

# Act on public higher education institutions

2008 No 85 12 June

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**Entry into force 20 June 2008** Amended by Act No 50/2010 (entry into force 12 June 2010), Act No 126/2011 (entry into force 30 September 2011), Act No 171/2011 (entry into force 1 January 2012), Act No 56/2013 (entry into force 1 July 2013) and Act No 140/2013 (entry into force 31 December 2013, with the exception of Articles 1 to 2, 4 to 12, 16 to 18, 23 to 29, 31 to 32, 34 to 38 and 40 to 48, for which the date of entry into force was 1 January 2014, and Article 21, for which the date of entry into force will be 1 January 2016; implementation took place in accordance with instructions contained in Article 49.).

*Any reference in this Act to “the Minister” or “the Ministry” not accompanied by express mention of or reference to a specific field of responsibility shall be understood as being a reference to the **Minister of Education, Science and Culture** or to the **Ministry of Education, Science and Culture** as responsible for the implementation of this Act.*

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## Section I Scope etc.

### ■ Article 1 Scope

[This Act shall apply to the University of Iceland, the University of Akureyri, the Agricultural University of Iceland, and Hólaskóli – Hólar University College, which operate as public higher education institutions accountable to the Minister.]<sup>(1)</sup> In this Act, public higher education institutions are referred to as ‘public HEIs’.

The [Minister]<sup>(1)</sup> shall publish a notice<sup>(3)</sup> on public HEIs operating pursuant to this Act.

<sup>(1)</sup>Act No 56/2013, Article 1. <sup>(2)</sup>Act No 50/2010, Article 1. <sup>(3)</sup>Notice No 753/2013.

### ■ Article 2...<sup>(1)</sup>

<sup>(1)</sup>Act No 56/2013, Article 2.

### ■ Article 3 Role

[[A public HEI is an independent educational institution that pursues teaching, research, the search for knowledge, and creative activity in the fields of science, academic work, technology or the arts, as further defined in Articles 2 and 3 of the Higher Education Act.]<sup>(1)</sup> It disseminates learning to the public and provides services to society in terms of the knowledge it possesses. A public HEI may also provide continuing education to those holding a degree in one of the academic disciplines pursued at that institution.

The Minister may assign teaching and research responsibilities in specific fields of study to particular public HEIs, either indefinitely or for a specified period of time, [as further stipulated in Article 21 of the Higher Education Act].<sup>(1)</sup>

The role of public HEIs shall in other respects be governed by the Higher Education Act, No 63/2006.]<sup>(2)</sup>

<sup>(1)</sup>Act No 56/2013, Article 3. <sup>(2)</sup>Act No 50/2010, Article 3.

## Section II Administrative and organisational structure

### ■ Article 4 Organisational units and operational arrangement

The organisational units of a public HEI shall be the following:

a. Schools and departments within the meaning of Section IV of this Act;

b. Academic bodies under the authority of the Governing Council, as decided by that body;  
c. Academic bodies under the authority of schools or departments, as decided by their Governing Boards;

d. Academic bodies that operate on the basis of a *lex specialis*.

Rules<sup>(1)</sup> laid down by the Governing Council of the public HEI may specify other names for schools and departments as referred to in the first paragraph, item a, and that other types of organisational units be used as the basis of the institution's activities.

<sup>(1)</sup>Rules No 263/2010, cf. No 482/2015 and No 548/2015. Rules No 480/2010, cf. No 553/2011 and No 1195/2013. Rules No 483/2010.

■ **Article 5** *Governing Council and administration*

The administration of a public HEI shall be entrusted to a Governing Council and a Rector. The Governing Council shall formulate the institution's general teaching and research policy and determine its organisational structure. The Council shall have general supervision of the activities of the public HEI as a whole, of individual schools and academic bodies, and shall be responsible for ensuring compliance with legislative and regulatory requirements.

The Governing Council shall have final authority in matters relating to the public HEI, one of its schools or an academic body connected to the institution and placed under the authority of the Council or a school.

The Governing Council shall be responsible for the implementation of cooperative agreements established between the public HEI and companies or other entities. The Council shall also assume overall responsibility for the public HEI's companies, funds, and general assets.

The Governing Council shall adopt rules<sup>(1)</sup> and criteria for the recruitment of personnel for schools and academic bodies as referred to in Article 4, first paragraph, items b and c.

The Governing Council may delegate the decision-making power which rests with the Rector or other administrators in individual matters to other administrators, provided that this is done in writing and made known through a special announcement.

Where a matter concerning one school specifically is referred to the Governing Council, it shall consult the relevant Dean before reaching a conclusion. The Council shall consult in the same way with the director of an academic body not placed under the authority of a school.

<sup>(1)</sup>Rules No 747/2012.

■ **Article 6** *Composition of the Governing Council*

The Rector shall sit on the Governing Council and act as its Chair.

