

**REPUBLIC OF LITHUANIA**  
**LAW ON HIGHER EDUCATION AND RESEARCH**

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The mission of higher education and research is to help ensure the country's public, cultural and economic prosperity, provide support and impetus for a full life of every citizen of the Republic of Lithuania, and satisfy the natural thirst for knowledge. The Lithuanian policy on higher education and research guarantees the quality of higher education and research, the equal access to higher education for all citizens and favourable conditions for the best of them to conduct their research, and to seek academic and creative perfection; the said policy ensures that the system of higher education and research satisfies the demands of society and the economy, supports its openness and integration in the international sphere of higher education and research. A cohesive system of higher education and research is the foundation of the development of knowledge society, the strengthening of knowledge-based economy and the sustainable development of the country, a dynamic and competitive life of national economy, and social and economic well-being; such a system cultivates a creative, educated, dignified, morally responsible, public-spirited, independent and entrepreneurial personality, fosters the civilizational identity of Lithuania, supports, develops and creates national and global cultural traditions.

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1. Purpose of the Law**

This Law shall establish:

- 1) state regulation of higher education and research;
- 2) principles of quality assurance in higher education and research;
- 3) legal basis of establishment, termination and restructuring of higher education and research institutions;
- 4) awarding and recognition of higher education qualifications and scientific degrees;
- 5) management of higher education and research institutions, organization and supervision of their activities;

- 6) rights and duties of the academic staff, research staff and students of higher education and research institutions;
- 7) funding of higher education and research;
- 8) principles of management, use and disposal of the assets of state higher education institutions.

## **Article 2. Exceptions to the application of the Law**

1. The provisions of this Law shall apply to the General Jonas Žemaitis Military Academy of Lithuania in so far as they are not in contradiction of the laws on the organization of the national defence system and military service.
2. The provisions of this Law shall apply to seminaries in so far as they are not in contradiction of the provisions of the Agreement between the Holy See and the Republic of Lithuania on Cooperation in Education and Culture.

## **Article 3. Principles of higher education and research**

1. Research shall be based on the following principles:
  - 1) freedom of creation and research;
  - 2) academic ethics;
  - 3) priority for Lithuanian studies;
  - 4) publicity of research results;
  - 5) integration in the life of the State and society;
  - 6) orientation towards international quality standards;
  - 7) fair competition;
  - 8) ensuring of intellectual property rights;
  - 9) participation in the international and European research area;
2. Higher education shall be based on the following principles:
  - 1) academic freedom and autonomy;
  - 2) openness and responsibility to the public;
  - 3) cooperation of members of the academic community;
  - 4) personal interest of students;
  - 5) undertaking to develop public responsibility of members of the academic community;
  - 6) fair competition of higher education institutions and students;
  - 7) priority for Lithuanian studies;
  - 8) European humanistic and democratic tradition;
  - 9) compatibility with the provisions of the European higher education area;

- 10) striving for continuous learning;
- 11) integration in the life of the State and society.

3. The State shall give a strategic priority to the Lithuanian studies which deal with the essential tasks of preserving, enhancing and developing national identity. Higher education and research institutions, to the extent they participate in implementation of this priority, shall be regarded as carrying out activities of strategic importance.

#### **Article 4. Definitions**

1. **Graduate** means a person who has completed a study programme and has been granted a diploma attesting to a qualification of higher education.

2. **College higher education** means education attained in higher education institutions of Lithuania after completion of programmes of college studies pursuant to which a higher education qualification is awarded, or education attained in foreign higher education and research institutions, and recognised in accordance with the procedure laid down by legal acts as being of an equivalent level.

3. **University higher education** means education attained in higher education institutions of Lithuania after completion of programmes of university studies or doctoral studies pursuant to which a higher education qualification is awarded, or education attained in foreign higher education and research institutions, and recognised in accordance with the procedure laid down by legal acts as being of an equivalent level.

4. **Accreditation of a higher education institution or a study programme** means evaluation of conformity of a higher education institution or a study programme with requirements of legal acts.

5. **Diploma of higher education** means a document certifying a qualification of higher education acquired by a person.

6. **Qualification of higher education** means a qualification degree (professional bachelor's, bachelor's, master's), the doctor of science degree, the doctor of arts degree as well as a qualification which is awarded by a higher education institution in accordance with the procedure laid down by legal acts.

7. **Teaching staff member** means a person who educates and teaches students in a higher education institution.

8. **Experimental (social, cultural) development** means a systematic activity based on the knowledge acquired through research and practical experience, the aim of which is to create new materials, products and equipment, develop new process, systems and services or to essentially improve those already created or developed; also to create, develop or to essentially

improve solutions to problems faced by human beings, culture and society, based on the knowledge acquired through research and practical experience.

9. **Basic research** means experimental and/or theoretical operations which are carried out primarily to acquire new knowledge about the essence of phenomena and/or observed reality without aiming, at the time of research, to use the obtained results for a specific purpose.

10. **Unclassified student** means a person who studies according to informal education programmes or separate study subjects (their sets).

11. **Research and experimental (social, cultural) development** means a systematic creative activity of the study of the nature, human being, culture and society, and the use of the results of such activity.

12. **Scientist** means a researcher who has a scientific degree.

13. **Research institute** means an establishment the main activity of which is research and experimental (social, cultural) development.

14. **Higher education and research institutions** means legal persons the main activity of which is carrying-out of studies and activities related to studies, and/or research and experimental (social, cultural) development.

15. **Staff of higher education and research institutions** means teaching staff, research staff, other researchers, the administration and other employees.

16. **Research (art) communication** means introduction of research, artistic creation to the public.

17. **Established artist** means a creator or a performer of artistic works whose creative activities are defined by the works which are especially significant for art and culture and have been implemented in Lithuania or/and abroad, gained a wide recognition of the public and art specialists, acknowledged with prestigious international or national prizes and other high awards, or/and who has educated distinguished artists and meets the requirements set by a higher education institution in which he seeks to hold or already holds a position.

18. **Residency** means studies under study programmes upon completion of which a degree is not awarded; such studies are intended for persons who have acquired university higher education to prepare for independent practical activity in the manner prescribed by legal acts.

19. **Student** means a person who studies in a higher education institution according to a study programme or in doctoral studies.

20. **Studies** means studying of a person, who has completed at least his secondary education, in a higher education institution according to a certain study programme or when preparing a dissertation.

21. **Study credit** means a unit of the volume of studies, by which study results and student's working time are measured. 1600 hours of one academic year shall equal to 60 credits.

22. **Study field** means a set of study programmes the title of which is entered in a higher education diploma along with the title of a qualification degree.

23. **Study programme** means a totality of the content, methods and material measures of studies of a certain study field, the academic and professional staff employed for the studies, and the description of the said totality.

24. **Study area** means humanitarian, social, physical, biomedical, technology sciences and arts.

25. **Activities related to studies** means announcement of admission to study, consultation about studies, conclusion of contracts concerning studies and other activities necessary to carry out and/or organize studies, as well as issuing of diplomas, diploma supplement (appendum), certificates attesting to a higher education qualification.

26. **Applied research** means the experimental and/or theoretical operations carried out for acquiring knowledge and primarily aimed at attaining specific practical objectives or at solving tasks.

27. **Researcher** means a person having higher education, who develops knowledge, conceptualizes or creates new products, processes, methods and systems or directs research and experimental (social, cultural) development projects.

## **CHAPTER II**

### **HIGHER EDUCATION AND RESEARCH INSTITUTIONS**

#### **Article 5. Groups of higher education and research institutions**

There are two groups of higher education and research institutions: higher education institutions and research institutes.

#### **Article 6. Types of higher education institutions and foundations of their activities**

1. There are two types of higher education institutions: universities and colleges.
2. Higher education institutions may be state and non-state.
3. A higher education institution shall organize and carry out studies, award higher education qualifications set in this Law, conduct research, pursue experimental (social, cultural) development and/or artistic activity, apply results of the research and experimental (social, cultural) development, accumulate scientific knowledge, develop creative activity and culture, foster values and traditions of the academic community.

4. A state higher education institution shall be a public legal person functioning as a public establishment, possessing the autonomy guaranteed by the Constitution of the Republic of Lithuania, and the special status defined by this and other laws. A non-state higher education institution shall be a public legal person functioning as a public establishment or a private legal person.

#### **Article 7. Autonomy and accountability of higher education institutions**

1. A higher education institution shall enjoy the autonomy which covers academic, administrative, economic and financial management activities, and is based on the principle of self-government and academic freedom. Pursuant to the procedure laid down by the Constitution of the Republic of Lithuania, this Law and other laws the autonomy of a higher education institution shall be harmonized with the accountability to the public, founders and members of the legal person.

