vested in the Minister to disregard this principle by determining a maximum intake, thus making it possible to determine a limit to the space required or to determine a maximum intake for a specific educational programme.

To section 5

According to this provision, universities can offer research-based continuing and further education as part-time programmes. Part-time education comprises tertiary education programmes aimed at commerce and industry against student fees and with partial state subsidies to the adult population. Usually, these programmes are part-time studies meaning that it is possible to join the instruction outside normal working hours in parallel with a job; it is also possible to organise these studies as full-time programmes for as long as a year. Part-time programmes eligible for state subsidies, according to the provisions of this act, cannot be reserved for particular enterprises or the like and must be advertised in public.

It should be noted that these programmes have so far been offered and subsidised according to the provisions of the act on open education (vocational adult education), etc. (in the following referred to as the OE act), which primarily is under the resort of the Minister of Education. With this bill, these programmes are governed by the University Act and hence no longer termed open programmes, but part-time programmes. Master's programmes are now and will also in future be governed by the act on adult vocational basic and tertiary education (the system of tertiary education) (in the following referred to as the ACFE act) but subsidised, etc. as a part-time programme under the provisions of this bill.

Relevant provisions from the OE act form an integral part of this bill. This only concerns technical integration of central provisions of the OE act that are necessary for the university to be able to manage the research-based educational programmes offered in the form of part-time programmes. The following provisions from the OE act have been integrated: scope (section 1), field and organisation (section 2), programmes offered (section 3), subsidies (section 6), and student fees (sections 8 and 9). The provisions concerning the board (sections 11–13) have been disregarded since it is predicted that the universities with their research-based programmes will pose no competition to private initiators.

Pursuant to section 8 of the bill, general rules on objective, field, external students, organisation, and part-time programmes offered will be laid down as part of the technicalities of incorporating the provisions. Provisions about subsidies and student fees are integrated into sections 19, 20 and 26 of the bill.

To subsection (1)

Re 1) A *master's programme* can be offered as a regulated course, i.e., a programme governed by rules laid down by the Minister, or a versatile course, i.e., a programme organised according to a personalised course programme, as provided by the ACFE act. A master's programme counts 60 ECTS

points, in exceptional cases up to 90 ECTS points, and is finalised with a master's thesis of not less than 12 ECTS points. Master's programmes with a regulated course have to be approved by the Minister, cf. section 3(1).

Re 2) With the provision about *other continuing and further education*, a university may jointly with government research institutes offer new qualifying programmes, etc. of, e.g. 6 months' duration, when converted to full-time studies (30 ECTS points), cf. the bill for an act on governmental research. Such courses have to be approved by the Minister, cf. section 3(1).

Re 3) *Supplementary educational activities* comprise programmes supplementary to the ordinary educational system, e.g., going from a medium-cycle tertiary education programme, including a professional bachelor degree programme, to a postgraduate course at a master's level, or from a university bachelor degree programme, to the level of a master's degree programme. Only in the exceptional cases will there be a need for supplementary courses since this will be relevant only to individuals who need to improve their academic/vocational and theoretical qualifications in relation to a particular education and level of education. In many cases, single courses from existing programmes can be used as supplementary courses, cf. section 5(2).

Only in the cases when these possibilities are not relevant a student may need an actual supplementary programme, and such programmes have to be approved by the Minister, cf. section 3(1).

To subsection (2)

In addition to the part-time programmes referred to in subsection (1), the university may continue to offer the following programmes as part-time programmes without the Minister's approval.

Full-time programmes organised as part-time programmes – the intention being all programmes for which the university already has approval for full-time programmes.

Single courses – an academically narrow part of a programme subjected to individual examination or other assessment. Pursuant to section 8 the Minister will lay down rules providing that the participants of part-time programmes and full-time programmes organised as part-time programmes are entitled to finalise these programmes as single courses. If there are vacancies in a full-time programme, the university, however, may admit students to limited parts of the programmes in compliance with the provisions on part-time education.

Domain-specific programmes – these are courses lasting between one and four weeks when converted to full-time studies. The university offers these courses based on the full-time and part-time programmes for which the university has approval and receives subsidies. The courses build on components of these programmes.

As has been the case so far, the university can offer part-time programmes on a commercial basis to industry, etc. Such educational activities can be organised as arranged with the enterprise(s) concerned.

To section 6

To subsection (1) and (2)

As has been the case so far, the general rules applicable to research-based programmes to be issued under the provisions of section 8 will also apply to the titles used for the bachelor programmes, master's (candidatus) programmes, PhD programmes and master programmes.

The university continues to be able to award the higher doctoral degree as the highest university degree within the academic fields with associated master's degrees that are represented at the university, cf. section 4. Likewise, the university can continue to award honorary doctoral degrees to persons who have had such scientific impact that it is considered natural to honour them with the highest academic degree. Only a university under the scope of this act may award the higher doctoral degree, including honorary doctoral degrees.

Under the provisions of the current University Act, rules have been laid down governing how to earn the higher doctoral degree, including provisions in the statutes of the individual university. It is now proposed that the central rules governing this issue can no longer be issued, but that the specific rules about the award of the higher doctoral degree are laid down only in the university charter.

To section 7

This section is specifically targeted towards certain research-related medium-cycle higher education programmes, including professional bachelor degrees, e.g., BSc (engineering) and social worker, and the diploma programmes, such as the programme for graduate diploma in business administration.

To section 8

The provision gives the Minister the power to continue to be able to lay down general rules for research-based full-time and part-time programmes, including examinations and quality improvement. The provision further continues the Minister's power to lay down general rules governing access to research-based programmes.

In view of the desire to reduce the central academic control of the programmes and to expand the university's academic self-government, it is proposed that as part of the Minister's power to approve new programmes he/she also has to ascertain that the programme concerned complies with the general provisions about the programme, the taximeter ranking of the programme, and an assessment of society's need for the programme offered, including the relationship of the programme with the entire educational system, cf. the notes to section 3(1). As a consequence of this, the general framework of research-based programmes is laid down centrally, and hence the university specifies the academic content, etc. in the curriculum. In continuation of this provision, the specific contents of the programmes will no longer be subject to review by, e.g., educational councils, which are abolished.

The intention is to issue orders for the bachelor- and master's programmes (full-time programmes) and the regulated master's courses (part-time programmes), stating a list of acknowledged titles, cf. section 6, and a revised order for PhD programmes.

Consequently, the intention is to specify the general rules for, e.g., bachelor- and master's programmes in an order applicable to all research-based programmes or groups of programmes. The university will lay down the details of the individual programmes in the curriculum. As a minimum, the order on programmes will lay down general rules on matters such as, academic consistency and progression during the programme, to a certain degree the extent of bachelor projects and master's theses (denoted in ECTS points), approval of curricula and major changes to these. The order should also state that relevant employers and postgraduates with a master's degree must be consulted and the rules coordinated with the same or related programmes at other universities.

As has been the case so far, curricula are not subject to the Minister's approval; however, for programmes giving access to authorisation, these curricula are subject to negotiations with the relevant authorities. Curricula must be made publicly available.

It is also the intention to issue rules about the following, subject to consultation with the Minister of Culture, Minister of Education, etc.

Exams and assessments – This also comprises complaints to the university made by students, for instance, regarding deadlines for submission of complaints, in connection with complaints concerning tests and other assessment forming part of the exam. The intention is to continue to uphold the rules providing that as a minimum one third of the assessments of a programme the student must sit for are external exams (assessed by external examiners) and that a nationwide corps of examiners with chairpersons is set up. It is also the intention to consider whether the Director of Studies is to participate when appointing examiners for a specific test or other assessment.

