

Ministerial Order concerning the Act on Universities (the University Act)

Notice is hereby given of the Act on Universities (the University Act), cf. Ministerial Order no. 280 of 21 March 2006, with the amendments arising from section 1 of Act no. 544 of 8 June 2006, section 1 of Act no. 295 of 27 March 2007, Act no. 567 of 6 June 2007 and Act no. 570 of 6 June 2007.

Section 9 (2) and (3) come into force on 1 February 2008, cf. section 2 (1) in Act no. 570 of 6 June 2007 concerning amendments to the University Act (Guidelines for students and deadlines for the submission of thesis) which is reproduced at the end of the Ministerial Order.

Part 1

Scope of the Act

1. This Act applies to universities under the Ministry of Science, Technology and Innovation.
 - (2) The universities are independent institutions under the public-sector administration and supervised by the Minister of Science, Technology and Innovation.

Purpose

2. The university shall conduct research and offer research-based education at the highest international level in the disciplines covered by the university. The university shall ensure a balanced relationship between research and education, on a regular basis screen for the relevancy of its research and educational disciplines, prioritise and develop them further, and disseminate knowledge of academic methods and results.
 - (2) The university has academic freedom and shall safeguard this freedom and ensure the ethics of science.
 - (3) The university shall collaborate with society and contribute to the development of international collaboration. The university's academic and educational results should contribute to the further growth, welfare and development of society. As a central knowledge-based body and cultural repository, the university shall exchange knowledge and competencies with society and encourage its employees to take part in the public debate.
 - (4) The university may, based on its research, conduct work for a minister by agreement with the minister concerned, cf. however 33 (2).
 - (5) The university shall contribute to ensuring that the most recent knowledge within relevant disciplines is made available to non-research-oriented higher education.

Part 2

Degree programmes

3. The university is free to decide which research-based degree programmes it wants to offer within its academic scope. Pursuant to section 4 (1) articles 1 and 2 and section 5 (1) of this Act, the degree programmes offered by the university shall be subject to the approval of the Accreditation Council, cf. the Act on ACE-Denmark (the Accreditation Institution for Higher Education Study Programmes).
 - (2) If an existing programme at a university is not approved, or if the approval expires, cf. section 10 in the Act on ACE-Denmark, the university concerned may not enrol students on the programme. The Minister shall draw up a timetable outlining how students already enrolled on study programmes mentioned in item 1 can complete their course of study. In this context, the Minister can require other universities to enrol these students or to assume responsibility for the course of study at the university concerned.
 - (3) The university programmes covered by (1) can only be offered in Denmark, cf. however (4) and (5).
 - (4) The university can offer students, on an individual basis and as an alternative to taking the whole of their course in Denmark, the opportunity to study part of the programme at one or more foreign universities, as per exchange agreements between the universities concerned.

(6)¹⁾ The university can in special cases offer a programme that requires parts of the programme to be taken at one or more universities outside of Denmark, by agreement between the universities concerned on mutual exchanges, cf. however (1).

(6) While enrolled at a foreign university, students studying pursuant to (4) and (5) follow the rules for the university attended, and not the rules set out by this Act.

(7) As part of an exchange agreement, as specified in (4) and (5), the Minister may determine that the Danish university can issue a certificate to students who have completed parts of their study programme at the university without being enrolled on the programme in question.

(8) The Minister stipulates the exact rules for the study programme pursuant to (4) and (5), and for the issuing of certificates pursuant to (7), and may, in this context, deviate from the regulations in 17 (4), 18 (5) and (6), and 34 (1).

4. The university may offer the following research-based full-time programmes as independent courses of study:

1) Bachelor programme for 180 ECTS points.

2) Master's programme (candidatus) for 120 ECTS points.

3) PhD programme for 180 ECTS points.

(2) 60 ECTS points are equivalent to 1 year of full-time studies.

(3) In exceptional cases, the Minister may deviate from the points listed in subsection (1), when special circumstances require it.

(4) The Minister can determine thresholds limiting the student intake.

5. The university can offer the following research-based teaching as part-time programmes:

1) Master's programme.

2) Other continuing and further education.

3) Supplementary teaching in order to meet the admission requirements for a Master's programme (candidatus).

(2) A university's provision of part-time programmes can include all the courses that it is approved to offer on a full-time basis, single courses from these and domain-specific programmes.

6. Within its academic fields, a university can award the Bachelor's degree, the Master's (candidatus) degree, the PhD degree and the doctoral degree. In addition to the Master's degree (candidatus), the university can also award the degree of Master under a continuing education scheme.

(2) The Minister lays down the rules concerning the acquisition of the doctoral degree.

7. Subject to the approval of a second minister, the university may offer programmes in accordance with rules laid down by the minister concerned.