2. A higher education institution shall have the right to:

1) choose study fields and forms and the development of a person, research and experimental (social, cultural) development, professional artistic activity, cultural and scientific knowledge communication;

2) define a procedure of studies;

3) fix a tuition fee in accordance with the procedure laid down by this Law;

4) prepare and approve study programmes which meet the requirements laid down by legal acts;

5) provide other educational, qualification improvement, expert services;

6) publish study, scientific and other literature;

7) establish its own structure, internal working arrangements, staff number, their rights, duties and conditions of payment for work, position requirements, procedure of organization of competitions to fill positions and of performance evaluation of employees, adhering to laws and other legal acts;

8) admit and exclude students in accordance with the procedure laid down by its statute;

9) award students scholarships from its own or sponsors' funds;

10) set forms of cooperation with natural and legal persons of the Republic of Lithuania and foreign countries;

11) manage, use and dispose of assets in the manner prescribed by this Law and other legal acts;

12) pursue economic and commercial activities which are not prohibited by laws and which are inseparably connected with the objectives of activities thereof;

13) exercise other rights laid down by legal acts.

3. A higher education institution must:

- 1) ensure academic freedom of members of the academic community;
- 2) inform the founders, members of a legal person and the public about quality assurance measures in studies and research activities, and in case of state higher education institutions – also about their financial, economic and research activities and the use of funds; the results of external quality evaluation and accreditation of their study programmes;
- 3) furnish in due time official information to institutions authorised by the Government (statistical data and subject-specific information) which is necessary for the management and monitoring of the higher education and research system;
- 4) provide career consultations to students;
- 5) perform other obligations established by legal acts.

### **Article 8. University**

1. The university shall carry out university studies, conduct research, experimental (social, cultural) development and/or develop high-level professional art. The name of a higher education institution must contain a word ‘‘university’’ or ‘‘academy’’, or ‘‘seminary’’.

2. Objectives of the university:

- 1) to carry out studies which provide university higher education based on research and corresponding to the modern level of knowledge and technologies, a higher education qualification, develop a thoroughly educated, ethically responsible, creative and entrepreneurial person;
- 2) to harmoniously develop scientific cognition of various fields, to conduct high-level research and experimental (social, cultural) development, to train scientists, to cooperate with national and foreign partners in the field of sciences and humanities;
- 3) when cooperating with public and economic partners, to promote the development of regions and the whole country through research, educational, artistic and other cultural activities;
- 4) to develop society receptive to education, sciences, arts and culture, which is able to effectively make use of science and compete in the market of high technologies, products and services.

3. More than half of the teaching staff of a university must be scientists and/or established artists.

### **Article 9. College**

1. The college shall carry out college studies, develop applied research and/or professional art. The name of a higher education institution which carries out such activities must contain a word ‘college’ or ‘higher education institution’.

2. Objectives of the college:

1) to carry out studies which provide to a person the college higher education and a higher education qualification and which satisfy the needs of the State, society and economy of Lithuania, and conform to the level of science and latest technologies;

2) to develop applied research necessary for the region, to provide consultation to local government and economic entities;

3) to create conditions for persons to improve their acquired knowledge and skills;

4) to develop society receptive to education and culture, which is able to work under the conditions of rapid technology change.

3. More than a half of the teaching staff of a college must have at least three-year practical work experience in the sphere of a subject they teach. The qualification in the sphere of a taught subject must be improved in accordance with the procedure laid down by the college. Subjects which must be taught at colleges by the teaching staff members with a scientific degree shall be determined by descriptions of a study field, a set of study fields or a study area.

#### **Article 10. Research institute**

1. A research institute may be state or non-state.

2. A state research institute shall conduct long-term research and experimental (social, cultural) development, important for the State, the public or economic entities, in the area defined by the founder (members of a legal person).

3. Objectives of a state research institute:

1) to conduct long-term research and experimental (social, cultural) development in a certain area (areas), important for the continuity and development of the national economy, culture, healthcare and society;

2) to cooperate with representatives of business, government and the public, to carry out commissioned works of research and experimental (social, cultural) development, to render methodological and other assistance;

3) to communicate scientific knowledge to the public, to apply it in culture, education, healthcare as well as social and economic activities, to contribute to the establishment of economy based on innovations and knowledge, development of society receptive to knowledge.

4. State research institutes whose purpose is to gather, systematize, preserve, communicate intangible and document heritage of Lithuanian studies, to conduct fundamental



research of the heritage of the Lithuanian language, ethnology, writings, culture and history shall have a status of the especial national importance. This status shall be implemented by the Government through approving their statutes and adopting other legal acts.

5. A state research institute shall be a public legal entity that functions as a budgetary or public establishment. A non-state research institute may be a public legal person functioning as a public establishment, or a private legal person.

### **Article 11. Rights and duties of a research institute**

1. A research institute shall have the right:

1) in compliance with laws and other legal acts, to determine its own structure, internal working arrangements, staff number, their rights and duties, and conditions of payment for work, the procedure for organising competitions to fill a position and the performance evaluation procedure;

2) when fulfilling its mission, to cooperate with natural and legal persons of the Republic of Lithuania and foreign countries;

3) to publish scientific and other literature, to choose ways to announce results of its research and experimental (social, cultural) development;

4) in conjunction with universities and in accordance with the procedure laid down by this Law, to train scientists, to help in training specialists;

5) to promote the use of the results of research and experimental (social, cultural) development in the fields of economy, social and cultural life;

6) under contracts with natural and legal persons of the Republic of Lithuania and foreign countries, to carry out expert examinations, to provide scientific consultations and other services in the spheres of its research;

7) to manage, use and dispose of assets in accordance with the procedure laid down by legal acts;

8) to acquire other rights in accordance with the procedure laid down by legal acts.

2. A research institute must:

1) ensure academic freedom of members of the academic community;

2) inform the founder (members of a legal person) and the public about the quality assurance measures in research activity, and in case of a state research institute – also inform about its financial, economic activities and the use of funds;

3) furnish in due time official information to institutions authorised by the Government (statistical data and subject-specific information) which is necessary for the management and monitoring of the higher education and research system;

- 4) perform other obligations established by legal acts.
3. The provisions of Article 82 of this Law shall apply *mutatis mutandis* to the results of intellectual activities of a research institute and its staff.

### **CHAPTER III**

#### **MANAGEMENT OF HIGHER EDUCATION AND RESEARCH**

#### **SECTION ONE**

##### **FORMATION AND IMPLEMENTATION OF HIGHER EDUCATION AND RESEARCH POLICY**

#### **Article 12. Institutions forming and implementing a higher education and research policy**

1. National higher education and research shall be formed by the Seimas.
2. The national higher education and research policy shall, within the competence defined by this Law, other laws and legal acts, be implemented by the Government, the Ministry of Education and Science, other ministries, the Research Council of Lithuania, the Lithuanian Studies Foundation, the Centre for Quality Assessment in Higher Education, the supervisor of academic ethics and procedures, institutions authorised by the Government and the Ministry of Education and Science, as well as other institutions.
3. The Council of Higher Education shall be an advisory body for the Ministry of Education and Science on strategic issues of higher education development. The Council of Higher Education shall be set up and function according to the regulations approved by the Government.
4. The Agency for International Science and Technology Development Programmes shall coordinate the participation of Lithuanian establishments, enterprises and organizations in international research programmes and projects. The Agency for International Science and Technology Development Programmes shall be set up by the Government or an institution authorised by it.

#### **Article 13. The Research Council of Lithuania**

1. The Research Council of Lithuania shall be a state budgetary establishment. The Seimas shall, on the recommendation of the Government, set up the said Council, approve its regulations and the members proposed by the Government. The Research Council of Lithuania

shall be accountable to the Seimas and the Government. Chairman of the Research Council of Lithuania shall be a sole management body of the Research Council of Lithuania.

2. The Research Council of Lithuania shall be an advisor to the Seimas and the Government on the issues pertaining to research and preparation of researchers. The Research Council of Lithuania shall participate in the implementation of research, experimental (social, cultural) development and other programmes, competition-based programme funding of research, experimental (social, cultural) development works and shall organise evaluation of research activities carried out in Lithuania.

3. The Research Council of Lithuania shall consist of the Board of the Research Council of Lithuania, the Research Foundation and two expert Committees: the Committee of Humanities and Social Sciences and the Committee of Natural and Technical Sciences. These Committees shall be set up in accordance with the procedure laid down in the regulations of the Research Council of Lithuania.