Quality development – It is proposed that the university evaluate its programmes and teaching on a regular and systematic basis, this includes quality evaluations of the same or related programmes at other universities. Such quality evaluations are to be conducted by an independent external body using internally recognised principles, methods and procedures. There is to be systematic follow-up of these evaluations as part of the university reporting and focus areas under the performance contracts, since there must be public access to these evaluation reports and follow-up schemes. The university and the Minister can ask existing evaluation bodies, in Denmark or abroad, to conduct or contribute to these quality evaluations, cf. the notes to section 10(8).

Admission, intake, etc. – It is proposed that the current rules be maintained and further specified. With the study reform, the intention is to give bachelors graduating from a university a choice between different master's programmes, also improved opportunities to earn a bachelor degree with one university and a master's degree at another. To make the students' choices more obvious and to protect their legal rights when transferring from a bachelor programme to a master's programme, the intention is also to introduce a so-called co-ordinated intra-university enrolment scheme (in Danish: *InterUniversitær Koordineret Tilmelding – IU-KoT*) with the Minister's approval. Rules will be laid

down for the enrolment scheme, it will be initiated, developed and implemented over a number of years jointly with the universities, and students will be guaranteed admission to at least one master's programme. Offers will be invited to set up and operate this scheme.

Part-time programmes – For further details, please refer to the comments under section 5.

To section 9

This provision specifies that it is the university's responsibility to offer educational guidance to students in full-time programmes and part-time programmes during the actual course of their studies. To reduce the number of drop-outs and support the students in a more versatile educational structure, the university is to increasingly focus on the guidance of students. Especially in the last years of a programme, the guidance should focus on career guidance.

Guidance in connection with admission to master's (candidatus), master's and PhD programmes is offered by the university alone.

For further details about admissions from upper secondary education to university bachelor programmes, please refer to the bill on guidance in relation to the choice of education and career path proposed by the Ministry of Education.

To section 10

To subsection (2)

To the greatest possible extent, the Board shall be open about its decisions, as well as the background and reasons for the decisions, to grant students, employees and other interested parties an insight into the various aspects of the university and the work of the Board. The charter is to lay down specific rules in this respect.

In connection with the approval of the charter, the Minister will review the charter to ascertain that it lives up to the intention of openness of the Board's activities. This openness is to be adjusted in relation to the preparatory material for the meetings of the Board, the negotiations conducted by the Board, and finally the decisions of the Board. Based on the criteria laid down in the Access to Public Administration Files Act, the Minister will lay down a general rule dictating openness but with the proviso that a number of issues will be subject to confidentiality, e.g. the specific employment of the Rector, contract negotiations with private individuals, or discussions relating to strategic alliances with other universities in relation to research or educational programmes.

To subsection (3)

With the decentralisation of the financial responsibility of the university arises the need to specify in detail the university's responsibility for administering its collective resources.

This provision describes the Board's responsibility vis-à-vis the financial administration. This responsibility comprises all financial decisions, from modest individual operational expenses to extensive, long-term capital-related decisions, and decisions relating to property or conclusion of leases.

The financial decisions made must be to the widest possible benefit of the university's objectives.

This also implies that the Board must make long-term provisions in relation to research activities and the programmes when administering the university funds, and not just take current employers, employees, etc. into consideration.

To subsection (6)

The charter lays down the general framework of the university's structure and the rules provided by sections 6(2), 10(10), 12(5), 13(3), 14(10), 15(6), 16(9) and 18(7&9), this also concerns whether, as provided by the current act, representatives of the academic staff are to continue as full-time employees to be eligible and entitled to vote.

To subsection (7)

One proposed innovation to the university governance is to employ the leaders at all levels, including the Rector and other heads of staff. The university executive management refers to the leaders up to the level of the main academic areas, i.e., the Assistant Rector, if any, and the University Director.

It is presumed that the Board adheres to the rules about the terms and conditions for salaries and employment, cf. section 29, as laid down by the Minister of Finance or agreed with him/her.

To subsection (8)

Performance contracts are evident in the current university act also. The Rector initiates the work involved in the performance contract that is subsequently established by the Board following open discussions at the university – also in the Academy Council – and concluded with the Minister. It should be noted that a performance contract is not a legally binding instrument.

The performance contract sets out the strategic objectives of the university, its resources and focus areas and it will focus on the core tasks of the university. A typical performance contract will cover three or four years, and it will specify a number of targets that the university will attempt to meet according to milestones laid down prior to the expiration of the contract period. Once the period of a performance contract has expired, allocation of new appropriations to the universities as a whole could be based on the former contract and a new performance contract.

The performance contract states the future collaboration with external parties and defines operative targets for the internal quality improvement efforts, etc. Based on the specific university profile, the performance contract describes and clarifies the vision and the focus areas of the university and forms the framework of the overall strategic plans for the research and educational programmes.

Evaluations, follow-up schemes and follow-up measures carried through must be explicit from the performance contract and from the university's reporting on the performance contract. In its performance contract, the university lays down the design and frequency of the evaluations, stating clear, binding guidelines both for the offers invited to conduct the quality evaluations, and for the choice of evaluation body. Such quality evaluations are to ensure that the evaluations are conducted by an independent external body using internally recognised principles, methods and procedures.

Besides the qualitative targets, the performance contracts also comprise quantitative and measurable indicators of the university's activities and results, which the management can use for management purposes.

The quantitative targets could comprise student mobility, credits, completion and drop-out ratios, including the number of awarded degrees for bachelors, master's (candidatus), PhDs, and master's. Further, the extent, quality, dissemination and publication of research findings and commercialisation, patenting of research findings and attraction of external funding and foreign researchers could be quantitative targets.

The individual universities are to conduct systematic comparisons (benchmarking) in relation to other relevant Danish and foreign universities as part of the constant progress of the university. Such comparisons can comprise all parts of the university's activity profile and could be based on the qualitative and quantitative targets referred to.

To subsection (9)

The bill vests powers in the Board concerning staff issues relating to the university's Rector, Assistant Rector and University Director. This follows as a natural consequence because the Board – as supreme authority of the university – does not concern itself with staff matters in relation to the remaining university staff, or make decisions in matters relating to, e.g. student complaints regarding a decision made by a Study Board.

Consequently, the Board cannot make decisions to employ or dismiss other members of the staff or expel students. Nor can the Board of its own volition change the university's decision in relation to, e.g., a complaint. The Board is, however, under an obligation to follow-up on a decision made by the body to which the complaint was submitted to determine whether, according to this decision, the complaint is fully or partially sustained and whether the university acts accordingly.

To section 11

To subsection (1)

This provision specifies the relationship between the Minister and the Board as the highest authority of the university. The responsibilities of the Board comprise the Board's administration of the state subsidies and other subsidies and the university's handling of the tasks associated with the university objectives.

To section 12

To subsection (1)

The Board should comprise members who have experience with research and the sphere of education. The external members are appointed on their personal qualifications and as representatives of specific interests, organisations, or sectors.

An external majority is a condition to change over to self-government.

The staff's influence on their place of work continues to be safeguarded through the rules of liaison committees.

To subsection (2)

It is proposed that the members use their composite experience and insight to further the strategic efforts of the university, also to strengthen the quality and relevance when engaging in the university's core tasks. The external members are also to build bridges and act as ambassadors for the university in order to strengthen the university's legitimacy and support in society.

The external members are to come from various sectors, e.g., other research institutions, the cultural sphere, public enterprises, private industry, etc. The intention is to ensure that the Board is a mirror image of the composite profile of the university and its composition is to be broad so that there is no biased representation of specific qualifications, interests or experience. Sectors or special interests may not form a majority. External members may not be students at the university concerned or be employed by it. The question of capacity as provided by the Public Administration Act must be adhered to when composing the Board.