8. The Minister lays down general rules governing education, including grading, cf. sections 4 and 5, on the titles connected to education, cf. section 6, and on admission requirements.

(2) The Minister may determine that Danish tests and examinations can be held abroad, and may lay down special conditions for them. The Minister may stipulate the rules for this and in this context stipulate that the costs of implementing the tests be met in whole or in part by the Danish university or the student.

8 a. The minister may lay down rules for communication between the university and registered students, including PhD students and applicants to the university's study programmes must be partially or wholly computerised.

(2.) The Minister may stipulate that students' evaluation of the teaching shall be published on the university website.

9. During the study programme, the university shall offer guidance on the programme and subsequent job opportunities.

(2) The university has a duty to provide students who have been delayed in their studies with special guidance to help them continue their programmes.

(3) The Minister may lay down rules about guidance pursuant to (1). The Minister also sets rules governing in which cases the university shall offer guidance pursuant to (2) and the scope of such advice.

Part 3

Governance regulations

The board

10. The board is the highest authority of the university. The board shall safeguard the university's interests as an educational and research institution and determine guidelines for its organisation, long-term activities and development.

(2) To the greatest possible extent, the board shall be open about its activities.

(3) The board shall administer the university's funds to ensure that they serve the university's goals to the greatest extent possible.

(4) The chairman of the board shall administer the real estate together with a member of the board.

(5) The board shall approve the university's budget in accordance with the Rector's recommendation, including the distribution of the collective resources and the principles concerning the use of these resources, and it shall approve the accounts.

(6) The board shall set up the university's regulations and amendments. These shall be subject to the Minister's approval.

(7) The board shall employ and dismiss the Rector and employ and dismiss the university's executive management on the recommendation of the Rector.

(8) The board shall enter into a performance contract with the Minister describing the nature and scope of the university's activities.

(9) The board enters into agreements about responsibility for work tasks pursuant to 2 (4), and new agreements about service provision pursuant to 7 with the Minister in question.

(10) The board has no authority in individual cases regarding other employees of the university, cf. (7), or regarding students.

(11) The further details concerning the openness of the board's activities, cf. subsection (2) shall be laid down in the regulations. The details concerning the procedures for employment and dismissal, pursuant to (7) above shall also be laid down in the regulations. The employment procedure shall ensure that the Rector has academic and managerial legitimacy.

11. The board shall answer to the Minister regarding the activities of the university, including the administration of the university's collective resources.

(2) If the board disregards orders from the Minister concerning the rectification of unlawful matters, the Minister may order the board to resign so that a new board can be appointed.

(3) If the board's actions jeopardise the continued activities of the university, the Minister may order the board to resign immediately, and in this connection install an interim governing board, until a new board can be appointed.

(4) The board or the Minister may decide to bring an action against members of the board, the Rector, any auditors or others if the university has suffered any losses.

(5) The board shall be authorised to take out a standard directors' liability insurance.

12. The board shall be composed of external members and members representing the academic staff of the university, which includes PhD students with university contracts, the technical and administrative staff and the students. The board shall comprise a majority of external members. The board shall elect a chair from among its external members.

(2) The composition of the board shall reflect the overall activities of the university. Together the members of the board shall contribute to the promotion of the university's strategic aims by using their experience and knowledge concerning education, research, the dissemination and exchange of knowledge and the university's areas of work pursuant to 2 (4).

- (3) The external members shall be selected on the merit of their personal qualifications and appointed for a period of four years. In the case of a long-term absence of a member prior to the end of this period, a new member may be appointed for the remainder of the period. Members may be re-appointed to serve an additional four-year period. In addition, the external members shall be experienced in management, organisation and economics, including the evaluation of budgets and accounts.
- (4) The other members shall be elected by and from the academic staff of the university, which includes PhD students with university contracts, the technical and administrative staff and students. Students shall be represented by a minimum of two members. Representatives of the university's academic staff, including PhD students with contracts and technical/administrative staff are protected from dismissal and other forms of demotion under the same terms as shop stewards in the same or similar areas.
- (5) The further details concerning setting up the board pursuant to subsections (1-4) shall be laid down in the regulations.

13. The university may set up a representative assembly to be composed of external members.

- (2) The representative assembly shall conduct general discussions on the research, study programmes and other activities of the university and issue statements on these issues to the board.
- (3) The regulations shall lay down further details concerning the representative assembly pursuant to subsections (1) and (2). The regulations may also stipulate that the representative assembly appoints some or all of the external members of the board.

13 a. The university shall set up one or more recruitment panels, consisting of external members. Altogether, the members shall have experience of and insight into the educational area and the areas in which graduates of the study programmes find work.