#### **Article 14. State Studies Foundation**

1. The State Studies Foundation shall be a state budgetary establishment. This Foundation shall be set up and its regulations and the Board shall be approved by the Government. Director of the State Studies Foundation shall be a sole management body of the State Studies Foundation.

2. The State Studies Foundation shall, in accordance with the procedure laid down by the Government, administrate state loans and support student loans supported by the State, scholarships to students of the third cycle of studies, as well as any other financial assistance to students.

#### **Article 15. Science and technology parks**

1. A science and technology park shall be a legal person whose main function shall be to stimulate processes of scientific knowledge communication and technology dissemination, to create conditions for commercializing research results, to foster relations between science and business, and to promote a culture of innovations. Science and technology parks shall create favourable conditions for establishment of enterprises which will carry out applied research and experimental (social, cultural) development works, and implement innovations.

2. Science and technology parks shall be established, operate, be restructured, and cease to exist in accordance with the procedure laid down by the Civil Code and other legal acts. One of the members of science and technology parks must be a higher education and research institution

3. In the cases where a science and technology park is a public legal person whose purpose is to satisfy public needs and whose members are state higher education institutions and/or state or municipal institutions, the science and technology park may receive state funds or respectively municipal funds (including budget appropriations).

4. Science and technology parks may carry out programmes approved by state institutions. Relations and commitments between a science and technology park and enterprises supported by it shall be defined in contracts.

#### **Article 16. Integrated science, studies and business centres (valleys)**

1. Integrated science, studies and business centres (valleys) shall be established to concentrate the business potential open to research, studies and knowledge. Integrated science, studies and business centres (valleys) must have a common or related infrastructure and purposefully contribute to the creation of knowledge society and knowledge economy, strengthening of competitive ability of Lithuania.

2. The conception and programmes of the establishment and development of integrated science, studies and business centres (valleys) shall be approved by the Government.

3. The development of integrated science, studies and business centres (valleys), the creation and implementation of their programmes shall be coordinated, a supervisory council shall be set up and its functions shall be approved by an institution authorised by the Government.

#### **Article 17. Centre for Quality Assessment in Higher Education**

1. The Centre for Quality Assessment in Higher Education shall be a state budgetary establishment. This Centre shall be established and its regulations shall be approved by the Ministry of Education and Science. The main objectives of the Centre for Quality Assessment in Higher Education shall be as follows:

1) to encourage the quality of activities of higher education institutions through an external assessment and accreditation of institutions and study programmes;

2) to create favourable conditions of the free movement of persons when organising and carrying out the assessment and/or recognition of higher education-related qualifications awarded in foreign institutions in Lithuania and fulfilling other function set by the Government.

2. A collegial body of management of the Centre for Quality Assessment in Higher Education shall be the Council of the Centre for Quality Assessment in Higher Education, which consists of 11 members. They shall be appointed for the term of six years by: the Seimas, on the recommendation of the Committee on Education, Science and Culture, the Government, the

Minister of Education and Science, the Research Council of Lithuania together with the Lithuanian Academy of Sciences, the senates of universities, the academic councils of colleges, unions of student representations of higher education institutions of Lithuania, the Lithuanian Council of Culture and Art, the Lithuanian Confederation of Industrialists, the Lithuanian Chamber of Commerce, Industry and Crafts, the Knowledge Economy Forum. The composition of the Council of the Centre for Quality Assessment in Higher Education shall be announced by the Minister of Education and Science. The Council of the Centre for Quality Assessment in Higher Education shall draw up and approve its own rules of procedure.

3. External assessment of the Centre for Quality Assessment in Higher Education shall be carried out at least every five years. Assessment results shall be made public.

4. The Centre for Quality Assessment in Higher Education shall each year announce publicly generalizations of quality assessment in higher education.

5. Director of the Centre for Quality Assessment in Higher Education shall be a sole management body of the Centre. Director shall be elected by public tender for a five-year term of office, appointed and dismissed by the Council of the Centre for Quality Assessment in Higher Education. The same person may be elected director for only two consecutive terms of office.

### **Article 18. Supervisor of academic ethics and procedures**

1. Supervisor of academic ethics and procedures (hereinafter referred to as the “supervisor”) shall be a state officer who examines complains and initiates investigation regarding the violation of academic ethics and procedures.

2. The Seimas shall appoint Supervisor for the term of five years on the recommendation of the Research Council of Lithuania. The same person may be appointed to the office of the Supervisor only for two consecutive terms of office. The appointed Supervisor shall hold his office only until a new Supervisor is appointed.

3. The mandate of the Supervisor shall expire:

1) upon the expiry of his powers;

2) on his resignation;

3) on his death.

4) if he is off work by reason of a temporary incapacity for more than 120 calendar days in turn or for more than 140 days in the last twelve months, unless laws allow for a longer period of incapacity by reason of a certain illness, or if a medical or disability commission declares him as being incapable of performing his duties;

5) a conviction comes into effect for him;

6) more than a half of the Seimas members express non-confidence in him.

4. In the case stipulated in subparagraph 4 of paragraph 3 of this Article, the Seimas shall take a decision concerning the termination of the powers of the Supervisor only after receiving a conclusion of the commission of doctors set up by the Minister of Health.

5. In the cases stipulated in subparagraphs 1 and 2 of paragraph 3 of this Article, the Supervisor shall continue holding office until the appointment of a new Supervisor.

6. A person of the good repute, having a scientific degree and experience in management shall be appointed to the office of the Supervisor.

7. The Supervisor may not hold any other elected or appointed office in state and municipal institutions, establishments, enterprises and organizations. The Supervisor may receive no other remuneration, except the remuneration for creative activities.

8. The Supervisor shall act in compliance with the Constitution, this Law and other laws of the Republic of Lithuania, international treaties and other legal acts of the Republic of Lithuania.

9. Activities of the Supervisor shall be based on the principles of legitimacy, impartiality, justice and publicity.

10. A complaint submitted to the Supervisor must indicate:

1) the complainant's forename and surname (or the name of the legal person) and the address;

2) data about the violation of academic ethics and/or procedures.

11. The Supervisor shall examine a submitted complaint and take a decision not later than within 30 days. Due to the complexity of circumstances indicated in the complaint or because additional information must be obtained during the complaint examination, the time limit for examining the complaint and taking a decision may be extended for up to three months from the date of receipt of the complaint.

12. Upon having examined the complaint or completed the investigation, the Supervisor shall take a decision:

1) to inform higher education and research institutions and the Ministry of Education and Science about the persons who have violated the academic ethics and procedures;

2) to obligate the institution, which has awarded a scientific degree and/or held the competition to fill a position, to revoke the decision on the awarding of the scientific degree and/or the winner of the competition;

3) to recommend the higher education and research institutions to revoke the decision taken on the basis of the documents regulating the academic ethics and procedures;

4) to recommend to an employee to refuse participating in an ongoing project of research and experimental (social, cultural) development;

5) to inform an institution responsible for a specific sphere about the persons (authors) who have suffered from violations of the academic ethics;

6) to notify law-enforcement institutions if the evidence of a criminal offence has been established;

7) to appeal to the court if the obligation of the Supervisor is not fulfilled;

8) to make public the cases about the violation of academic ethics and procedures;

9) to recognise the complaint as unjustified;

13. The Supervisor must reply to the applicant in writing.

14. Activities of the Supervisor shall be ensured by the Office of the Supervisor of Academic Ethics and Procedures (hereinafter referred to as the ‘Office’). The Office shall be a state budgetary body. The Office shall be headed by the Supervisor. The Regulations of the Office shall be approved by the Seimas.

15. The Supervisor shall have the right to obtain free of charge from establishments, enterprises, organisations and members of the academic community the information required for the performance of the functions of the Office.

16. The Supervisor shall, once a year before 1 March, account to the Seimas for his own and the Office’s activities.

17. The amount of remuneration and conditions of payment thereof shall be set by the Law on the Remuneration of State Politicians and State Officials.

## **SECTION TWO**

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

#### **Article 19. Bodies of higher education institutions**

1. A state university must have the collegial management bodies – the council and the senate, as well as a sole management body – the rector.

2. A state college must have the collegial management bodies – the council and the academic council, as well as a sole management body – the director.

3. Management of non-state higher education institutions shall be regulated by the founding documents of this higher education institution.