To subsection (4)

It is proposed that PhD students with university contracts, who have so far been part of the electoral group composed by academic staff, cf. the notes to section 10(6), be considered students for the purposes of setting up a PhD Study Board. It is further proposed that other PhD students are included in the electoral group composed by students.

The university charter lays down the details concerning electoral period, including the duration of the

period, and any possibilities for re-election of the other members of the Board.

To subsection (5)

The bill does not specify how to find the external members of the Board. The bill intends to leave it to the universities and the first boards to determine their own future procedure concerning the appointment of external members, provided they fulfil the provisions of section 12(2–3). The charter is to lay down specific rules in this respect. When granting his/her approval of the charter, the Minister – in addition to a standard compliance control – will take care to see to it that the provisions of section 12(2–3) are met.

To section 13

There are today representative assemblies at, for example, the University of Southern Denmark and the Royal Veterinary and Agricultural University. A new proposal is made suggesting that it should be legally possible to set up representative assemblies with independent powers. The bill does not propose it as an obligation to be imposed on the university to set up a representative assembly; rather the universities have the opportunity to choose if they want to do so.

According to the bill, the representative assembly can be conveyed no further individual powers in addition to the role of advisory body and to appoint external members to the Board.

To section 14

To subsection (1)

The Rector undertakes the day-to-day management of the university within the framework laid down by the Board and the performance contract that the Board has concluded with the Minister.

The bill proposes that management tasks are delegated. It will be natural for the Rector to continue to delegate the tasks related to the day-to-day management of the university to the other leaders, i.e., the Assistant Rector, the University Director, Deans, Heads of Department and Directors of Studies. The leaders will undertake the tasks, as provided by the bill, as authorised by the Rector.

The Rector prepares recommendations to the Board concerning the budget and the performance contract and concerning the overall strategies for the research and educational programmes. The Rector prepares action plans for the realisation of strategy and improvement plans, these plans are subject to the Board's approval. Furthermore, the Rector is responsible for the staff management, i.e., the powers to employ and dismiss the university's staff are vested in the Rector, although cf. section 10(7).

To subsection (4)

In the cases where the university is not split up into main academic areas headed by Deans, the

Rector can delegates tasks to one or more employed research deans and one or more employed programme deans.

To subsection (6)

Disciplinary actions regarding students can be warnings, temporary or permanent expulsion. This provision continues the Rector's current authority.

To subsection (8)

This provision includes all forms of collaboration, also co-funded collaborative efforts and requested research. All collaborative efforts are governed by this provision, irrespective of the extent, also in relation to time and finances. To be governed by this provision, the collaborative efforts must be legally binding on the university. As has been the case so far, the Rector can delegate this authority to, e.g., the Dean and the Head of Department.

Changing the university's status to a self-governing institution does not alter the fact that the university also in future has to fulfil the general requirements arising out of the rules and regulations that have governed how the universities could conclude and administer research agreements, including the rules laid down in the budget guidelines issued by the Ministry of Finance, acts of parliament, EU regulations, etc.

To subsection (9)

The rector may use this option as an absolute exception, i.e., only if the Academy Council seriously neglects performing its duties.

To section 15

To subsection (1)

To date, only the Danish University of Education has set up an Academy Council. The Technical University of Denmark has set up a Senate with similar powers. An innovative proposal in the bill is that the university can either set up one Academy Council covering the entire university or several councils split up onto main academic areas.

To subsection (2)

The bill proposes that the Academy Council is empowered to safeguard academic freedom. Likewise, the bill proposes that the powers so far vested in the current Faculty Council, e.g., the issue of recommendations to the Rector, the composition of expert committees set up to assess applicants for academic positions, the award of doctoral degrees, etc., be transferred to the Academy Council.

To subsection (4)

For the election of PhD student, please refer to the notes to section 12(4). Since the main task of this council will be to safeguard academic independence, the bill proposes that the technical and administrative staff not be represented. Instead, the technical and administrative staff exert their influence through their representation in the university Board and the liaison committee.

To section 16

To subsection (1)

As proposed in section 14(4), the Dean is employed by the Rector. The Dean is to safeguard the cross-disciplinary internal measures taken to improve and assure quality development, and the Dean also initiates quality evaluations of the individual programmes under the main academic area. Furthermore, the Dean takes care to ensure dialogue and contact with employers and postgraduate students in relation to the content, profiles, quality, and relevance of the educational programmes on a continuous and systematic basis. Finally, the Dean is responsible for the development of the management culture of the main academic area and the development of the managerial skills of the Heads of Department and Directors of Studies.

Besides these obligations, the Dean also has to follow the binding collaboration with other universities, including the coordination of quality evaluation and other activities with other universities to safeguard the development and assurance of the quality. The Dean also ensures that there are procedures and activities in relation to knowledge exchange and technology transfer, if relevant.

If falls naturally under the Dean's responsibilities to determine the general guidelines for the transfer of credits, including coordination with other universities. The Dean also is to set up an organisation that is able to manage all tasks of the main academic area aided by the student, academic and technical and administrative staff.

To subsections (4) and (5)

To safeguard the students' influence on their education and the teaching, one or more Study Boards are to be set up, as previously, cf. also section 18(1). Through this Board, the students have a say in decisions regarding their education, including detailed planning and realisation. This protects the legal rights of the students and also gives the students an opportunity to share in the responsibility to safeguard the quality of the programmes and their relevance to the labour market.

To subsection (7)

With this provision, the Dean can dissolve a Study Board before the end of the electoral period. The Dean may use this option as an absolute exception, i.e., only if the Study Board seriously neglects to

perform its duties.

The provision also allows the Dean to take over the duties of the Study Board. This may also only take place in the rare exceptional cases. In cases when the Dean dissolves a Study Board, and if it would be inexpedient to call a new election before the next ordinary election, the Dean may have to take over the duties of the Study Board. This provision, however, also can apply without dissolving the Study Board, e.g., if it is not possible to delay a decision.

To section 17

To subsection (1)

A department is a unit run by a Head of Department. It is the normal venue of research and teaching. The department is the place where the university's activities gather and unfold within the framework of the overall research and educational strategies of the university in compliance with the performance contract.

To subsection (2)

As a new initiative proposed in section 16(3), the Head of Department is not elected, but employed. In compliance with the guidelines laid down by the university Board, the Head of Department undertakes the day-to-day management of the department, including planning and allocation of tasks. The Head of Department is responsible for the research and teaching, including improvement of the research and educational environment, of the department, its budget and staff, e.g., ensuring proper development of staff and talent. The Head of Department is to organise the department so that it is able to manage all relevant tasks aided by the students, the academic and the technical and administrative staff.

The Head of Department can appoint Assistant Heads of Department and Research Directors, and as a natural consequence of such appointments, the Head of Department should delegate management responsibilities to these persons. Research Directors undertake and coordinate, e.g., the participation in major, cross-disciplinary research projects and programmes that either are the department's responsibility or that the department is engaged in. Among the tasks to be undertaken by the Research Directors are the practical aspects of the department's research training programmes and any research schools; stimulation of the creativity, the collaborative spirit, and the academic improvement of the departmental research environment; coordination of major research activities and projects; and research applications. It is also the responsibility of the Head of Department to ensure the Research Directors the best possible framework for their efforts to strengthen the research activities of the department.

The individual researcher enjoys freedom of research within the academic field of his/her employment, although bound by the obligations arising out of the employment. This means that the individual researcher can freely choose methodology, approach, and subject within the research strategies of the university as laid down in the performance contract.