- (2) The university shall ensure dialogue between the recruitment panel and the university about the study programmes' quality and relevance for society, and shall involve the recruitment panel in the development of new and existing study programmes as well as in the development of new forms of teaching and tests.
- (3) The recruitment panel can make statements and suggestions to the university on all matters concerning the area of education. The recruitment panel shall make statements on all issues submitted to them at the request of the university.
- (4) The university can set up recruitment panels pursuant to (1) along with other universities.

Rector

14. The Rector shall undertake the day-to-day management of the university within the framework laid down by the board. The other members of the university's executive management, deans, directors, heads of departments, heads of sectors, heads of PhD schools and heads of studies shall undertake their duties in a manner authorised by the Rector, cf. 16 (1) and (3-9), 16 a (4), (5) and (7), 16 b (4-6), 17 (2) and (4) and 18 (5).

- (2) The Rector shall be an acknowledged researcher within one of the university's academic fields and have knowledge of the educational sector. The Rector shall be an experienced manager and organiser of research environments and have knowledge of a university's activities and relationship with society.
- (3) The Rector shall make recommendations to the board regarding the employment and dismissal of the other members of the university's executive management, cf. section 10 (7).
- (4) The Rector shall employ and dismiss deans if the university is split up into main academic areas.
- (5) The Rector appoints and dismisses directors of academic units.
- (6) The Rector shall recommend the budget to the board and approve the accounts.
- (7) The Rector shall lay down the rules governing disciplinary actions regarding students.
- (8) The Rector shall be authorised to sign on behalf of the university with the exception of real estate concerns, cf. section 10 (4), and shall make decisions on all matters, with the exceptions of section 10 (1) and (5-8), section 15 (2) and section 18 (4) and (6).
- (9) The Rector shall approve all external collaborations with a binding effect on the university.
- (10) Under special circumstances, the Rector may dissolve the Academic Council, cf. section 15 (1). The Rector can under special circumstances assume the tasks of the Academic Council, cf. 15 (2).

(11) The further details concerning the procedures of employment and dismissal pursuant to subsection (4) and (5) shall be laid down in the regulations. The employment procedure shall ensure that deans and directors of academic units possess academic and managerial legitimacy.

Academic council

15. The university shall set up an academic council either for the entire university or for each of the main academic areas.

(2) The academic council shall have the following tasks:

1) Make statements to the Rector on the internal distribution of funds.

2) Make statements to the Rector on central strategic research questions and educational issues and plans for knowledge exchange.

3) Make recommendations to the Rector on the composition of academic committees to assess applicants for academic positions.

4) Award PhD and doctoral degrees.

(3) The academic council may make statements on all academic issues of substantial relevance to the activities of the university and has a duty to discuss academic issues presented to them by the Rector.

(4) The academic council shall be composed of the Rector, ex officio chairman, except for conditions noted in subsections (5) and (6), and of members representing the academic staff, including PhD students with university contracts and students. Representatives of the academic staff, including PhD students with university contracts, and students shall be elected by and from the academic staff, including PhD students with university contracts, and students respectively.

(5) If several academic councils are set up, the dean of each of the main academic areas shall be ex officio chairman of the academic council of that main academic area, cf. however subsection (6).

(6) The academic council of an academic unit at main-level area comprises the director, who acts as chairperson, and members representing the academic staff, including PhD students on contracts employed in the academic unit. Representatives of the academic staff, including contracted PhD students, are elected by and from the academic staff, including contracted PhD students employed in the academic unit.

(7) The further details concerning the set up of an academic council pursuant to subsections (1) and (4) shall be laid down in the regulations.

Dean

16. The dean shall manage the main academic area, ensure the interaction between research, study programmes and work tasks pursuant to section 2 (4), cf. however section 16a (4). The dean shall also guarantee the quality of study programmes, teaching and work tasks pursuant to section 2 (4), as well as the cross-disciplinary development of the quality of the study programmes, research and work tasks pursuant to section 2 (4) of the main academic area.

(2) The dean shall be an acknowledged researcher with experience and knowledge of teaching, management and the interaction of a university with society.

(3) The dean employs and dismisses a head of department for each department and a head of sector for each academic unit at departmental level, cf. however 16a (5).

(4) The dean appoints and dismisses the heads of PhD schools.

(5) The dean shall, in consultation with the heads of the PhD schools, instigate international evaluations of the PhD schools and follow up on evaluations, including international evaluations.

(6) The dean sets up PhD committees and study boards. The dean appoints chairpersons and, if deemed appropriate, vice-chairmen of the PhD committees on the recommendation of the committee concerned, and approves chairs and vice-chairmen for study boards.

(7) The dean shall appoint and remove heads of studies subject to the recommendation of the study board set up pursuant to subsection (6).