#### **Article 20. Council of a higher education institution**

1. A management body of a higher education institution shall be the council.

2. The council shall perform the following functions:

1) approve the higher education institution's vision and mission, a strategic action plan presented by the rector (director);

2) upon hearing the opinion of the senate (academic council), submit amendments of the university statute to the Seimas (amendments of the college statute – or to the Government) for approval;

3) consider and approve plans for reorganization of the structure of the higher education institution presented by the rector (director);

4) set the procedure for managing, using and disposing of higher education institution's funds (as well as funds designated for remuneration of the institution's leadership and other employees) and the assets, consider and approve key decision related thereto;

5) set the procedure for organizing election of the rector (director) of the higher education institution through open competition, appoint to the office and dismiss from it the rector (director) of the higher education institution;

6) set principles for selection and assessment of employees of the higher education institution;

7) on the recommendation of the rector (director) set a tuition fee and the rates of fees which are not directly related to the implementation of a study programme;

8) set a general number of student places, taking into account the possibilities of quality assurance in studies and research activities;

9) approve an annual statement of revenue and expenditure of the higher education institution and a report on the execution of this statement presented by the rector (director); may initiate an audit of economic and financial activities of the higher education institution;

10) approve an annual report on the activities of the higher education institution presented by the rector (director), evaluate the compliance of the activities with the strategic plan, the achieved results and their impact;

11) ensure the accountability and relation of the higher education institution with the public and founders, each year inform the public about the results of the implementation of the strategic action plan of the higher education institution;

12) attend to support for the higher education institution;

13) upon hearing the opinion of the senate (academic council), approve plans for reorganization or liquidation of the higher education institution and submit them to the Seimas (the Government) for approval;

14) prepare an annual report on its activities and submit it to: in case of state universities - to the Seimas, in case of state colleges - to the Government;



15) perform the functions prescribed in the statute of the higher education institution and other legal acts.

3. The Council shall consist of 9 or 11 members. The statute of the higher education institution shall fix an exact number of the council members. In accordance with the procedure laid down by the statute of the higher education institution, one member of the council shall be appointed by the representation of students, and in the absence of such – a general meeting (conference) of students; two members, or if the council consists of 11 members, three members shall be appointed by the teaching staff and the research staff; one member – the administration and other employees; one council member shall be appointed by the Minister of Education and Science together with the senate (academic council) of the higher education institution; four members, or if the council consists of 11 members, five members shall be proposed by legal and natural persons from the persons who do not belong to the staff and students of the higher education institution – these members of the council shall be appointed and recalled by the Minister of Education and Science on the recommendation of the Council of Higher Education, upon hearing the opinion of the higher education institution. The Minister of Education and Science shall publicly announce the composition of the council.

4. A person may be a member of the council if he is of good repute, held or holds a position of responsibility in the sphere of education, sciences and humanities, culture, public activity or business (this requirement shall not apply to a representative of students) and has knowledge and competence enabling him to seek the objectives of the higher education institution and to fulfil the mission of the higher education institution. The same person may serve on the council only for two consecutive terms of the council.

5. The President of the Republic, members of the Seimas and the Government as well as civil servants of political (personal) confidence may not be members of the council.

6. The term of office of a member of the council shall be five years. Not later than a month before the expiry of the term of office of a council member the Minister of Education and Science shall announce a composition of a newly formed council.

7. When commencing the duties of his office, a member of the council shall, at a meeting of the council in the manner prescribed by the statute of the higher education institution, sign a commitment to follow the interests of the higher education institution and the public and to in good faith fulfil the functions set out by this Law.

8. The council shall elect the chairman of the council from among its members and recall him by a majority of the votes cast by all members of the council. A person belonging to the staff of the higher education institution or a student may not be the chairman of the council.

9. The council shall approve its rules of procedure. The council shall take decisions by a majority of votes cast by the council members attending the meeting. A meeting of the council shall be valid if it is attended by at least two thirds of the members of the council.

10. The rector (director) of the higher education institution shall attend meetings of council in an advisory capacity.

11. If a member of the council fails to properly perform the duties set out by the statute of the higher education institution, the rules of procedure of the council or the commitment referred to in paragraph 7 of this Article or fails to sign the commitment referred to in paragraph 7 of this Article, the chairman of the council shall have the right to address the person who appointed the said member with a request to recall the appointed member of the council.

12. If the powers of the member of the council are terminated before the expiry of his term of office, a new member of the council shall be appointed in accordance with the procedure laid down in paragraph 3 of this Article by the person who appointed the member of the council whose powers are terminated. A new member of the council shall commence his duties after the Minister of Education and Science announces his appointment and the member of the council signs a commitment specified in paragraph 7 of this Article.

13. Members of the council may be remunerated for the activities during the tenure with the funds of the higher education institution. The procedure for paying payments shall be laid down in the statute of the higher education institution.

14. The rector (director) shall ensure organisational conditions necessary for the activities of the council.

## **Article 21. Senate (academic council) of a state higher education institution**

1. The senate (academic council) of a state higher education institution shall be the management body of academic affairs of that higher education institution.

2. The university senate shall execute the following functions:

1) approve programmes of studies, research and experimental (social, cultural) development, art programmes, and present proposals to the rector regarding the funding of these programmes and reorganization of the university structure which is necessary for implementation of those programmes, evaluate the results of conducted research as well as the quality and level of all research and artistic activities of the university;

2) define a procedure of studies; approve internal rules of the university;

3) approve an internal system of quality assurance in studies and control its implementation;

4) in compliance with the established principles of selection and evaluation of university employees, approve qualification requirements for positions of teaching staff members and research staff members, lay down the procedure of performance evaluation of research staff members and teaching staff members, and organization of a competition to fill a position;

5) in accordance with the procedure laid down by the university statute, convene meetings (conferences) of the academic community of the university to discuss important issues concerning activities of the university;

6) in accordance with the procedure laid down by the university statute, bestow university's honorary degrees and other titles;

7) perform other functions prescribed by legal acts and the university statute.

3. The academic council of a college shall perform the following functions:

1) approve study programmes and present proposals to the director regarding the funding of these programmes and reorganization of the college structure which is necessary for implementation of those programmes, evaluate the results of conducted research as well as the quality and level of applied and artistic activities of the college;

2) define a procedure of studies; approve internal rules of the college;

3) approve an internal system of quality assurance in studies and control its implementation;

4) in compliance with the established principles of selection and evaluation of college employees, approve qualification requirements for positions of teaching staff members and research staff members, lay down the procedure of performance evaluation of research staff members and teaching staff members, and organization of competitions to fill a position;

5) in accordance with the procedure laid down by the college statute, convene meetings (conferences) of the academic community of the college to discuss important issues concerning activities of the college;

6) in accordance with the procedure laid down by the college statute, bestow college's honorary degrees;

7) perform other functions prescribed by legal acts and the college statute.

4. A senate (academic council) shall be set up in accordance with the procedure laid down in the statute of a higher education institution for a period not exceeding five years.

5. Members of the academic community of a university (college), members of the administration of a university who pass into the senate (academic council) based on their position, as well as scientists, teaching staff members and established artists of other higher education and research institutions may be members of the senate (academic council). Representatives appointed by students must comprise not less than 20 per cent of the members of

the senate (academic council). Representatives of students shall be appointed to the senate (academic council) by a student representation; if there is no such representation – by a general meeting (conference) of the students. Persons holding the position of professor and chief research staff member must comprise not less than 20 per cent of the members of the senate. Persons holding the position of associate professor and senior research staff member must comprise not less than 20 per cent of the members of the senate (academic council). Persons who are members of the senate (academic council) based on their position must comprise not more than 10 per cent of the members of the senate (academic council). Employees of other higher education and research institutions may also be members of the senate (academic council) based on their position. The rector (director) of a higher education institution shall also be a member of the senate (academic council) based on his position.

6. Activities of the senate (academic council) shall be regulated by the rules of procedure of the senate (academic council) approved by the senate (academic council) of a higher education institution.

7. The rector (director) of a higher education institution may not be chairman of the senate (academic council).

8. The senate (academic council) shall, in accordance with the procedure laid down by the statute of a higher education institution, inform the community of the higher education institution about its decisions and shall account for its activities to the said community once a year.

## **Article 22. Rector (director) of a higher education institution**

1. The rector (director) of a higher education institution shall be a sole management body of the higher education institution, shall act in the name of the said institution and represent it.