By virtue of his/her powers to issue instructions, the Head of Department can instruct a researcher to address a particular task. To the extent that a researcher is not instructed any such tasks, a researcher is free to conduct research within the research strategies of the university. The Head of Department must be notified of – and approve – arrangements concluded by employees to undertake externally funded research projects, cf. also section 14(8).

External research funds are transferred to the university, which is responsible for the administration.

The Head of Department is to keep track of the publications produced by the individual researcher and their quality; this also comprises compliance with the university's scientific ethical guidelines.

To subsection (4)

Heads of Department are responsible for evaluation and follow-up of teaching. The Head can decide on corrective actions or recommend corrective actions to the Dean after consultation with the Director of Studies and discussions with the Study Board and the Director of Studies. Such actions could be in the form of special educational or didactic measures vis-à-vis a lecturer or the department as such.

The Head of Department is also responsible for following up on the evaluation of a programme, including quality evaluations initiated by the Dean, cf. section 16(1), in the exceptional case by the Minister, cf. section 3(3).

To section 18

To subsection (1)

The bill proposes that powers to set up and dissolve the Study Boards be vested in the Dean, cf. section 16(4). The Board is to lay down the overall guidelines for the structure of the Study Board in the charter, cf. section 10(6).

It is possible to set up a Study Board covering several educational programmes, also programmes across main academic areas, and also a Study Board comprising programmes at bachelor, master's (candidatus), and master's levels. It is also possible to set up a Study Board comprising several programmes at the same level, viz. a Study Board for bachelor programmes, master's (candidatus) programme, PhD programmes, and master's programmes.

To subsection (2)

The bill proposes that one half of the Study Board members be academic staff and the other half students. The charter lays down the total number of members, cf. subsection (7).

To subsections (3) and (4)

As has been the case so far, the Study Board selects from among its members a chairman and a vice-chairman from the academic staff and the students, respectively. The Dean continues to approve the election, cf. section 16(4).

Once the Study Board has been set up and has selected its officers, it recommends a Director of Studies to the Dean. It is up to the Dean/Study Board to decide whether the chairman of the Study Board and the Director of Studies can be one and the same person. If the Director of Studies is not appointed chairman of the Study Board, the Director of Studies should participate in the meetings of the Study Board as an observer.

To subsections (5) and (6)

The Director of Studies answers to the Study Board in relation to his/her duty to undertake the practical organisation of the teaching and tests and other forms of assessment that form part of the educational programmes under the Study Board. The university charter specifies the specific rules governing the duties of the Director of Studies and the Study Board, cf. subsection (7).

Before the university offers admitted student the use of electronic means of communication when registering for, e.g., courses/modules, exams, etc., it would be natural to ask the opinion of the Study Board first.

To subsection (7)

There are various ways in which a Study Board can be organised. The university can follow the current arrangement, which is a 2-line system, in which the department's structure is different from the structure of the Study Board, and independent from it. This could be an appropriate arrangement for programmes where one Study Board draws on teaching from several departments. In the cases where a Study Board draws on teaching from only one department, however, it could be more appropriate to have the Study Board directly under the department, so that the Head of Department takes over the powers of the Dean to set up a Study Board and appoint a Director of Studies.

To subsection (8)

As an alternative to setting up Study Boards at different levels of the organisation, the bill proposes that a Study Board be set up at the level of the main academic area to deal with the contents of the educational programme, and a Study Board at the level of the department to undertake the organisation of the teaching and the tests and other forms of assessment forming part of the exam, together with the Director of Studies.

To subsection (9)

This provision allows the Board to lay down other rules of governance for the master's programmes in the charter. This continues the opportunity already open to the Board pursuant to section 15 of the OE act.

The university, for instance, could set up a Study Board for the master's programme (a Master's Study Board) with external members, e.g., potential employers, and appoint a leader who is also chairman of the Study Board. The Master's Study Board would determine the overall guidelines for the master's programme, whereas the leader jointly with the relevant Heads of Department would undertake the day-to-day management and practical organisation of the master's programme. There is also the special governance scheme that the Master's of Public Health (MPH) programme has been successfully applying for several years. According to this scheme, a Master's Study Board is set up. This Board is a joint board for the master's programmes at several universities and comprises members from these universities, employers, and individuals who have earned a master's degree. In addition, each of the universities may also set up a Study Board and appoint a chairman and Directors of Studies in compliance with the ordinary rules.

This provision is also intended to safeguard that the Board can be represented on the Study Board of the university's master's programmes and hence achieve direct influence for users and employers. The reason for this is that seats on the Board, the Academy Council, and the Study Board will primarily be given to students admitted to full-time programmes. Adult students of a master's programme and students with a job can only rarely spare the time to take an active part in these bodies. Their association with the university will usually be of a shorter duration than for full-time studies.

To section 19

To subsection (1)

As provided by the equivalent section 4(1–2) of act no. 1265 of 20 December on the change-over of the Technical University of Denmark to a self-governing institution, this section provides that once transferred to be self-governing, the university will be entitled to subsidies under a public scheme when an order has been issued on the subsidies and the accounts. According to this provision, the state subsidies will comprise subsidies for educational purposes, research and dissemination activities, and other tasks to be undertaken by the university, e.g., libraries and museums. Only partial subsidies are granted to part-time programmes, these will be supplemented by student fees to be determined by the university, cf. section 26(1) with notes.

The subsidies for educational purposes will be computed according to the general taximeter principles, viz., a sum per full-time equivalent student year to be laid down in the annual Budget. The bill proposes that it is possible to introduce a taximeter scheme linked to completed studies. According to this, there would be a sum for studies completed, e.g., a completed bachelor programme. The annual Budget should specify such a taximeter scheme. The intention is to enhance the university's incentive to ensure that students complete their programmes. Subsidies can also be granted under this provision to the university for educational programmes that are under the resort of other ministries and where the Minister of Science, Technology and Innovation has a financial obligation.

The annual Budget lays down the framework of the subsidies for the research and dissemination activities of the university and other tasks to be undertaken by the university. The actual sum can be seen in the Minister's letter notifying the university of the subsidy.

To subsection (2)

This subsidy also covers the university's expenses to the State's self-insurance scheme.

To subsection (3)

According to this provision the extent to which the university has to follow the general rules for budgets and appropriations can be reduced following negotiations with the Minister of Finance. Any proposals to deviate from the budget guidelines issued by the Ministry of Finance will be presented to the Finance Committee.

To subsection (4)

The bill proposes that it is up to the Minister to determine to which students, including foreign students, subsidies will be given.

If a foreign student does not have to pay for his/her education in Denmark pursuant to EU legislation, conventions, or arrangements, the university will receive a subsidy, cf. section 26 about student fees.

Subsidies will not be granted to foreigners to which section 9(c) applies, cf. sections 28 and 31 in order no. 581 of 10 July 2002 on the admission of aliens into this country (the Alien Order), according to which aliens can be granted a residence permit of not more than one year at a time to enrol for further education, unless otherwise provided for in EU legislation, conventions, or arrangement as mentioned above. However, the Minister can determine that subsidies are always granted to foreign students that enrol at a university as part of a mutual agreement for exchange with a foreign university, provided the exchange arrangement is in balance. With this provision, the Minister can also – when desirable – lay down rules saying that subsidies will not be granted to foreign students.

To subsection (5)

The bill proposes that the Minister can lay down official requirements that the university systems used to administer the studies are to comply with. These requirements concern the computer system used in the university's administration of the studies and the administration of these computer systems.

To section 20

To subsection (1)

This provision concerns subsidies granted for educational activities paid for by other ministries, cf. section 7, and subsidies to research activities paid for by other ministries.

To subsection (2)

According to this provision, the university may accept donations without asking the permission of the Finance Committee. Donations are itemised separately in the annual accounts.