(8) The dean shall approve curricula, subject to proposals from the study board.

(9) The dean may, in special cases, dissolve the PhD committee and study board, set up pursuant to (6). The dean may also, in special cases, take over the PhD committee's and the study board's remit, whereby 16b (7) and 18 (4) and (6) are deviated from.

(10) If no dean is employed, the Rector or a person authorised by the Rector shall take responsibility for the dean's tasks.

(11) The further details concerning employment and dismissals pursuant to (3) shall be laid down in the regulations. The employment procedure shall ensure that heads of departments and heads of sectors have academic and managerial legitimacy. The regulations shall also lay down further details concerning appointment and removal pursuant to (4) and (7). The procedure for appointment pursuant to (4) shall guarantee that heads of PhD schools have professional and managerial legitimacy.

Academic units

16 a. Work tasks pursuant to 2 (4) may be carried out by academic units.

(2) In organisational terms, academic units may be positioned on main academic area or department level.

(3) Academic units on main academic area level are run by a director. The director shall, to the extent possible, be a recognised researcher and shall also have experience of and insight into management and the fulfilment of work tasks pursuant to 2 (4).

(4) The Director of the academic unit is responsible for its management and ensures the quality of and coherence between the unit's work tasks pursuant to 2 (4). The Director also ensures the quality enhancement of the work tasks of the academic unit. Furthermore, the Director ensures that the members of staff in the academic unit contribute to the university's study programmes, as agreed in detail with the head of the PhD school and the head of studies.

(5) The director appoints and dismisses heads of sectors, cf. however 16 (3).

(6) Academic units on departmental level are run by a head of sector. The head of sector shall, to the extent possible, be a recognised researcher and shall also have experience of and insight into management and the fulfilment of work tasks pursuant to 2 (4).

(7) The head of sector shall look after the academic unit's day-to-day management, including the planning and allocation of work tasks. The head of sector shall also follow up on the evaluation of the work of the academic unit. The head of sector may allocate staff to specific tasks. During the periods in which members of the academic staff are not performing such tasks, they are free to conduct research within the strategic framework laid down by the university for its research activities.

(8) The further details concerning employment and dismissal pursuant to (5) shall be laid down in the regulations. The employment procedure shall ensure that heads of sectors have academic and managerial legitimacy.

PhD schools, heads of PhD schools and PhD committees

16 b. PhD programmes are run by PhD schools.

(2) The university shall set up the necessary number of PhD schools.

(3) Heads of PhD schools shall be recognised researchers and have experience of and insight into PhD programmes.

(4) The head of the PhD school appoints PhD supervisors in accordance with the rules stipulated by the individual university. The head of the PhD school approves PhD students pursuant to recommendations from representatives of the academic staff on the PhD committee.

(5) The head of the PhD school is responsible, in consultation with the PhD committee, for the planning of the school's programmes, including postings abroad.

(6) The head of PhD school is responsible, in consultation with the PhD committee, for the evaluation of the school's activities. Pursuant to these evaluations, the head of PhD schools recommends follow-up plans to the dean. Evaluations and follow-up plans must be published.

(7) In order to guarantee students' influence on the PhD process, a PhD committee will be set up. The remit of the PhD committee includes:

- 1) nominating a chairperson from among the PhD committee's academic staff to the dean and, if deemed appropriate, a vice-chairman from among the PhD committee's students
- 2) making recommendations about the composition of assessment committees to the dean
- 3) approving PhD courses
- 4) submitting proposals for internal guidelines for the PhD school, including PhD supervision, to the head of the PhD school
- 5) issuing pronouncements on evaluations of PhD programmes and supervision to the heads of the PhD school
- 6) approving applications for credit transfers and exemptions
- 7) issuing pronouncements within the area on all issues of importance for the PhD programme and PhD supervision submitted by the dean, or a person authorised by the dean.
- (8) The PhD committee consists of representatives of the academic staff and of the PhD students, who are elected by and from the academic staff and the PhD students respectively.
- (9) The exact rules about establishment of PhD schools and the composition of PhD committees are fixed in the regulations. Universities can set up joint PhD schools based at one particular university. The exact rules concerning PhD schools set up as partnerships between universities, including the composition of PhD committees, shall be fixed in the regulations for the participating universities.

Departments and head of department

17. Usually, research and teaching are the responsibility of the departments.

(2) The head of department shall undertake the day-to-day management of the department, including planning and allocation of tasks. The head of department may allocate specific tasks to specific staff. During the periods in which members of the academic staff are not performing such tasks, they are free to conduct research within the strategic framework laid down by the university for its research activities

(3) The head of department shall be an acknowledged researcher and have teaching experience.

