

English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.

Federal Act on Funding and Coordination of the Swiss Higher Education Sector (Higher Education Act, HEdA)

of 30 September 2011 (Status as of 1 March 2021)

*The Federal Assembly of the Swiss Confederation,
based on Article 63a, 64 paragraph 2, 66 paragraph 1 and 95 paragraph 1
of the Federal Constitution¹,
and having considered the Federal Council Dispatch of 29 May 2009²,
decrees:*

Chapter 1 General Provisions

Art. 1 Purpose and object

¹ The Confederation works with the Cantons to coordinate, maintain the quality and ensure the competitiveness of the entire higher education sector in Switzerland.

² For this purpose, the present Act establishes the basic principles applying to the following:

- a. coordination of the entire Swiss higher education sector, particularly through the specification of joint bodies;
- b. quality control and accreditation;
- c. funding of higher education institutions and other institutions within the higher education sector;
- d. allocation of tasks in particularly costly areas;
- e. granting of federal contributions.

Art. 2 Scope

¹ This Act applies to higher education institutions and other institutions within the higher education sector of the Confederation and the Cantons.

AS 2014 4103

¹ SR 101

² BBl 2009 4561

² Higher education institutions under the terms of this Act are:

- a. tier-one universities: cantonal universities and federal institutes of technology (FITs);
- b. universities of applied sciences (UAS) and universities of teacher education (UTES).

³ With the exception of the provisions on basic contributions and contributions to cover expenditure for construction and use of buildings, this Act applies to all FITs and other federal higher education institutions.

⁴ The provisions of Chapter 5 and Chapter 9 of this Act shall apply for the accreditation of private universities, universities of applied sciences, universities of teacher education and other private institutions within the higher education sector. Article 19 paragraph 2 applies to the participation of these higher education institutions in the Swiss Conference of Rectors of Higher Education Institutions.

Art. 3 Objectives

As part of its cooperation activities within the higher education sector, the Confederation shall pursue the following objectives in particular:

- a. establishing general conditions that favour high-quality teaching and research;
- b. fostering a higher education sector comprised of different but equivalent types of higher education institutions;
- c. working to raise the profile of higher education institutions and encourage competition, particularly with regards to research;
- d. crafting a coherent Swiss higher education policy that is aligned with the federal policy to encourage research and innovation;
- e. achieving permeability and mobility between higher education institutions;
- f. creating uniform study structures, study levels and transitions and ensuring mutual recognition of qualifications;
- g. providing funding to higher education institutions on the basis of uniform and performance-based principles;
- h. ensuring coordination of the entire Swiss higher education sector and allocating tasks in particularly costly areas;
- i. avoiding competitive distortions between higher education institutions and professional education institutions with regard to the provision of services and continuing education and training courses.

Art. 4 Federal tasks and authority within the higher education sector

¹ The Confederation is responsible for leading coordination of the joint activities of the Confederation and the Cantons within the higher education sector.

² It shall provide contributions under the terms of this Act.

³ It shall manage and fund FITs under the terms of the FIT Act of 4 October 1991³ as well as other federal higher education institutions by virtue of their respective legal basis.

⁴ The Federal Assembly may issue decrees enabling the Confederation to fully or partially take over higher education institutions, with the consent of the sponsor, if the said institutions are particularly important for federal activities. Before taking such action, the Confederation shall hear the Higher Education Council.

⁵ Under the terms of special legislation, the Confederation shall make contributions to the Swiss National Science Foundation, to the Swiss Innovation Agency (Innosuisse) as well as to national and international education and research programmes.⁴

Art. 5 Principles of fulfilment of tasks

¹ The Confederation shall respect the autonomy granted by sponsors to higher education institutions as well as the principles of freedom and the unity of teaching and research.

² When performing its tasks, it shall consider the specific characteristics of tier-one universities, universities of applied sciences, universities of teacher education and other institutions within the higher education sector.

Chapter 2 Cooperation Agreement

Art. 6

¹ Basing themselves on this Act and on the Intercantonal Agreement on Cooperation in Higher Education, the Confederation and the Cantons shall enter into a Cooperation Agreement on fulfilment of their respective tasks.