The university may use donations to establish foundations if conditioned by the donor.

To subsection (3)

This provision concerns, e.g., subsidised research activities, forensic investigations, part-time programmes organised on a commercial basis without state subsidies, and other tasks requested in general.

The rules laid down in the act on competition concerning the prohibition of anti-competitive practices continue to apply to the university.

To section 21

To subsection (1)

The annual letter from the Minister notifying the university about the subsidies will specify the conditions of these subsidies, as will the obligations and conditions linked to subsidies granted pursuant to section 19. Likewise, under the provisions of their own legislation, other Ministers can lay down individual conditions for the subsidies when awarding such subsidies pursuant to section 20.

To subsection (2)

Government institutions can transfer unconsumed appropriations to subsequent years. Transferred sums are noted in the main account and form part of the budget assessment of the sums to be spent from this account. Hence, major sums transferred can affect future appropriations.

As a self-governing institution, the university is no longer included in the state budget, and its capital, including accumulated subsidies, is now separate from the State's capital as such. This makes it even more certain for the university that accumulated subsidies will not affect future subsidies.

This provision is equivalent to section 4(3) of the act on the Technical University of Denmark.

To subsection (3)

Pursuant to order no. 809 of 23 October 1997 issued by the Ministry of Justice, funds are to be invested as appropriately as possible. According to the order, funds can be invested in various types of securities, unless otherwise provided by the charter.

There is nothing in this provision to prevent the university from accepting shares, pursuant to section 16(2) of the Danish act on inventions at public research institutions, as a donation. Although the order issued by the Ministry of Justice does not allow investment of funds in these shares specifically.

This provision is equivalent to section 7(2) of the act on the Technical University of Denmark.

To section 22

To subsections (1) and (2)

These provisions replace sections 2(2) par. 5 and 10(2) of the current University Act. The intention of these provisions is to ensure that under the provisions of this bill, the university places facilities, telephone, etc. at the availability of student activities and pays the expenses incurred to the same extent as is currently effected. Consequently, the university is to place facilities at the availability of students' union activities and pay the expenses incurred to a reasonable extent, whereas the university can choose to restrict the same availability and funding of other student activities, e.g., student operated book stores, although cf. the notes to section 20(3) par. 2.

Pursuant to these provisions, the university can no longer directly support foundations or associations that do not concern student activities by placing facilities, etc. at their availability, although cf. section 46. This is related to the pending evaluation of the Danish act on inventions at public research institutions, which also concerns the universities, scheduled for end of 2003. It is the intention in this connection to elaborate a set of guidelines governing the external collaborative relationships of the universities based on this evaluation, including science park activities, innovation environments, and patenting.

To subsection (3)

This provision continues the provisions of the current Budget. According to this provision, the university can pay the expenses of an accident insurance for the students equivalent to the coverage of employees if they have an accident and are subjected to hazardous impact, pursuant to the act on insurance against labour injuries. Such insurance may only cover damage arisen in connection with the educational activity. The university cannot request payment from the students under this provision.

To section 23

To subsection (1)

This provision is intended to maintain the existing VAT arrangement according to which government institutions are reimbursed expenses of non-deductible input VAT. The current arrangement does not apply to non-deductible input VAT related to the universities' operational expenses, construction costs, and expenses paid for by donations, cf. section 20.

To section 24

To subsections (1) and (2)

With this proposed provision, the Minister can require full or partial repayment of a subsidy, and in very grave cases, the Minister may withhold the full subsidy until the conditions for granting the subsidy and the general rules of administration are met. Furthermore, the Minister may decide to withdraw – fully or partially – the university's access to subsidies and determine that the university be excluded from receiving any subsidies until the conditions for granting the subsidy and the general rules of administration are met. The Minister may determine the deadline that the university must meet to remedy the state of affairs such that the subsidy is not withheld or withdrawn until the expiration of that deadline.

It is presumed that the Minister will not rely on the sanctions provided by section 24 as a first measure, but instead make a request. If the university does not comply with this request, the Minister may withhold or withdraw the subsidy or request repayment of the subsidy. An example could be if the university continues not to comply with agreements, conditions or rules concerning terms of salary and employment despite having received a request from the Minister.

To subsection (3)

This provision applies irrespective of whether the excess subsidy is due to a fault on the part of the university or the state.

This provision is equivalent to section 6(3) of the act on the Technical University of Denmark.

To subsection (4)

Pursuant to this provision, the Minister can exercise his powers as provided by subsections (1–3), in so far as subsidies pursuant to section 20 are concerned.

To subsection (5)

This provision specifies that the State may set off against subsidies if the university has been paid excessive state subsidies. The recourse to set off applies also in the cases when the State has a claim vis-à-vis the university, pursuant to sections 31(2) and 42(1).

The set-off is realised at the earliest opportunity. The right to set-off does not affect the State's right to request other forms of repayment. The proposed provision in subsection (2) does not warrant the State a preferential position in an estate in bankruptcy, compared to the ordinary rules of Danish legislation.

If the university defaults its payments to a creditor for debt incurred during the period before the transfer to self-government, the State can accept the obligation to pay immediately if such default arises. Payments arising out of the State settling with a third party on behalf of the university and payments arising in connection with a guarantee liability will be set off against the subsidies payable to the university, cf. sections 31(2) and 42(1).

To section 25

With the proposed provision, the Minister can determine the terms and conditions of loans, including interest rates and terms of payment. Basically, a loan should only be granted if the self-governing university finds itself in severe financial difficulties.

This provision is equivalent to section 5 of the act on the Technical University of Denmark.

To section 26

This provision continues the provisions of the OE act and hence is part of the technicalities involved, cf. the notes to section 5. Although subsection (2) also applies to full-time educational programmes, cf. the notes below.

As has been the case so far, students can only be requested to pay for expenses not covered by the state subsidies. Together with the state subsidy, if any, student fees must not exceed the average costs from a long-term perspective.

Already under the provisions of the current act, the university may request payment from foreign students. It is proposed that this also applies to subsection (2) and hence includes full-time programmes. Since the number of foreign students is expected to rise, it is necessary to detail which groups of foreign students can be requested by the university to pay. Under the proposed provision, the university can only request that foreign students pay if they are not subsidised pursuant to section 19(4), cf. the notes to section 19(4) about this issue.

To section 27

This provision continues the provision of section 9(6) of the current University Act, concerning payment requested from externally funded PhD students.

To section 28

To subsection (4)

The university accounts are to be audited by the Auditor General pursuant to section 2(1) of the legislation governing audits of the accounts of the State, etc.

This provision is equivalent to section 8(2) of the act on the Technical University of Denmark.

To subsection (5)

The Auditor General may arrange with the Minister that audits of the university are to take place pursuant to section 9 of the legislation governing audits of the accounts of the State, etc. Since the university Board is conveyed extensive responsibility and powers to make decisions with this bill, institutional auditing is required as an advisory function targeting the needs of a self-governing university. This partly concerns regular reviews and monitoring of the accounts, including the university's basis for receiving subsidies (the monitoring function), and partly advice and guidance of the Board in relation to financial matters and other relevant issues.

For the university, audits under section 9 could take a form equivalent to the arrangement applicable to institutions governed by the statutes concerning self-government under the Ministry of Education. This also includes that the monitoring function performed by a private accountant, the submission of annual accounts with auditing standards and guidelines, and a statement from the auditors about the basis for granting the subsidies are to supplement the supervisory function of the Minister.