(4) The head of department shall ensure the quality and interaction between the research and teaching of the department, and in consultancy with the study board and the head of studies, the head of department shall follow up on evaluations of study programmes and teaching.

(5) In the exceptional case, when a head of department is not employed, cf. subsection (1), the dean shall carry out the tasks of the head of department, cf. section 14 (1).

Study board and head of studies

18. To safeguard student influence on the study programme and teaching, the dean shall set up the necessary number of study boards, cf. section 16 (6).

(2) Each study board shall comprise equal numbers of representatives of the academic staff and students, selected by and from the academic staff and students respectively.

(3) The study board shall select from among its members a chairman from the academic staff and a vice-chairman from the students.

(4) The study board shall recommend a head of studies to the dean, cf. section 16 (7).

(5) In co-operation with the study board, the head of studies shall undertake the practical organisation of teaching and tests and other assessment forming part of the exams. The head of studies shall approve the problem formulation and submission deadline for the Master's thesis, as well as a plan for the supervision of the student.

(6) The study board shall ensure the organisation, realisation and development of the study programme and teaching. Its main objectives are to:

- 1) ensure and develop the quality of the study programme and the teaching, and to follow up on evaluations of the programme and teaching
- 2) produce proposals for curricula and changes thereto
- 3) approve the organisation of teaching and tests as well as other assessment forming part of the exams
- 4) process applications concerning credit transfers, including credits transferred in advance and exemptions,

5) make statements on all matters of importance to the study programmes and teaching within the area and discuss issues related to the study programme and the teaching as presented by the Rector or the person authorised by the Rector to do so.

(7) The regulations shall lay down further details concerning setting up a study board, including the election of chairman and vice-chairman and the recommendation for head of studies, pursuant to subsections (1-4), and tasks pursuant to subsections (5) and (6).

(8) In the regulations, the board may decide to set up study boards at different levels of the organisation.

(9) In the regulations, the board may lay down special rules to govern Master's programmes under a continuing education scheme and can deviate from the governance regulations as specified in this Part, when necessary to achieve the ends.

Board of appeals for credit transfer decisions

18 a. The board of study's decisions about credit transfers, including credits transferred in advance, cf. 18 (6) article 4, can, in so far as academic questions are concerned, be submitted to a board of appeals by the person upon whom the decision has a bearing.

(2) The Rector shall set up the board of appeals with a representative of the academic staff from the same or a related programme at the university, and a representative of the academic staff from the same or a related programme at another university.

(3) The Minister of Science, Technology and Innovation determines the rules for establishing boards of appeals and their activities, including the complaints procedure.

Part 4

Economic matters

19. The Minister shall subsidise the university's study programmes as well as research and dissemination activities and other tasks allocated to the university.

(2) Subsidies towards the university's approved study programmes offered pursuant to section 4 (1) articles 1 and 2, and section 5 are paid on the basis of rates in the annual Appropriation Act, the number of full-time students per academic year and, if relevant, completed courses of study.

(3) The annual Appropriation Act specifies the framework governing subsidies to research and dissemination activities and other activities allocated to the university.

(4) Subject to negotiations with the Minister of Finance, the Minister may specify rules governing subsidies to the universities' activities, pursuant to subsections (1) and (2) on payment of subsidies to the universities, including payment in advance, and aspects concerning budgets and appropriations relative to the universities.

(5) The Minister may lay down rules governing which students will produce subsidies pursuant to subsection (1), and how to estimate the number of full-time equivalent students.

(6) The Minister may request information from the university for budgetary and statistical purposes and lay down requirements to the study-programme administration systems.

(7) The university may allocate scholarships with grants to certain foreign students to cover living costs incurred while taking a Master's programme in Denmark. The number of scholarships and the size of the grant is fixed by the annual Appropriation Act. The university may also earmark any surplus accumulated pursuant to 26 (2) to be allocated to additional scholarships or scholarships with grants.

(8) The Minister stipulates the exact rules for the administration of scholarships and grants as per (6), including:

1) which students from abroad are eligible for scholarships and grants

2) applications for and the allocation of scholarships, and the size of grants

3) the payment of grants, and

4) the termination of scholarship and grant as a result of insufficient academic application, or the recall of a promise of scholarship and grant should it come to light that the offer was made on an incorrect basis.

20. Other ministers can subsidise the university.

(2) The university may accept subsidies and donations from third parties, in addition to those provided by the State through appropriation acts.

(3) The university may carry out income-generating activities and run subsidised activities.

21. Within its scope, the university has at its free disposal subsidies, income and capital as a whole. It is a condition that the university should comply with the conditions for the subsidies and the rules of management and should undertake the tasks subsidised pursuant to sections 19 and 20.