2. The rector (director) shall execute the following functions:

1) head a higher education institution, organize its activities, ensuring the implementation of a strategic action plan;

2) issue orders;

3) recruit and dismiss employees of the higher education institution;

4) admit and exclude students in accordance with the procedure laid down by the statute of the higher education institution;

5) upon evaluation of proposals of the student representation, submit to the council for approval the tuition fee and the rates of fees which are not directly related to the implementation of a study programme;

6) be responsible for financial activities of the higher education institution, proper

management, use and disposal of funds and assets;

7) submit to the council for approval and publicly announce an annual report on the activities of the higher education institution, an annual statement of revenue and expenditure and a report on the implementation of this estimate;

8) present an annual report on the activities of the higher education institution to the senate (academic council) and submit it to the Ministry of Education and Science;

9) submit to the council for approval strategic plans for activities of the higher education institution and for reorganization of the structure of the higher education institution;

10) perform other functions prescribed in legal acts and the statute of the higher education institution.

3. The rector (director) shall be elected by an open competition, appointed and dismissed by the council.

4. The council shall announce an open competition to fill a position of the rector (director). The rector (director) shall be considered to be elected if at least three-fifths of all the council members vote for him.

5. The rector may be a person who has a scientific degree or is an established artist, who has the experience in pedagogy and management.

6. The director may be a person who has the experience in pedagogy and management.

7. The chairman of the council or any other person authorised by the council shall sign in the name of the higher education institution an employment contract with the elected rector (director) for the duration of his term of office.

8. The term of office of the rector (director) shall be five years. The same person may be elected rector (director) of the same higher education institution for not more than two terms of office in succession and not earlier than after the lapse of five years since the end of the last term of office, if the last term of office was consecutively second.

9. If an annual report on activities of the higher education institution or an annual report on the implementation of the statement of revenue and expenditure presented by the rector (director) of the higher education institution is not approved by a majority of the council members at a meeting of the council, the rector (director) may be dismissed from office in accordance with the procedure laid down by legal acts.

### **Article 23. Participation of students in the management of a higher education institution**

Interests of students in the management bodies of a higher education institution shall be represented by representatives of the students who are appointed by the student representation; if there is no such representation – by a general meeting (conference) of the students.

### **SECTION THREE**

#### **MANAGEMENT OF A RESEARCH INSTITUTE**

##### **Article 24. Bodies of a research institute**

1. The management bodies of a state research institute shall be a scientific council of the research institute and director of the research institute.

2. Management of non-state research institutes shall be regulated by their founding documents.

##### **Article 25. Scientific council of a state research institute**

1. The scientific council of a state research institute shall carry out the following functions:

1) in accordance with the regulations, approve the structure of a state research institute and changes therein;

2) approve the procedure of the performance evaluation of research staff members and organization of competitions to fill positions of research staff members;

3) consider and approve documents regulating research activities;

4) consider annual reports on activities submitted by the director of the research institute and assess the process of implementation by the state research institute of its tasks and objectives;

5) perform other functions set by the statutes.

2. A scientific council of a state research institute shall be set up in accordance with the procedure laid down by the research institute for a period of five years from research staff members and administration employees as well as from representatives of other establishments, enterprises and organizations which are interested in the implementation of the tasks and mission of the institute. The scientific council of a state research institute shall approve its rules of procedure.

##### **Article 26. Director of a state research institute**

1. The director of a higher education institution shall be a sole management body of the higher education institution, shall act in the name of the said institution and represent it. The director shall perform the functions of the head of an establishment as provided for in the regulations and legal acts.

2. Director of a research institute shall be appointed to the office by an open competition and shall be dismissed from office by the founder (members of the legal person) or a person authorised by him (them).

3. The Government or an institution authorised by it shall approve the procedure for organising election of a director of a state research institute by an open competition.

4. The director of a state research institute may be a person having a scientific degree and the experience in management.

5. The term of office of the director of a state research institute shall be five years. The same person may be appointed to the office of the director of a state research institute for not more than two terms of office in succession and not earlier than after the lapse of five years since the end of the last term of office, if the last term of office was consecutively second.

## **CHAPTER IV**

### **ESTABLISHMENT, TERMINATION AND RESTRUCTURING OF HIGHER EDUCATION AND RESEARCH INSTITUTIONS. AUTHORIZATION TO CARRY OUT STUDIES AND/OR ACTIVITIES RELATED TO STUDIES**

#### **Article 27. Conditions of establishment of a higher education institution**

1. A higher education institution shall be established pursuant to the Civil Code, this Law and the law regulating an appropriate legal form of a legal person.

2. A higher education institution may be established if there is a material base and other conditions indicated in this Law which are necessary to ensure the quality of planned study programmes, research and/or artistic activities, and to meet the requirements of presented higher education qualifications.

3. The Seimas shall establish a state university upon the recommendation of the Government. Without prejudice to the requirements laid down in this Law, the rights and duties of the State as the owner of a state university shall be implemented only by the Government or an institution authorised by it. Private and public persons may not be stakeholders of a state university.

4. A state college shall be established by the Government upon the recommendation of the Ministry of Education and Science. Without prejudice to the requirements laid down in this

Law, the rights and duties of the state as the owner of a state college shall be implemented only by the Government or an institution authorised by it. Having adopted a decision to establish a state college, the Government shall also take a decision on the transfer of the functions of the founder to a state institution or establishment. Private and public persons may not be stakeholders of a state college.

5. A non-state higher education institution may be established by natural or legal persons, with the exception of state and municipal institutions and establishments, as well as by branches, located in Lithuania, of enterprises established in member states of the European Union or other states which signed the Agreement on the European Economic Area.

### **Article 28. Statute of a higher education institution**

1. A statute of a higher education institution (hereinafter referred to as the ‘statute’) shall be a founding document which the higher education institution acts in conformity with.

2. The following must be laid down in the statute of a higher education institution:

- 1) name, address of the registered office of a higher education institution;
  - 2) the legal form;
  - 3) objectives and tasks of the activities;
  - 4) scope and types of activities;
  - 5) main provisions of organisation of higher education and research;
  - 6) bodies of a higher education institution and their competence, the procedure of their elections (appointment, convening) and removal from office of their members;
  - 7) rights, duties and responsibility of students and employees;
  - 8) procedure of enrolment and elimination of students;
  - 9) procedure for setting up commissions for consideration of disputes between students and the administration and other employees, for considering disputes and implementing decisions;
  - 10) funding sources, the procedure for using assets and funds;
  - 11) procedure of quality assurance in higher education and research;
  - 12) procedure for setting up branches and representative offices and for terminating activities thereof;
  - 13) procedure for amending the statute;
3. The statute may also regulate other issues of activities of a higher education institution.
4. The statute of a state university shall be approved by the decision of the Seimas and the statute of a state college – by the resolution of the Government.



5. A founding document of a non-state higher education institution shall be adopted and amended in accordance with the procedure laid down by legal acts.

#### **Article 29. Conditions of establishment of a research institute**

1. A research institute shall be established pursuant to the Civil Code, this Law and the law regulating an appropriate legal form of a legal person.

2. The founder of a state research institute shall be the Government. Upon having adopted a decision to establish a state research institute, the Government shall also take a decision on the transfer of the functions of the founder to a state institution or establishment. A non-state research institute may be established by legal or natural persons, with the exception of state and municipal institutions.

3. A state research institute may be established when it is necessary to conduct long-term research and experimental (social, cultural) development, important for state, economic or social development, in a certain area, and when an assessing institution authorised by the Government determines that a project of establishment of a state research institute is substantiated by sufficient material and human resources, and other requirements set for state research institutes have been satisfied.

4. The procedure of establishment of a state research institute, requirements for founding documents, qualification requirements of activities of an institute and the procedure for supervising activities of an institute shall be laid down by the Government.

#### **Article 30. Regulations of research institutes**

1. Regulations of a research institute must specify the following:

- 1) name, address of the registered office of the research institute;
- 2) the legal form;
- 3) the registered office;
- 4) objectives of activities;
- 5) scope and types of activities;
- 6) bodies of the research institute and their competence, the procedure for appointing and removing their members from the office;
- 7) rights, duties and responsibility of employees;
- 8) the form of public supervision of a research institute;
- 9) funding sources, the procedure for using assets and funds;
- 10) the procedure for amending the regulations;
- 11) other issues of activities.

2. The regulations of a state research institute shall be approved by the Government.

### **Article 31. Grounds of termination and restructuring of a higher education institution**

The procedure of termination and restructuring of a higher education institution shall be regulated by the Civil Code, this Law and the law regulating an appropriate legal form of a legal person.