When performing an audit pursuant to section 9, the auditor's responsibility vis-à-vis the Board and the Minister is not limited by the circumstance that the Auditor General audits the university accounts pursuant to the legislation governing audits of the accounts of the State, and similarly any qualifications, etc. to the accounts made by the Auditor General do not exempt the auditor from his/her responsibility. The Auditor General continues to bear the overall auditorial supervision and responsibility.

This provision is equivalent to section 8(4) of the act on the Technical University of Denmark.

To section 29

To subsection (1)

It is a general condition for receiving subsidies that the university adheres to the arrangements about salaries, employment conditions, and pension schemes for the staff laid down by and agreed with the Minister of Finance, cf. the budget guidelines issued by the Ministry of Finance. Fees to the Board are payable in compliance with the circular issued by the Ministry of Finance concerning separate fees, etc.

Within the framework of the current agreement, the Minister of Finance may determine that the

universities are exempted from the conditions for salaries and employment laid down for this area, if needed.

This provision is equivalent to section 9(1) of the act on the Technical University of Denmark.

To subsection (2)

The duty to give evidence as laid down in the act on public servants also applies to member of the Board, cf. section 21(4) of the act on public servants.

This provision is equivalent to section 9(2) of the act on the Technical University of Denmark.

To subsection (4)

This provision emphasises that within the framework of an authority granted by the Minister of Finance, the Minister may delegate his powers to the university.

This provision is equivalent to section 9(3) of the act on the Technical University of Denmark.

To section 30

To subsection (1)

According to the scheme laid down for the administration of the buildings of the state, the university concludes contracts of leases with and pays rent to the state-owned building administration authority under the Ministry for Science, Technology and Innovation for the use of State property. As has been the case so far, the rules of commercial leases do not apply to leases under the administration scheme. This scheme does not apply to the Danish University of Education, Technical University of Denmark, Copenhagen Business School and the Aarhus School of Business since they were already self-governing or had transferred to self-government before the scheme was established. As far as the Danish University of Education is concerned, it is assumed that the university takes over the buildings from the State. This transfer has not been effected, since a special reversion clause seems to apply to the property. The Minister has notified the Finance Committee about this. If the Danish University of Education wants it, an equivalent scheme could be established for this university's use of the State's buildings, cf. also the notes to section 39. The scheme does not apply to the proposed IT University of Copenhagen until the university moves to the new buildings in the Ørestaden.

To subsection (2)

Under this provision, it is possible for a university that today leases its building from the State to take over all or some of the buildings.

Today, the statutory regulations governing the buildings used by the universities vary greatly because of the statutory variations applicable to the universities. Hence, the business schools have always had the right of disposal of the buildings, whereas the act on the Technical University of Denmark transferred the ownership of the buildings to the university. Finally, the University of Copenhagen is in a special situation in that the university is so much older than the other universities, which makes it very difficult today to state the specific nature of the university's right of disposal of buildings. This provision does not aim to determine the scope of the right of disposal of the buildings.

To subsection (3)

Basically, the terms of the transfer will be such that there will no expenses to be borne by the State because of the transfer. It is assumed that fees payable pursuant to the act on land registration and registration of rights of ownership and patents, etc. incurred for transfers of property and associated funding are set off against the transfer sum to be paid by the university to the State.

To subsection (4)

The bill proposes that following negotiations with the Ministers of Finance and Economic and Business Affairs, the Minister can lay down specific rules governing the construction activities of the university. This provision makes it possible to lay down rules providing the necessary framework for the university's responsibility vis-à-vis buildings, etc., while at the same time ensuring that the public insight into the university's administration of buildings, etc. is safeguarded.

Since the budget guidelines issued by the Ministry of Finance apply to the university, in its building administration scheme the Board will have to organise and conduct the university's construction activities in compliance with the principles of the scheme brought about by act no. 228 of 19 May 1971 on the state's construction activities, etc. and in compliance with the guidelines resulting from this act, until other provisions may apply pursuant to subsection (4).

To section 31

To subsection (1)

This provision continues the provision set out in section 12(3) of the current University Act about the Minister's approval of university collaboration activities. Examples of such collaboration activities are the Centre for Advanced Food Studies and the Danish Centre for Forest, Landscape and Planning. It is proposed, however, that this provision be extended so that the Minister can also approve collaboration activities between universities and other educational institutions under this provision.

As has been the case so far, the Minister can grant an administrative approval of mergers between universities and government research institutes with the approval of the authorities that award the funds (the Finance Committee). When a university and a government research institute merge, the university is to ensure that the state-specific tasks undertaken by the government research institute (tasks within research, improvement, clarification and consultancy) will also be undertaken in future and it is clearly

shown that these tasks will be managed.

To subsection (2)

It follows from the public rules of appropriation that the State cannot be jointly and severally liable for the obligations of a university. Under the provisions of subsection (2) the Minister may approve that for a research institution under the State that enters a binding collaborative relationship with a university the State can be jointly and several liable for the obligations towards a third party, e.g., the EU. If the State is to pay a sum that is higher than the sum assumed in the collaboration agreement as a result of the joint and several liability, the Minister may set off the excess sum in the university subsidy.

To section 32

To subsection (1)

This provision is equivalent to section 10(1) of the act on the Technical University of Denmark. Should the university be abolished, the net assets of the university will be transferred to the State. The second part of subsection (1) provides for the situation that the university Board – e.g., on financial grounds – determines to abolish the university, but the Minister estimates that the university should continue. In such cases, the Minister can oppose the abolishment of the university and lay down the conditions for its continued activities, which may include partial or full restructuring of the university.

The bill safeguards the State's right to disposal of the net assets. By net assets is meant the assets remaining after all creditors and any other rights holders have been satisfied.

To subsection (2)

Pursuant to subsection (2), it follows from the generally applicable Danish legislation that donations are to be administered in compliance with the wishes of the donors. This means that the State only takes over donations where such transfer does not conflict with the conditions of the donations or where the donor has not specified a wish in relation to the university charter as applicable at all times. Donations can be granted to the former governmental institution, cf. section 44 of the bill, and to the university while self-governing. For details on the right to disposal of donations, please refer to the notes to section 44. In the event of the abolishment of the university, it should be determined specifically whether donations should be transferred to another university or to the State; e.g., it should be determined whether funds donated according to the donor's wishes to student purposes should be used to the benefit of students at other universities. Similarly, a work of art can be transferred to another university for its benefit and joy. Where actual trust funds under the individual university are concerned, the Department of Private Law is to decide the future purposes of such a trust fund.

To section 33

It is proposed to continue the scope of the provision of section 12(2) of the current University Act

without changes.

Under this provision, the Minister may lay down special rules in the form of an order applicable to universities or parts thereof dedicated to special purposes or where there are special reasons to do so. The provision concerns those cases when universities are to address other tasks besides teaching and research, e.g., the forensic institutes, museums, collections, or research libraries.

To section 34

To subsection (1)

This provision is intended for rules about deadlines for complaints, etc.

Only complaints relating to legal issues can be brought before the Minister. Legal issues primarily mean issues related to the administrative law and issues concerning educational regulations.

To section 35

As an innovation compared with the current act, a university may enter a collaboration agreement with non-profit organisations pursuant to this provision, according to which such organisations in the exceptional cases may contribute to the university's research-based education within special areas, e.g., a course/single course/module, where the credit is transferable to the programmes under the university, or the university may draw on such organisations for the purpose of guest lecturing. It is decisive to the Minister's approval of such collaboration agreements that such non-profit organisations, within the academic area to which they contribute, can offer documentation of academic research standards of their own competencies, knowledge and experience. Applications for such collaborative activities are to be submitted by the university awarding degrees along with the university's recommendation to the Minister that the application be approved. This serves to ensure that the university guarantees the quality of the tuition forming part of the universities programmes. The collaboration agreement is to presume that non-profit organisations follow the rules of employment laid down by the State.