(2) The university may accumulate subsidies to be spent in accordance with the university's purpose in the following financial year.

(3) The university shall deposit its cash funds in compliance with the ministerial order on the depositing of funding from foundations and board fees etc.

22. To a reasonable extent, the university shall pay for and make facilities available to activities related to students' union activities.

(2) To a limited extent, the university may pay for and make facilities available to other student activities.

(3) The university may pay for accident insurance for students enrolled at the university.

23. The Minister shall reimburse, on a quarterly basis and against due documentation, the university's expenses for payment of duties under the VAT act that pursuant to the VAT Act are not deductible from the statement of tax liabilities (non-deductible input VAT) of an enterprise and that the university incurs to procure goods and services subsidised pursuant to sections 19 and 20.

24. The Minister may retain subsidies, cancel subsidies fully or in part or request full or part repayment if the university does not comply with the conditions for the subsidies and the rules of management.

(2) The Minister may retain subsidies, cancel subsidies fully or in part or request full or part repayment if a petition in bankruptcy is filed against the university, if the university suspends its payments, or if there is a risk that the university may stop its activities due to other factors.

(3) The Minister may request repayment of subsidies if the calculation of the subsidies rests on an incorrect basis or if the calculation of the subsidies as such was incorrect.

(4) The Minister has the power to execute the same competencies as mentioned in subsections (1-3) on behalf of other ministers.

(5) Claims for repayment pursuant to subsections (1-4) and expenses paid for the university pursuant to section 31 (2) and section 42 (1) can be set off against future subsidies.

25. The Minister may grant loans for various institutional purposes, including purchase of equipment. The Minister may specify the terms and conditions of such loans.

Tuition fees

26. The university shall request part payment for participation in classes and tests and other assessment forming part of the exam for part-time programmes partially subsidised pursuant to section 19 (1) and section 20 (1).

(2) The university shall request full payment for participation in classes and tests and other assessment forming part of the exams for full-time and part-time programmes not subsidised or given as scholarships pursuant to section 19 (1), (5) and (7) and section 20 (1).

(3) The university shall request full payment from external students for their participation in tests and other assessment forming part of exams.

(4) The university shall determine the basis for calculating tuition fees pursuant to subsections (1) to (3). The tuition fee as per (1) and (3), together with any subsidies, may not exceed the costs incurred. The tuition fee as per subsection (2) must at least correspond to the costs. The Minister may specify further details on how to set up the basis for determining tuition fees.

(5) The university may demand a deposit from certain non-Danish applicants in order to process applications for admission to a programme if their qualifying examination is not in Danish. This deposit is only returned to applicants who are accepted onto the programme.

(6) The university may require that certain non-Danish applicants defray the following costs:

- 1) a qualification test, which documents that the applicant fulfils the necessary academic requirements for admission to the programme, and
- 2) a specially arranged test in English or another foreign language, which documents that the applicant has the linguistic skills necessary for admission to study programmes offered in English or another foreign language.

27. The university may request that PhD students, whose programme is funded by external sources, pay in full for their participation in classes and tests and other assessment forming part of exams.

Accounts and audits

28. The university shall comply with the legislation governing the accounting of the State, etc.

(2) The accounts shall be prepared as specified by the Minister.

(3) The university accounting year is the financial year. At the conclusion of the accounting year, the university shall prepare annual accounts comprising a profit and loss account, balance and a list of capital equipment. The board and the Rector shall sign the accounts, cf. section 10 (5) and section 14 (6).

(4) The university accounts shall be audited by an Auditor General as provided by the legislation governing audits of the accounts of the State etc.

(5) The Auditor General and the Minister may arrange that audits pursuant to subsection (4) are undertaken jointly by the Auditor General and an accountant as agreed upon. A state-authorized or registered accountant shall conduct such audits.

Staff

29. The university shall follow the rules on wage and employment conditions, including pensions, as laid down by or agreed with the Minister of Finance for staff employed at the university. The university shall also follow the rules on special remunerations as laid down by or agreed upon with the Minister of Finance.

(2) The duty to give evidence as laid down in the Act on public servants shall apply to members of the board.

(3) The Minister may lay down rules on employment of academic staff and teachers.

(4) Powers that the Minister of Finance pursuant to subsection (1) has delegated to the Minister may be delegated to the universities by the latter.

Building matters etc.

30. Universities that change into independent universities under this Act shall comply with the scheme laid down for the administration of State property.

(2) The Minister shall be authorised to transfer state-owned buildings, furniture and other movables to the university upon the university's request.

(3) The conditions that are specified for transfers pursuant to subsection (2) shall be subject to the approval of the authorities empowered to perform such transfers.