### **Article 32. Specific features of reorganization of a higher education institution**

1. A decision concerning reorganization of a state university shall be taken by the Seimas on the recommendation of the university council or the recommendation of the Government, after having evaluated the opinion of the university council. A decision concerning reorganization of a state college shall be taken by the Government on the recommendation of the college council or the recommendation of the Ministry of Education and Science, after having evaluated the opinion of the college council.

2. When reorganising a state higher education institution by way of division, at least one of the legal persons to whom the rights and duties of the higher education institution under reorganization are transferred must be a state higher education institution; the owner of other legal persons or one of the stakeholders must be the State. When reorganizing a state higher education institution by way of merger, a legal person to whom the rights and duties of the state higher education institution under reorganization are transferred must be a state higher education institution.

3. Within three months from the end of the reorganization, new management bodies of the higher education institution shall be set up in the higher education institution to which the rights and duties of the reorganized higher education institution have been transferred.

4. If during the reorganization of a higher education institution a new higher education institution is established, it must, in accordance with the procedure laid down by this Law, obtain an authorization to conduct studies and/or other activities related to studies.

### **Article 33. Specific features of liquidation of a higher education institution**

1. A decision concerning liquidation of a state university shall be taken by the Seimas on the recommendation of the university council or the recommendation of the Government, after having evaluated the opinion of the university council. A decision concerning liquidation of a state college shall be taken by the Government on the recommendation of the college council or

the recommendation of the Ministry of Education and Science, after having evaluated the opinion of the college council.

2. When a decision to liquidate a state higher education institution has been taken, the Minister of Education and Science shall, after coordination with the council of the higher education institution, appoint a liquidator who liquidates the state higher education institution pursuant to a liquidation project and schedule approved by the Ministry of Education and Science. A liquidation project must contain proposals concerning possibilities to ensure that students continue studies in other higher education institutions, as well as proposals regarding the use of the assets of the state higher education institution.

3. The senate (academic council) and the council as well as the rector (director) of a state higher education institution which is being liquidated shall lose their powers from the date of appointment of a liquidator. Their functions shall be performed by the liquidator.

#### **Article 34. Termination and restructuring of a research institute**

1. The procedure of termination and restructuring of a research institute shall be regulated by the Civil Code, this Law and the law regulating an appropriate legal form of a legal person.

2. A decision concerning the termination and restructuring of a state research institute shall be approved by the Government.

#### **Article 35. Right to conduct studies and/or other activities related to studies**

1. The following higher education institutions possessing the authorization, defined by this Law, to conduct studies and activities related to studies shall have the right to conduct studies and activities related to studies:

- 1) state higher education institutions;
- 2) non-state higher education institutions;
- 3) a branch of a foreign higher education institution, established in the Republic of Lithuania.

2. The representation of a foreign higher education institution possessing authorization defined by this Law shall have the right to conduct activities related to studies.

#### **Article 36. Authorization to conduct studies and activities related to studies**

1. An authorization to conduct studies and activities related to studies shall be issued in accordance with the procedure laid down by this Law and the Government. An authorization to conduct studies may be issued if there is a material base, qualified staff and other conditions indicated in this Law and the Description of Issuance of an Authorization to Conduct Studies and

Activities Related to Studies, which are necessary to ensure the quality of planned study programmes, research and/or artistic activities, and to meet the requirements of higher education qualifications which are being awarded.

2. A higher education institution or a branch of a foreign higher education institution in the Republic of Lithuania which wishes to get an authorization to conduct studies and activities related to studies, shall submit to the Centre for Quality Assessment on Higher Education an application and other documents and data specified in the Description of Issuance of an Authorization to Conduct Studies and Activities Related to Studies, approved by the Government. Having received the documents submitted by a higher education institution or a branch of a foreign higher education institution in the Republic of Lithuania, the Centre for Quality Assessment in Higher Education shall, within 20 calendar days, apply to the State Security Department so that the latter would present conclusions whether or not planned activities of a higher education institution or a branch of a foreign higher education institution pose a threat to national security. The Centre for Quality Assessment in Higher Education must, not later than within 4 months from the receipt of a certificate of the State Security Department proving that planned activities of a higher education institution or a branch of a foreign higher education institution do not pose a threat to national security, evaluate the submitted documents and present conclusions to the applicant and the Ministry of Education and Science.

3. The Ministry of Education and Science shall, within a month from the receipt of the conclusions of the Centre for Quality Assessment in Higher Education, take a decision concerning the issuance (non-issuance) of an authorization to conduct studies and activities related to studies or inform the applicants about the reasons of taking a decision not to issue an authorization. The Ministry of Education and Science shall notify the Register of Legal Entities about an adopted decision to issue or to refuse the issuance of an authorization to conduct studies or activities related to studies.

4. Having been issued an authorization to conduct studies or to carry out activities related thereto, a higher education institution or a branch of a foreign higher education institution must, in accordance with the procedure laid down by legal acts, furnish to the Ministry of Education and Science or permit the Ministry to verify information concerning the issued authorization to conduct studies or to carry out activities related thereto.

5. A higher education institution or a branch of a foreign higher education institution possessing an authorization to conduct studies or to carry out activities related thereto must satisfy the requirements defined for a higher education institution by legal acts. In the event of the change in the data necessary to obtain an authorization to conduct studies or to carry out activities related thereto, a higher education institution or a branch of a foreign higher education

institution must, not later than within a month from the change in the data, inform the Ministry of Education and Science about this.

**Article 37. Revocation or suspension of an authorization to conduct studies and to carry out activities related thereto**

1. The Ministry of Education and Science shall take a decision on revocation of the issued authorization to conduct studies and to carry out activities related thereto, if:

- 1) the authorisation to conduct studies and to carry out activities related thereto has been obtained by fraud or otherwise violating laws;
- 2) activities of the higher education institution have been repeatedly evaluated negatively within the period of two years;
- 3) the higher education institution or the branch of the foreign higher education institution engages in the activities prohibited by the law;
- 4) the higher education institution has become insolvent and/or its activities pose a threat to the interests of students;
- 5) the higher education institution or the branch of the foreign higher education institution is removed from the Register of Legal Entities.

2. The Ministry of Education and Science shall have the right to take a decision on revocation of the authorization to conduct studies and to carry out activities related thereto, if:

- 1) a higher education institution or a branch of a foreign higher education institution whose authorization to conduct studies or to carry out activities related thereto has been suspended fails within the set time limit to eliminate the violations laid down in the legal acts of the Republic of Lithuania regulating conducting of studies and carrying-out of activities related thereto;
- 2) the higher education institution or the branch of the foreign higher education institution has not begun to conduct studies and/or to carry out activities related thereto within twelve months from the issuance of the authorization to conduct studies and/or to carry out activities related thereto;
- 3) the higher education institution or the branch of the foreign higher education institution does not conduct studies longer than six months;
- 4) the higher education institution is being liquidated;
- 5) in other cases specified by laws of the Republic of Lithuania.

3. If a higher education institution or a branch of a foreign higher education institution has violated the requirements laid down by the legal acts of the Republic of Lithuania regulating conducting of studies and carrying-out of activities related thereto, the Minister of Education and

Science may suspend the authorization to conduct studies or to carry out activities related thereto for a certain period of time, taking account of the type of the established violations;

4. The Ministry of Education and Science shall notify the Register of Legal Entities about an adopted decision to revoke or to suspend the authorization to conduct studies or activities related to studies.

5. Upon revocation of the authorization to conduct studies and to carry out activities related thereto, an institution which was issued the authorization loses its right to conduct studies and to carry out activities related thereto in the Republic of Lithuania.

### **Article 38. Authorization to carry out activities related to studies**

1. An authorization to carry out activities related to studies shall be issued in the Republic of Lithuania by the Ministry of Education and Science in accordance with the procedure laid down by the Government.

2. After a foreign higher education institution submits the documents specified in the Description of Issuance of an Authorization to Conduct Studies and Activities Related to Studies, the Ministry of Education and Science shall, within 20 calendar days, apply to the State Security Department so that the latter would present conclusions whether or not the planned activities pose a threat to national security. The Ministry of Education and Science must examine the submitted documents and take a decision on the granting of an authorisation to carry out activities related to studies not later than within 2 months of the receipt of the conclusions of the State Security Department.

3. The Ministry of Education and Science shall not issue an authorization to carry out activities related to studies, if:

1) the submitted documents and data do not meet the Government-set requirements or they are incorrect;

2) the foreign higher education institution which establishes a representation does not meet the requirements set by the Government;

3) the competent body of a foreign state under whose jurisdiction the foreign higher education institution falls objects to the establishment of a representation in the Republic of Lithuania;

4) the conclusions of the State Security Department states that the planned activities may pose a threat to national security.