In addition to the Rector, the Governing Council of a public HEI with fewer students than 5,000 shall be comprised of the following six members, nominated for a two-year term:

1. [Two members representing the academic community, nominated by the institution's Representative Assembly.]<sup>(1)</sup>

2. One member nominated by an institution-wide students' union.

3. [One member nominated by the Minister.]<sup>(1)</sup>

4. Two members nominated by those members of the Council already in place.

In addition to the Rector, the Governing Council of a public HEI with a larger number of students than 5,000 shall be comprised of the following ten members, nominated for a two-year term:

1. [Three]<sup>(1)</sup> members representing the academic community, nominated by the institution's Representative Assembly.

2. Two members nominated by an institution-wide students' union.

3. [Two members nominated by the Minister.]<sup>(1)</sup>

4. [Three]<sup>(1)</sup> members nominated by those members of the Council already in place.

An alternate member shall be nominated for each member nominated according to the second paragraph, points 1, 2 and 3, and the third paragraph, points 1, 2 and 3.

[The two Council members nominated according to the second paragraph, point 4, the three Council members nominated according to the third paragraph, point 4,]<sup>(1)</sup> as well as one joint alternate member for the above, shall be nominated jointly by the Rector and the members nominated according to the second paragraph, points 1, 2 and 3, or the third paragraph, points 1, 2 and 3, as soon as these have been nominated to the Council for the upcoming period of two years. When nominating members in accordance with the second paragraph, points 3 and 4, or the third paragraph, points 3 and 4, care shall be taken to ensure, in the interests of the public HEI concerned, that they possess the widest possible range of knowledge and experience; such members may furthermore not be employees or students of the institution. With the nomination of members according to this paragraph, the Governing Council is complete.

The Governing Council shall adopt more detailed rules on the selection of the members representing the academic and student communities. The opinions of the Representative Assembly and of an institution-wide students' union shall be sought before adopting or amending such rules.

<sup>(1)</sup>Act No 50/2010, Article 4, read in conjunction with Transitional Provision I of the same Act.

#### ■ Article 7 Governing Council meetings

The Governing Council shall meet as needed. If requested by three members of the Council, the Chair must convene a meeting.

The Governing Council is not quorate unless at least five of its voting members are present. The power of vote is decisive. In the case of a tied vote the Chair shall have a casting vote.

The Rector shall call the meetings of the Governing Council. The Council shall adopt rules on the preparation and convening of meetings, procedure, the publication of decisions, and any other business of the Council not regulated by this Act.

#### ■ Article 8 Rector

The Rector of a public HEI shall be appointed by the [Minister]<sup>(1)</sup> for a five-year term on the nomination of the Governing Council. The Council shall adopt rules on the nomination procedure. The Council may decide whether to precede the nomination of a Rector by an election or a vacancy notice.

The Rector shall chair the Governing Council. The Rector shall act as the head of administration of the public HEI and as its head representative *vis-à-vis* natural persons and entities within, as well as outside, the institution. The Rector shall direct the public HEI's activities and provide the initiative for the formulation by the Council of a general policy for the operation of the institution. The Rector shall be responsible for and supervise all activities of the public HEI, including recruitments and the financial management of individual schools and academic bodies. The Rector shall be responsible for the drawing up of operational and financial plans and for obtaining the Council's approval thereof. Between meetings of the Governing Council, the Rector shall hold the power of decision in all matters of the public HEI.

The Rector shall recruit a Dean for each school, as further stipulated in Article 12, and establish terms of reference for that position. The Governing Council may authorise the Rector to employ one or more Vice Rectors.

The Rector shall recruit personnel to handle the common administration of the public HEI, and shall establish their terms of reference or job descriptions.

<sup>(1)</sup>Act No 50/2010, Article 5.

### Section III Representative Assembly

#### ■ Article 9 Representative Assembly

The Representative Assembly shall be a forum for consultation of the academic community, providing an opportunity for discussing the development and advancement of the

public HEI. At the Rector's initiative, the Representative Assembly shall [formulate and present]<sup>(1)</sup> the general scientific and educational strategy of the institution. The Governing Council may seek the opinion of the Representative Assembly regarding any matter concerning the activities of the public HEI or one of its schools or academic bodies. The Council may also entrust the Representative Assembly with the responsibility for professional issues and academic policy.

The Representative Assembly may issue resolutions on matters which it considers relevant to the interests of the academic community.

Decisions made by the Governing Council, the Rector, a Dean or the director of an academic body are not subject to appeal to the Representative Assembly.

<sup>(1)</sup>Act No 50/2010, Article 6.

#### ■ **Article 10** *Representative Assembly delegates*

The Rector, the Deans and the heads of departments shall be delegates to the Representative Assembly. Other delegates shall include teachers and researchers representing the schools and academic bodies of the public HEI, as well as representatives of academic bodies operating pursuant to a *lex specialis* or specifically connected to the institution.

Delegates to represent schools shall be elected at school meetings as referred to in Article 14.

The Representative Assembly shall also be attended by two delegates representing the association of teachers of the public HEI and elected by written ballot for a two-year term from among those members of the association not holding the position of Dean, as well as two delegates representing the institution's administrative personnel and elected by written ballot. In addition, the Representative Assembly shall be attended by one delegate representing students for every five delegates representing other entities within the public HEI; such delegates shall be elected in a special poll for a [one-year]<sup>(1)</sup> term.