(4) After negotiations with the Minister of Finance and the Minister of Economic and Business Affairs, the Minister may lay down rules concerning the university's construction activities and property matters as such concerning buildings that the university possesses or has taken over.

(5) The university may take out a general insurance covering the buildings that the university possesses or has taken over.

Part 5

Changes in the status of the university

31. For collaboration activities between universities or between universities and other educational or research institutions, the Minister may approve exceptions from applicable legislation and lay down special rules

governing such collaboration as recommended by the institutions involved. For institutions that are not under the Minister of Science, Technology and Innovation, such approval shall take place after negotiations with the minister concerned. The same shall apply to mergers between universities or mergers between universities and other research institutions.

(2) For approval of collaboration activities pursuant to subsection (1), the Minister may decide - as regards collaboration between universities and state-run research institutions - that money paid by the State to a third party on behalf of the university, pursuant to section 24 (5), shall be set off against the university's subsidies, pursuant to section 19 (1) and section 20 (1).

32. Should the board abolish the university, the net assets of the university shall be transferred to the State, however cf. section 38 (8). A decision to abolish shall be approved by the Minister.

(2) Donations granted to the university shall be transferred to the State, unless otherwise provided by generally applicable Danish legislation, however cf. section 38 (8).

33. The Minister may lay down special rules governing universities or parts thereof that assume special tasks or where special circumstances speak in favour of it.

(2) The Minister of Science, Technology and Innovation can, in exceptional circumstances and after negotiations with the Minister in question and discussions with the university, allocate the university tasks pursuant to 2 (4), on payment, if the tasks are deemed to be of significant social importance.

Part 6

Miscellaneous provisions

34. Legal questions relating to the university's decisions on student matters may be brought before the Danish University and Property Agency pursuant to the rules laid down by the Minister.

(2) The Minister may determine that others may submit complaints to the Agency on legal questions relating to the decisions of a university.

(3) The Agency's decisions cannot be submitted to a higher administrative authority.

35. Upon the university's application, the Minister may approve that foundations and associations contribute to the university's research-based degree programmes if the employment procedures of these foundations and associations are not contrary to the employment procedures of the State.

36. In exceptional cases and to a limited extent, the Minister may approve deviations from the governance regulations of the Act; cf. Part 3, as proposed by the university.

Part 7

Interim provisions and entry into force

37. This Act enters into force on 1 July 2003.

(2) (Omitted).

(3) At the time when this Act enters into force, the people elected as Rector, deans and heads of department may continue in their positions, with the powers vested in them according to the Act, for the duration of this election period, unless the regulations specify a different election period, and after that until the board has employed a Rector, as specified in the regulations, and the Rector has employed deans, as specified in the regulations, and the deans have employed heads of department, as specified in the regulations and as authorised by the Rector.

(4) At the time when this Act enters into force, the people elected as chairmen and vice-chairmen of the study boards may continue in their positions for the duration of this election period, unless the regulations specify a different election period, and after that until new study boards have been set up, and chairmen and vice-chairmen of the study boards have been elected and approved by the deans as laid down in the regulations.

(5) The rules on removal of elected leaders (Rector, deans and heads of department) applicable until now shall apply during the period until new management has been employed or appointed in accordance with the regulations.

(6-9) (Omitted).

38.

(1-5 omitted).

(6) Existing governmental loans granted to the business schools to erect, reconstruct or procure buildings and subsidies to furnish rented premises shall continue on the same terms.

(7) Only Copenhagen Business School and the University of Aarhus may use the Danish term for “business school” (in Danish: “handelshøjskole”).

(8) If either Copenhagen Business School or the Aarhus School of Business is abolished, and if the remaining assets are sufficient, the net assets of the business school as computed on 31 December 1990 and any donations made from 1 January 1991 to 30 June 2003 in the form of movables, real estate and grants for the construction of real estate, shall be used for the purposes specified in the regulations applicable at all times. If there are any additional remaining assets, the net assets of the business school as computed on 30 June 2003 shall be used for teaching and educational aims as specified by the Minister. The regulations may lay down rules to compute the net assets.

39. After consultations with the boards of the Danish University of Education and the Technical University of Denmark, the Minister shall lay down the procedure to follow for the change-over of each university to this Act.

(2) After consultation with the board of the Danish University of Education, the Minister may abolish fully or in part Act no. 483 of 31 May 2000 on the Danish University of Education, and after consultation with the board of the Technical University of Denmark, the Minister may abolish fully or in part Act no. 1265 of 20 December 2000 on the change-over to a self-governing institution by the Technical University of Denmark.

(3) The Danish University of Education adheres to the provisions set out in the Act on the Danish University of Education until these provisions are abolished and replaced by the provisions of this Act. The Technical University of Denmark adheres to the provisions set out in the Act on the Technical University of Denmark until these provisions are abolished and replaced by the provisions of this Act.