4. The Ministry of Education and Science shall notify the Register of Legal Entities and the applicant about an adopted decision to issue or to deny the issuance of an authorization to carry out activities related to studies.

5. A higher education institution which has not been issued an authorization to carry out activities related to studies may, in accordance with the procedure laid down by the Government, apply repeatedly for the issuance of an authorization to carry out activities related to studies.

6. The Ministry of Education and Science may revoke an issued authorization to carry out activities related to studies, if:

1) the authorisation to carry out activities related to studies has been obtained by fraud or otherwise violating laws;

2) the institution which was issued the authorization pursues the activities prohibited by laws;

3) the institution whose authorization to carry out activities related to studies has been suspended fails within the set time limit to eliminate the violations laid down in the legal acts of the Republic of Lithuania regulating activities related to studies;

4) the higher education institution ceases to exist or a branch or representation of the foreign higher education institution is removed from the Register of Legal Entities;

5) in other cases specified by laws of the Republic of Lithuania.

7. If an institution which was issued an authorization has violated the requirements laid down by the legal acts of the Republic of Lithuania regulating activities related to studies, the Minister of Education and Science may suspend the authorization to carry out activities related to studies. A time limit during which a licence shall be suspended shall be laid down by the Minister of Education and Science, taking into consideration the nature of the established violations.

8. The institution whose authorization to carry out activities related to studies has been suspended, shall have no right to carry out activities related to studies.

9. The Ministry of Education and Science shall notify the foreign higher education institution and the Register of Legal Entities about the revocation or suspension of an authorization to carry out activities related to studies.

10. Upon revocation of the authorization to carry out activities related to studies, an institution which was issued the authorization loses its right to carry out activities related to studies in the Republic of Lithuania.

11. A representation of a foreign higher education institution shall not have the right to conduct studies.

12. An institution which was issued an authorization to carry out activities related to studies shall have no right to conduct studies.

## **CHAPTER V**

### **RESEARCH (ARTISTIC) ACTIVITIES AND STUDY ACTIVITIES**

#### **Article 39. Unity of sciences and humanities (arts) and studies**

1. Higher education institutions must ensure the unity of research (artistic) activities and studies.
2. The unity of research (artistic) activities and studies at universities shall be ensured by the participation of teaching staff and students in research and experimental (social, cultural) development (artistic activities), participation of research staff members (artworkers) in the study process, conveyance of scientific knowledge and research (artistic) work skills in study programmes of the second cycle and doctoral studies, commissioned research and experimental (social, cultural) development (artistic) works carried out at universities for business, non-state and public sector. Conducting of studies of the second cycle shall be related to the results of research (artistic) activities carried out at a university. Research (artistic) activities shall be mandatory for students of the third cycle.
3. The unity of higher education and research at colleges shall be ensured through a close contact with the practice – participation of teaching staff and students in applied research and experimental (social, cultural) development works commissioned by business, industrial and other organizations, regional development projects, consulting activities.

#### **Article 40. Quality assurance in higher education and research**

1. Higher education and research institutions shall be responsible for the quality of research (artistic) activities, studies and other activities. They must publicly announce the quality indices of their activities and foster the culture of the quality of activities regarding higher education and research together with assessment institutions.
2. The quality of research (artistic) activities and studies shall be ensured through the internal systems of ensuring of the quality of higher education and research institutions, external assessment and accreditation of study programmes, external evaluation of research activities and external assessment and/or accreditation of higher education and research institutions.
3. The objective of external assessment – to determine the quality of activities of higher education and research institutions, to offer recommendations for improving their quality, develop the culture of quality assurance in higher education and research.
4. The purpose of the accreditation – to determine on the basis of external evaluation findings whether or not a study programme and/or a newly established higher education institution meet(s) the requirements of legal acts.



5. Activities of higher education and research institutions must be constantly improved, taking into consideration the findings of self-assessment and external evaluation.

**Article 41. Internal quality assurance in activities of higher education and research institutions**

1. Every higher education institution must have an internal system of quality assurance in studies based on the provisions of quality assurance in studies of the European Higher Education Area and on the strategy of improvement of activity quality approved by the higher education institution itself; must provide for action methods and measures which help to ensure the quality of higher education provided by the institution.

2. A higher education institution must constantly announce in its website and in other ways the accurate quantitative and qualitative information about study programmes, awarded higher education qualifications, research (artistic) activities, evaluation results, opinions of students, graduates and other interested parties about study quality, assessments of activities of the higher education institution performed by the accredited institutions, career indexes of graduates; it may also announce other data necessary to inform the public about studies.

3. higher education and research institutions shall constantly carry out self-assessment of research (artistic) activities.

**Article 42. External evaluation and accreditation of study programmes**

1. Only accredited study programmes shall be carried out. Branches of foreign higher education institutions may carry out only those study programmes which have been evaluated and accredited according to the procedure of evaluation and accreditation of that country and which have been positively evaluated according to the procedure of external evaluation and accreditation of study programmes. External evaluation of study programmes of higher education institutions shall be performed by the Centre for Quality Assessment in Higher Education or another agency for quality assessment in higher education, which is included in the Register of the European Association for Quality Assurance in Higher Education. Study programmes shall be accredited by the Minister of Education and Science in accordance with the procedure laid down by the Ministry of Education and Science. An accredited study programme shall be entered in the Register of Study and Training Programmes for a fixed period of time.

2. Study programmes must be accredited at least once in six years. A study programme which has not been accredited or a programme the accreditation period of which has expired shall be deregistered from the Register of Study and Training Programmes. In the cases where there are students who have studied under the programme which is being deregistered, but have

not completed the said programme, the Minister of Education and Science shall set further possibilities for their studies.

3. The description of the procedure of external evaluation and accreditation of study programmes shall be approved by the Minister of Education and Science.

**Article 43. External evaluation of activities of higher education and research institutions**

1. In order to improve the quality of activities of higher education institutions and state research institutes and to implement their accountability, the Ministry of Education and Science shall, every six years, initiate external evaluation of their activities, involving experts from foreign states. External evaluation of activities of higher education institutions and state research institutes shall comprise all fields of activities indicated in their statutes, regulations and shall be based on the criteria of conformity of the activities with the mission specified in the statutes, regulations, with an international level of higher education and research, conformity of the evaluation of study results with the set requirements, with the implementation of the requirements of academic ethics and procedures, with the efficiency of the use of state funds.

2. External evaluation of activities of higher education institutions shall be organized by an institution authorised by the Ministry of Education and Science. The results of the external evaluation of higher education institutions shall be used for accreditation or evaluation of the said institutions also in other cases provided for by a founder (a meeting of members of a legal person).

3. If activities of a higher education institution are evaluated negatively, a repeated evaluation of the activities shall be performed within 2 years. If during a repeated evaluation the activities of a higher education institution are evaluated negatively, the Ministry of Education and Science shall, not later than within one month, take a decision specified in paragraph 1 of Article 37 of this Law.

4. The description of external evaluation of higher education institutions shall be approved by the Government.

5. External evaluation of state research institutes shall be organized by the Research Council of Lithuania. The description of external evaluation-procedure of state research institutes shall be approved by the Government. If the activities of a state research institute are evaluated negatively, the Government shall take a decision specified in paragraph 2 of Article 34 of this Law.

6. External evaluation of activities of non-state research institutes shall be carried out on the initiative and with the funds of these institutes.

7. In order to improve the quality of higher education and research, targeted assessments of higher education and research institutions that are carried out by public administration institutions, associations of scientists or higher education and research institutions may be funded by the state.

8. External evaluation and other measures aimed at quality assurance in studies, set by this Law, shall also apply to branches of foreign higher education institutions.

#### **Article 44. Accreditation of a higher education institution**

1. A higher education institution shall be regularly accredited on the basis of the external evaluation findings.

2. A newly established higher education institution must be accredited not later than within two years following its establishment. When accrediting a newly established higher education institution, an additional evaluation of compliance with the requirements laid down during the establishment shall be carried out.

3. If a higher education institution is not accredited, the Ministry of Education and Science shall, not later than within one month, take a decision specified in paragraph 1 of Article 37 of this Law.

4. The description of the procedure of accreditation of higher education institutions shall be approved by the Government.

#### **Article 45. Transparency of research activities**

1. In order to ensure the quality of research conducted with funds of the state budget, the transparency of the use of funds of the state budget, to enhance scientific progress, the results of all research works carried out in state higher education and research institutions must be announced publicly (in the Internet or any other way), to the extent this is in compliance with the legal acts regulating the protection of intellectual property, commercial or state and official secrets.