The Governing Council shall adopt more detailed rules<sup>(2)</sup> on the number of delegates attending the Representative Assembly and on their selection. The rules shall also cover the election to and service in the Representative Assembly of delegates representing other academic bodies and associations than those enumerated in the first paragraph, as well as their voting rights.

The Rector shall convene the Representative Assembly and either act as its Chair or delegate that task to another person. The Representative Assembly shall meet at least once a year. Where two-thirds of Representative Assembly delegates request a meeting, the Rector must convene the Assembly.

<sup>(1)</sup>Act No 56/2013, Article 4. <sup>(2)</sup>Rules No 984/2008, cf. No 1144/2011.

### **Section IV Schools and academic bodies**

#### ■ **Article 11** *Schools and academic bodies*

Schools are the principal constituent units, and departments the basic units, of a public HEI. The Governing Council shall decide on the role, boundaries and division of tasks between schools, and adopt rules stipulating their organisation. Each school shall be divided into departments according to a proposal submitted to the Council by the school. Prior to any fundamental changes being made to the organisation of a school, the opinion of the Representative Assembly shall be sought.

Each school shall pursue teaching, research and administrative activities. Schools shall enjoy autonomy in their academic activities and general operations, within limits to be defined by the Governing Council. Departments shall be responsible for the academic quality of tertiary-level teaching and research.

Schools and departments may operate special academic bodies as referred to in Article 4, first paragraph, item c, as well as research laboratories established according to the decision of the School Council and in accordance with more detailed rules adopted<sup>(1)</sup> by the Governing Council.

<sup>(1)</sup>Rules No 844/2001, cf. No 895/2005, No 315/2009 and No 96/2012. Rules No 1055/2006, cf. No 345/2008, No 316/2009 and No 1306/2011. Rules No 370/2009. Rules No 570/2009. Rules No 572/2009. Rules No 1021/2009. Rules No 1022/2009. Rules No 1023/2009, cf. No 354/2013. Rules No 542/2010. Rules No 543/2010. Rules No 544/2010. Rules No 545/2010. Rules No 546/2010. Rules No 547/2010. Rules No 548/2010. Rules No 549/2010. Rules No 550/2010. Rules No 551/2010. Rules No 554/2010. Rules No 554/2011. Rules No 555/2011. Rules No 685/2011. Rules No 1145/2011.

■ **Article 12** *Deans and heads of departments*

The day-to-day management of a school shall be entrusted to a Dean. The Rector shall recruit a Dean for each school following the publication of a vacancy notice. The Rector may appoint an employee of the public HEI to the post of Dean. The duration of the recruitment shall be according to rules adopted by the Governing Council. The Rector shall establish terms of reference for each Dean.

The Dean, acting on behalf of the Governing Council and of the Rector, shall take the initiative in setting the policy for the school, supervise the school's activities and its administration, and recruit its personnel. The Dean shall be accountable to the Rector and to the Governing Council for the financial management and general quality requirements of the school, as further provided in Article 5. The Dean shall select the head of each department for a two-year term on the nomination of a department meeting. The Governing Council shall adopt rules on the selection of heads of departments.

■ **Article 13** *School Council*

The School Council of a school shall be composed of its Dean and the heads of its departments. The School Council shall also comprise one or more student representatives, elected by the students according to rules adopted by the Governing Council. The School Council shall discuss the school's common issues, including the departments' decisions on courses offered. [The Governing Council may decide to grant a seat on the School Council to representatives of certain fields of study that jointly form a department. The Governing Council may further decide to grant a seat on the School Council to a representative of a public entity engaged in close collaboration [with the HEI]<sup>(\*)</sup> on the teaching and training of students.]<sup>(1)</sup>

The Governing Council shall adopt more detailed rules on the activities of schools, their administration, their division into departments, the role of the heads of departments, and on school and department meetings.

<sup>(\*)</sup>NOTE: Added in translation for clarity.

<sup>(1)</sup>Act No 50/2010, Article 8.

■ **Article 14** *School meetings*

School meetings, to be chaired by the Dean on behalf of the Rector, shall be a forum for consultation providing an opportunity for discussing the school's internal matters. The Governing Council may seek the opinion of a school meeting on any matter concerning the activities of the school and of the departments operated within it.

School meetings may issue resolutions on matters considered relevant to the interests of the school. Resolutions adopted at school meetings shall be communicated to the Governing Council, the Rector, the directors of academic bodies, and any other person to which they may be relevant.

Decisions made by the Governing Council, the Rector, a Dean or the director of an academic body are not subject to appeal to a school meeting. The same applies to internal meetings held in academic bodies as referred to in Article 4, first paragraph, items b and c.

## Section V Personnel

■ **Article 15** *Professional titles*

The professional titles of teachers at a public HEI shall be as follows: *professor* ('Professor'), *dósent* ('Senior Lecturer/Associate Professor'), *lektor* ('Lecturer/Assistant Professor') and *adjunkt* ('Adjunct Lecturer'). The Governing Council may adopt more