40-44. (Omitted).

45. Public servants employed at universities that pursuant to this Act change over to a self-governing body may choose to uphold their employment status as public servants for work performed at the university. Public servants are not entitled to receive compensation during temporary unemployment, allowance pay or pension as a result of the university's change-over to a self-governing body and are under an obligation to submit to the changes to the extent and form of their services resulting from this change-over.

(2) The university shall pay the wages and pension contributions to the Treasury for such public servants, including any expenses for compensation during temporary unemployment, allowance pay and money payable after death. Expenses for current pensions shall be borne by the State. If the university is abolished, any expenses for compensation during temporary unemployment or allowance pay and money payable after the death of a public servant of the university shall be paid by the Treasury if the abolished university does not have sufficient funds to cover these expenses.

(3) The Rector shall make any decisions regarding suspensions, initiation of an official examination of the work of a public servant, appointment of a head of exams, impose disciplinary punishment and bring actions for slander pursuant to the rules laid down in the act on public servants.

(4) (Omitted).

(46-47). (Omitted).

48. The following acts and regulations are hereby repealed:

1) Act on universities etc. (the University Act), cf. consolidated Act no. 1177 of 22 December 1999.

2) Act on business schools and business school departments, cf. consolidated Act no. 864 of 27 September 1996.

(2) Rules laid down under the provisions of acts referred to in subsection (1) and section 39 (2) shall remain in force until repealed or replaced by rules laid down under the provisions of this Act.

Act no. 1156 of 19 December 2003²⁾ contains the following stipulation about coming into force:

9.

The Act comes into force the day after it is proclaimed in the Danish Legal Gazette³⁾ and will apply to dismissals where decisions about dismissal are made after the Act's date of commencement, and in association with other changes to conditions that occur after the Act's date of commencement.

Act no. 337 of 18 May 2005⁴⁾ contains the following stipulation about coming into force:

2.

(1) The Act comes into force on 1 June 2005.

(2–5) (Omitted).

Act no. 544 of 8 June 2006⁵⁾ contains the following stipulation about coming into force:

3.

The Act comes into force the day after its proclamation in the Danish Legal Gazette.⁶⁾

Act no. 295 of 27 March 2007⁷⁾ contains the following stipulation about coming into force:

3.

This Act enters into force on 1 April 2007.

Act no. 567 of 6 June 2007⁸⁾ contains the following stipulation about coming into force:

2.

(1) This Act enters into force on 1 July 2007.

(2) The university shall, by 1 January 2008 at the latest, have set up one or more recruitment panels for its study programmes, cf. the University Act 13a (1), as worded in 1, article 7 of this Act.

(3) The Minister of Science, Technology and Innovation can, pursuant to a proposal from the university, allow that PhD programmes take place outside of a PhD school until 1 July 2010, cf. the University Act 16b (1), as worded in this Act 1, article 21.

Act no. 570 of 6 June 2007⁹⁾ contains the following stipulation about entering into force:

2.

(1), 1, article 1 enters into force on 1 February 2008.¹⁰⁾
(2), 1, article 2 enters into force on 1 September 2007.

Ministry of Science, Technology and Innovation, 7 December 2007

Helge Sander

/ Helga Øregard

¹ In act no. 295 of 27 March 2007 concerning amendments to the University Act and Act on the Research Advisory System, etc. (amendments made as a consequence of the set up of the Accreditation Institution) section 3 (5) has by mistake been entered as 3 (6). The Act on Universities therefore has two (5). The error will be rectified in the next amendment.

² The amendment concerns section 8 (1).

³ Proclamation in the Danish legal Gazette took place on the 22 December 2003.

⁴ The amendment concerns sections 3 (4-9), 8 (2), 19 (6 and 7), 26 (2 and 4).

⁵ The amendment concerns section 34.

⁶ Proclamation in the Danish legal Gazette took place on the 9 June 2006.

⁷ The amendment concerns sections 3 (1) sentence 2, 3 (2-4 and 6 and 9), 8 (1).

⁸ The amendment concerns sections 2 (4), 8 a, 10 (8-9), 12 (2-3), 13 a, 14 (1) sentence 2, 14 (5 and 11), 15 (4,5 and 6), 16 (1,3-7, 9 and 11), 16 a, 16 b, 18 (1,4 and 6), 18 a, 19 (1-3), 26 (2, 5 and 6), 28 (3), 33 (2) and 38 (7).

⁹ The amendment concerns sections 9 (2 and 3), 18 (5) sentence 2.

¹⁰ Section 9 (2) and (3) enter into force on 1 February 2008.