To section 36

It is proposed that the access to deviations pursuant to section 12(1) of the current University Act be changed so that this bill narrows the scope considerably. Deviations will then only be accepted in the very exceptional cases where there are acceptable grounds to deviate from the statutory rules of governance. It follows that there will be no deviations from, e.g., the principles of Boards with an external majority, employed leaders, or student influence.

To section 37

According to the transition to this act, the Rector, the Deans, the Heads of Department, and the Directors of Studies continue in their positions, unless the charter specifies another period, and then until new leaders have been employed or appointed as set out in the charter. The same principle applies

to the collegiate bodies or to members of the collegiate bodies. If the duration of an election period of an elected leader is reduced, it follows from the general statutory principles of employment that these individuals are to be paid in full a sum equivalent to the salary they would have received had they continued the full election period.

For the leaders elected, the powers described in this act apply from the date of the entry into force of this act. The collegiate bodies, except for the Senate, continue to enjoy the same powers to the extent these have not been transferred to others. Until new collegiate bodies have been set up, the Senate will make only the decisions that are necessary for the running of the university.

Efforts should be made to ensure that the charter has been approved by the Minister and entered into force by 1 July 2005.

To section 38

To subsection (1)

Previously, both the University Act and the act on business schools and business school departments applied to Copenhagen Business School and the Aarhus School of Business. It is proposed to join these provisions in this bill.

To subsections (2–4)

By maintaining the Advisory Councils and the Senates of the business schools, the proposed provision safeguards that the business schools are run by the existing management until new Boards have been set up under the provisions of this bill. The two Advisory Councils have adopted this proposed transition arrangement.

This bill proposes that the Advisory Councils at Copenhagen Business School and the Aarhus School of Business be abolished. The Advisory Councils will be allowed to influence the procedure governing how the first Boards are set up. Historically, Copenhagen Business School enjoys close ties with the Danish Society for the Advancement of Business Education (FUHU), and it should be expected that FUHU also in future will exert an influence on the appointment of the external members of the future Board as provided by the charter.

To subsection (5)

Please refer to the notes to section 37.

To subsection (7)

The provision proposed continues section 7 of the current act on business schools and business school

departments. The two business schools want to uphold their sole and exclusive right to use the Danish term for business school (“handelshøjskole”).

To subsection (8)

This provision continues section 4a of the act on business schools and business school departments, cf. order no. 864 of 27 September 1996.

To section 39

The Danish University of Education and the Technical University of Denmark differ from the other universities in that they have already transferred to a governance scheme in line with the one proposed by this bill. As a result of this, these two universities have Boards with an external majority and employed Rectors that head a combination of employed, appointed and elected leaders. At the same time, the governance scheme is a relative novelty to both universities. This speaks in favour of granting special considerations when the universities change over to be governed by this act entirely.

Further, it should be noted that the statutory bases of these universities differ in that the Danish University of Education is governed by an act of its own, whereas the Technical University of Denmark is governed both by the current University Act and the act on the transfer of the Technical University of Denmark to self-government.

In relation to the Danish University of Education

It is proposed that the Minister compose a scheme governing the transition of this university to this act, after discussion with the Board of the university. The intention of these powers being to arrange an appropriate transition procedure for the university so as to maintain the governance structure that the university has already established, and further improve this structure during the transition period laid down in the act on the Danish University of Education. The governance structure envisaged for the initial period is very much in agreement with the principles of this act, cf. section 24(8) of the act on the Danish University of Education. The initial period expires on 1 July 2005, which is the time when this bill provides that the universities are to have changed over to the new governance scheme.

This transition scheme basically provides that employed, appointed, and elected leaders continue for the duration of the period for which they are employed, appointed, and elected and then new leaders will be employed and appointed under the provisions of this bill.

The period of the present Board is extended until 31 December 2004 so that this university can set up a Board under the provisions of this bill in parallel with the other universities. The current Board lays down in a special article to be approved by the Minister the procedure to follow when setting up the first Board under the provisions of this bill, cf. also section 37(7), 1st full stop.

In connection with this university transferring to be governed by this bill, it is not the intention to change the educational profile of the university featuring degree programmes targeted towards

individuals that have already earned a bachelor's degree or similar. Hence, it is not the intention that this university is to offer bachelor programmes with this bill.

Subsection (2) proposes that the Minister is authorised to gradually abolish the current act on the Danish University of Education. In connection with the establishment of the Danish University of Education, it was determined that the university should also receive subsidies. These rules have to be upheld until the other universities will also receive subsidies according to the same guidelines. Since the bill does not state a time for this, it is necessary to uphold the relevant provisions of the act on the Danish University of Education until this has been effected. Conversely, it is also the intention immediately after the entry into force of this bill to abolish the provisions of the act on the Danish University of Education according to which the university will take over the property associated with the university. As remarked in the notes to section 30, it has not been possible to realise this transfer as envisaged since the property is provided with a right of escheat that prevents the transition on the terms set out in the act on the Danish University of Education. Instead, this university can seek to have the buildings transferred pursuant to section 30 of this bill. When determining the terms of a new transfer, the Minister will allow for the originally presumed conditions to the widest possible extent since this is what the university expects. Until this university is able to take over the buildings as provided by section 30 of this bill, the State places the current buildings at the disposal of the university on terms equivalent to those of the other universities, i.e., as provided by the rules laid down for the administration of the buildings of the state.

It is emphasised in subsection (3) that the provisions of the act on the Danish University of Education takes precedence over the provisions of this bill until that act has been abolished.

In relation to the Technical University of Denmark

With this bill, there is no intention to change the standing of the Technical University of Denmark as an already established self-governing institution – also in terms of buildings and capital – or the plans and intentions behind the act on the change-over of this university self-government. Consequently, a special transitional arrangement is required that will allow for the alterations in governance structure that this university has already been through and that the other universities are facing, and according to which this university has already established itself in confidence to this arrangement.

The background for this transitional arrangement is that the exemption granted to this university from the governance provisions set out in the current University Act is assumed to be abolished at the same time as the other universities changing over to a new governance structure, i.e., this is expected to take place by 1 July 2005.

This transition scheme basically provides that employed, appointed, and elected leaders continue for the duration of the period for which they are employed, appointed, and elected and then new leaders will be employed and appointed under the provisions of this bill

Likewise, the Board will continue until the expiration of its election period by 1 January 2005. The procedure governing how the first Board is set up will be laid down during the transition period. The

Board is composed and the chairman appointed as provided by this bill. The new Board lays down a charter as provided by this bill.

Considering that this university has just been through a transition process as a result of the new governance structure established as an exception from the current University Act and as a result of the change-over to self-government under the provisions of the act on the Technical University of Denmark, there may be a need to change the deadlines referred to above to prevent this university from having to go through a global replacement process at all management levels so shortly after the university has been through a similar process.

Subsection (2) proposes that the Minister be authorised to gradually abolish the current act on the Technical University of Denmark. This is related to the circumstance that the buildings and other assets have already been transferred to this university – contrary to the other universities. Hence, it is necessary to uphold the provisions for this transfer until the legal effects of the transfer are exhausted. In connection with its change-over to self-government, the university also changed over to subsidies and a number of special arrangements have been accepted for the buildings. These rules have to be upheld until the other universities also receive subsidies according to the same guidelines, etc. Since the bill does not state a time for this, it is necessary to uphold the relevant provisions of the act on the Technical University of Denmark until this has been effected. It is therefore not possible to state specifically at the present time when the full contents of the act on the Technical University of Denmark can be abolished.

Alterations in the legal framework applicable to this university will not alter the rights and obligations of the university vis-à-vis a third party. Nor is it the intention that this alteration should affect the relationship between the university and the State.