² This Cooperation Agreement shall create the joint bodies required under this Act.

³ It may transfer the powers established in this Act to the joint bodies.

⁴ Unless already established in corresponding provisions in this Act, the Cooperation Agreement shall regulate the following:

- a. clarification and implementation of shared objectives;
- b. responsibilities, structure and procedures of joint bodies.

⁵ If the Cooperation Agreement contradicts a provision contained in this Act, the Act shall take precedence.

⁶ This Cooperation Agreement shall be signed by the Federal Council on behalf of the Confederation.

³ SR **414.110**

⁴ Amended by Annex No 1 of the Innosuisse Act of 17 June 2016, in force since 1 Jan. 2018 (AS **2016** 4259; BBl **2015** 9487).

Chapter 3 Joint Bodies

Section 1 General Provisions

Art. 7 Bodies

The joint bodies are:

- a. the Swiss Conference of Higher Education Institutions in its composition as the Plenary Assembly or as the Higher Education Council;
- b. the Swiss Conference of Rectors of Higher Education Institutions;
- c. the Swiss Accreditation Council.

Art. 8 Applicable legislation

¹ The Federal Personnel Act and federal liability law apply to employees of joint bodies and the Swiss Accreditation Agency. The Higher Education Council may depart from the provisions of the Federal Personnel Act under the Cooperation Agreement when this is required for the purposes of fulfilling the mandate.

² The joint bodies and the Swiss Accreditation Agency are subject to federal data protection and public procurement legislation.

Art. 9 Bearing of costs

¹ The Confederation shall pay the costs of managing the affairs of the Swiss Conference of Higher Education Institutions under Article 14.

² Remaining costs of the Swiss Conference of Higher Education Institutions shall be equally shared by the Confederation and the Cantons.

³ The Plenary Assembly shall decide on the basis of the Cooperation Agreement who will pay the costs of the other joint bodies and the Swiss Accreditation Agency.

Section 2 Swiss Conference of Higher Education Institutions

Art. 10 Role and function

¹ The Swiss Conference of Higher Education Institutions is the highest policymaking body within the Swiss higher education sector. It is responsible for Swiss-wide coordination of the activities of the Confederation and the Cantons within the higher education sector.

² It convenes either as the Plenary Assembly or as the Higher Education Council.

³ It has its own budget and its own accounting.

⁴ Its Organisational Regulations are issued by the Higher Education Council.

Art. 11 Plenary Assembly

¹ As the Plenary Assembly, the Swiss Conference of Higher Education Institutions has the following composition:

- a. the designated member of the Federal Council;
- b. one member of each cantonal government.

² Within the framework of this Act, the Plenary Assembly handles matters pertaining to the rights and obligations of the Confederation and all cantons. The following areas of responsibility may be transferred to it under the terms of the Cooperation Agreement:

- a. determination of the general financial conditions for coordination of the entire Swiss higher education sector by the Confederation and the Cantons subject to their respective financial authority;
- b. determination of reference costs and contribution categories;
- c. formulation of recommendations on payment of scholarships and issuance of loans by the Cantons;
- d. other areas of responsibility arising from this Act.

Art. 12 Higher Education Council

¹ As the Higher Education Council, the Swiss Conference of Higher Education Institutions has the following composition:

- a. the designated member of the Federal Council;
- b. fourteen members of the governments of cantons that subsidise cantonal universities, universities of applied sciences and universities of teacher education.

² Each Canton has only one seat on the Higher Education Council. The Intercantonal Agreement on Cooperation in Higher Education determines how subsidising cantons are represented on the Higher Education Council.

³ Within the framework of this Act, the Higher Education Council shall handle matters pertaining to the tasks performed by Cantons that subsidise higher education institutions. The following areas of responsibility may be transferred to it under the terms of the Cooperation Agreement:

- a. enactment of regulations on:
 1. study levels and transitions between levels, uniform names of titles as well as permeability and mobility between and within tier-one universities, universities of applied sciences and universities of teacher education,
 2. the handling of quality control and accreditation at the request of the Swiss Accreditation Council,
 3. recognition of qualifications and procedures for the recognition of prior learning,