It is emphasised in subsection (3) that the provisions of the act on the Technical University of Denmark take precedence over the provisions of this bill until that act has been abolished.

To section 40

On 31 January 2000, the Danish Centre for Forest, Landscape and Planning was set up as a binding collaboration between three independent institutions: The Department of Economics and Natural Resources at the Royal Veterinary and Agricultural University, Denmark, the Danish Forest and Landscape Research Institute and the Danish Forestry College. Based on the positive experience acquired from the binding collaboration, these three institutions have asked to reinforce this collaboration under the auspices of the Royal Veterinary and Agricultural University, Denmark.

Section 6 of the act on altering various acts under the scope of the Ministry of Education (alterations resulting from the university reform) proposes that powers be vested in the Minister of Education to abolish the status of the Danish Forestry College as a self-governing institution, cf. act on the centres for tertiary education and other self-governing institutions for tertiary education, etc. with the intention of merging the College with this university, subject to negotiations with the Minister of Science, Technology and Innovation.

To section 41

To subsection (1)

Like the Danish University of Education, the IT University of Copenhagen will be a university that offers master's (candidatus), PhD, and master's programmes and that awards the higher doctoral degree. Pursuant to the provisions of this act, the IT University of Copenhagen does not offer bachelor programmes.

Students who had enrolled for an education at the IT-højskolen i København can finalise their studies at the IT University under the provisions of the orders applicable to the programmes of the IT-højskolen at its change-over to a university.

After its change-over to a university, the agreements (outsourcing arrangements) concluded by the IT-højskolen with Copenhagen Business School, the University of Copenhagen, Roskilde University, and the Technical University of Denmark continue until all students to which these agreements apply have had an opportunity to finalise their programmes as laid down in the relevant educational order or until otherwise agreed upon between the parties. The agreements between the parties may not jeopardise the legal rights of the students or their opportunities to finalise the programmes they have commenced.

To subsection (2)

It is proposed that the Minister sets up an interim arrangement for the change-over of the IT-højskolen to a self-governing university.

This transition scheme basically provides that employed, appointed, and elected leaders continue for the duration of the period for which they are employed, appointed, and elected and then new leaders will be employed and appointed under the provisions of this bill. As a consequence of this, the current director of the IT-højskolen continues as Rector with the statutory powers vested in the Rector until the current period of employment expires or until a new Board has employed a new Rector under the provisions of the charter.

Likewise, the Board continues until a new Board for the university has been set up. As a consequence of the IT-højskolen changing over to become an independent university, it is proposed, however, that the other representatives of the universities in the Board forthwith resign from the Board. To safeguard the continuity during the transitional period under this act, the transition scheme specifies that the current chairman of the Board continue as chairman of the first Board of the IT University.

The transition scheme lays down the procedure governing how the first Board is set up. It is the intention to set up a committee dedicated to produce a list of candidates suitable for external members of the Board. The Minister will appoint members from this list.

The committee also is to comprise members appointed by the chairman of the Board, the Board, the students, and the scientific and technical and administrative staff of the IT-højskolen.

In future, section 31 will apply to IT University West (former IT-Vest).

To section 42

To subsection (1)

By claims is meant the right to request the use of a service, e.g., a telephone line, canteen, etc. The State assumes the primary liability guaranteeing the settlement of debts that the university has incurred up until the entry into force of the act.

This provision is equivalent to section 12(4) of the act on the Technical University of Denmark.

To subsection (2)

Incorporeal rights should be taken to be, e.g., the right of patents, trademarks, copyright, etc.

To section 43

To subsection (1)

The financial statement is necessary to realise the change-over from receiving appropriations to receiving subsidies.

This provision is equivalent to section 14(1) of the act on the Technical University of Denmark.

To subsections (3) and (4)

The transitional arrangement outlines the legal situation that applies until the Minister has used the power vested in him under the provisions of this bill.

This provision is equivalent to section 14(3–4) of the act on the Technical University of Denmark.

To subsection (5)

The change-over to subsidies is expected to take place by 1 January 2005.

To section 44

Pursuant to section 9(8) of the current act, the universities are entitled to accept donations and subsidies from third parties. The current State universities can keep such funds separate from the national treasury. The nature of these funds varies greatly, e.g., funds for scholarships, for procurement of special equipment, donated works of art, or entire buildings.

Fundamentally, changing over to self-government does not in itself affect the university's right of disposal of such funds. Hence, under this provision the Minister may transfer the funds from what has so far been a governmental institution to what will be a self-governing university according to the bill. The reason for this being merely a facultative power can be found in the rules of donation pursuant to Danish legislation and the relationship of this scheme with the public building administration.

Pursuant to the general rules of Danish law, the administration of the donation is to follow the wishes of the donor, and if the donor, e.g., expressly, has wanted to make a donation to the State, the asset cannot be transferred to the self-governing university. As regards works of art that are deposited, donated, or lent, such works are to be maintained, preserved, and stored in compliance with the wish of the donor/lender. When changing over to self-government, the universities are to assume these obligations. In this connection, the universities are to notify the donor/lender of the change-over to self-government so as to allow the donor/lender an opportunity to make his/her own interests known.

In so far as the relationship with the public building administration is concerned, this proposal differs from the act on the Technical University of Denmark in that the buildings are not transferred to the self-governing universities in connection with the entry into force of the act. The buildings therefore remain in State ownership, cf. section 30 of the bill. As a consequence of this, donations that are an inseparable part of a building, e.g., built-in works of art or the donated gate of a building, cannot be separated. Sections 37 and 38 of the Registration of Property Act will be guiding for decisions.

A problem of unique relation to property due to a long lifetime, but that can also apply to equipment, is that a donation can have been consumed. A building once erected to the benefit of a university for private funds might later have been sold off and the proceeds consumed for partial funding of a new building primarily paid for by State funds. Or a building once erected to the benefit of a university but with private funds could have been subjected to so many refurbishments with State funds that it can no longer be regarded as being separate from other State properties. Any decision will have to be determined on a case-by-case basis and in compliance with relevant legal practice.

For any other details, please refer to the notes to section 30(2).

To section 45

To subsection (1)

The intention of this provision is to abolish the possibility of dismissals where the dismissed public servant receives compensation during temporary unemployment, allowance pay, or pension as a result of the university's change-over to a self-governing body.

Public servants may at their own volition seek to be transferred to employment pursuant to the rules of employment applicable to the universities, and similarly they may seek to change to employment in promotion positions in accordance with these rules.

This provision is equivalent to section 13(1) of the act on the Technical University of Denmark.

To subsection (2)

Under this provision, those public servant that are not transferred to employment at the self-governing university maintain their status as public servants.

This provision is equivalent to section 13(2) of the act on the Technical University of Denmark.

To subsection (3)

Once the universities have changed over to self-government, the Minister no longer holds the superior authority. This provision is necessary to vest the required powers in the Minister to allow him to delegate the powers in relation to public servants to the Rector. Only the Minister can dismiss a public servant.

To section 46

This provision allows the universities a period of time to maintain collaborative agreements concluded under order no. 358 of 17 May 2001 on the non-commercial collaboration of universities with foundations and organisations, issued under the provisions of section 10(2) of the current University Act, or collaborative agreements concluded under previous rules where support is granted to an extent exceeding that provided by section 22(1–2) as part of the collaborative agreement.

This is related to the pending evaluation of the Danish act on inventions at public research institutions, which also concerns the universities, scheduled for end of 2003. It is the intention in this connection to elaborate a set of guidelines governing the external collaborative relationships of the universities based on this evaluation, including science park activities, innovation environments, and patenting.