2. The results of research conducted in non-state higher education and research institutions with funds of the state budget shall be announced publicly (in the Internet or any other way), to the extent this is in compliance with the legal acts regulating the protection of intellectual property, commercial or state secrets.

#### **Article 46. Structure of a system of studies**

1. Studies at higher education institutions shall be carried out according to study programmes which award a degree and study programmes which do not award a degree. There shall be two types of study programmes: university and college.

2. Studies may be of three cycles:

- 1) the first cycle – professional bachelor's, bachelor's degree studies;
- 2) the second cycle – master's degree studies;
- 3) the third cycle – doctoral studies.

3. Professional bachelor's study programmes of the first cycle may be carried out by colleges and bachelor's study programmes of the first cycle – by universities. Study programmes awarding a degree of the second cycle may be carried out by universities. Doctoral studies may be carried out by universities or universities together with research institutes.

4. University study programmes which award a degree may be integrated, comprising the first and second cycles of studies, if this is provided for in other legal acts.

5. Study programmes aimed at retraining, which do not award a degree may be carried out by universities and colleges in accordance with the procedure laid down by legal acts.

#### **Article 47. Academic years and forms, volume of study programmes**

1. Academic years shall be divided into semesters and vacation periods. The senate (academic council) of a higher education institution shall fix the beginning and end of academic years, semesters, and vacation periods. In summer, students must be provided with continuous vacations of at least one month's duration.

2. Studies shall be of continual and extended forms. The description of continual and extended forms of studies shall be approved by the Minister of Education and Science. Having completed study programmes of different study forms, the acquired education shall be equivalent.

3. The regular volume of studies of a continual form shall be 60 credits, but not less than 45 credits. The volume of studies of an extended form for one year must not exceed 45 credits and the total duration of studies of this form must not last one and a half times longer than studies of a continual form to which a norm of 60 credits is applied.

4. The volume of college and university study programmes of the first cycle shall constitute not less than 180 and not more than 240 credits.

5. The volume of an integrated study programme shall constitute not less than 300 credits, but not more than 360 credits. The first part of an integrated study programme (240 credits) shall be attributed to studies of the first cycle and the remaining part shall be attributed to studies of the second cycle.

6. The volume of a master' degree study programme shall constitute not less than 90 credits, but not more than 120 credits.

7. The Government shall fix the volume (duration) of doctoral studies.

8. The Ministry of Education and Science shall fix the volume (duration) of study programmes when the double qualification degree is awarded.

9. Study programmes which do not award a degree shall be designed for acquisition of a qualification or preparation for an independent practical activity in the cases and manner prescribed by the Government or an institution authorised by it. The volume of study programmes (except residency studies) which do not award a degree shall constitute not less than 30 credits, but not more than 120 credits. The Government shall fix the volume (duration) of residency studies.

**Article 48. Requirements for study programmes awarding a degree and doctoral studies**

1. Study programmes of the first cycle shall be designed to foster general erudition, to provide the theoretical basis of a study field and to form professional skills necessary for independent work. University study programmes shall be more oriented towards universal general education, theoretical preparation and professional capacity of the highest level, while college study programmes shall be more oriented towards preparation for professional activities. On completion of university study programmes of the first cycle persons shall be awarded a Bachelor's degree of an appropriate study field (study fields) or a Bachelor's degree and professional qualification (in the cases referred to in paragraph 3 of Article 51 of this Law), while persons who completed college study programmes shall be awarded a Professional Bachelor's degree of an appropriate subject area or a Professional Bachelor's degree and professional qualification (in the cases referred to in paragraph 3 of Article 51 of this Law).

2. Master's degree study programmes shall be designed for preparation for independent research (artistic) work or any other work the performance of which requires scientific knowledge and analytical competence. Master's degree studies shall be conducted in universities in which research (artistic) activities corresponding to the study field are carried out. On completion of Master's degree study programmes persons shall be awarded a Master's degree of an appropriate study field. On completion of theological study programmes of the second cycle persons may, after consultation with the Catholic church hierarchy, be awarded a degree of Licentiate in Theology.

3. The Ministry of Education and Science shall approve general and special requirements (descriptions of a study field, a set of study fields or a study area) for a study programme of the first cycle, an integrated study programme and a Master's degree study programme.

4. Studies of the third cycle shall be doctoral studies in the field of sciences, humanities and arts.

5. The purpose of doctoral studies in the field of sciences and humanities shall be to prepare scientists who would be able to independently conduct research and experimental (social, cultural) development work, and to solve scientific problems. The Ministry of Education and Science shall grant the right of doctoral studies to universities and universities together with research institutes conducting high-level research in conformity with a field of sciences and humanities, or universities together with foreign higher education and research institutions. The right shall be granted on the basis of the evaluation, performed in accordance with the Regulations of Doctoral Studies, of a level of research in an appropriate field of sciences and humanities conducted by the institutes which apply for doctoral studies in the field of sciences and humanities. The Regulations of Doctoral Studies shall be approved by the Government on the recommendation of the Research Council of Lithuania. Persons who have defended their dissertation shall be awarded a Doctor of Science degree.

6. The purpose of doctoral studies in the field of art shall be to prepare artists-researchers who would be able to create, interpret and develop the research based on art practice. The right of doctoral studies in the field of art shall be granted to universities by the Ministry of Education and Science. The right shall be granted on the basis of the evaluation of a level of artistic and research activities of an institution which applies for doctoral studies in the field of art. The evaluation shall be carried out in accordance with the procedure laid down by the Regulations of Doctoral Studies in the Field of Art. The Regulations of Doctoral Studies in the Field of Art shall be approved by the Government on the recommendation of the Research Council of Lithuania. Persons who have defended an art project shall be awarded a degree of Doctor of Arts.

7. Higher education institutions may implement joint study programmes on completion of which a joint qualification degree is awarded, as well as the programmes on completion of which a double qualification degree is awarded. A joint qualification degree shall be awarded in the event when a study programme is implemented by at least two higher education institutions, usually from different countries. A double qualification degree shall be awarded when a study programme concurrently satisfies the requirements of a principal study field and the minimum requirements of the other subject area. General requirements of these programmes shall be laid down by the Ministry of Education and Science.

8. In the cases when study programmes provide for a student's internship, an enterprise, an establishment or an organization in which the internship takes place and the student and the higher education institution in which he studies, shall conclude a contract of practical training. A model form of a contract shall be approved by the Ministry of Education and Science. A higher education institution shall be responsible for organization of student's internship.

9. The Ministry of Education and Science shall set the equivalence of the qualifications acquired before 1 January 2000 in the Republic of Lithuania and the qualifications acquired on completion of studies of the appropriate cycles, as well as the equivalence of studies completed according to the system of the single-cycle higher education and studies of the appropriate cycles.

#### **Article 49. Medium of instruction**

A medium of instruction on state higher education institutions shall be the Lithuanian language. Other languages may be used in teaching if:

- 1) the content of a study programme is linked to another language;
- 2) lectures are delivered or other academic events are headed by teaching staff members from foreign states;
- 3) studies are carried out pursuant to joint study programmes or study programmes on completion of which a double qualification degree is awarded and a part of these programmes is carried out in other countries, non-state higher education institutions in which a medium of instruction is a language other than the Lithuanian language, or conform to the cases set out in paragraph 1 or 2 of this Article;
- 4) studies are carried out in pursuance of study programmes intended for studies of foreign nationals or in the case of study exchange.

#### **Article 50. Part studies and recognition of their results**

1. Part studies shall be studying of a student pursuant to a part of a study programme, which provides knowledge and skills which are evaluated and attested by a certificate.
2. The following shall be recognized in higher education institutions:
  - 1) results of student's part studies in a foreign state higher education institution, if this institution is recognized in accordance with the procedure laid down by laws of that state;
  - 2) results of part studies by students of a Lithuanian higher education institution in another Lithuanian higher education institution of the same or different type;
  - 3) the results of part studies by students of a Lithuanian higher education institution pursuant to any other study programme of the same higher education institution;

3. The results of part studies in higher education institutions shall be recognized in accordance with the procedure laid down by the Ministry of Education and Science.

**Article 51. Higher education qualifications, diplomas, diploma supplements (appenda), certificates**

1. Upon the completion of study programmes of the first cycle, the second cycle and integrated studies, a diploma and diploma supplement (appendum) attesting an awarded qualification is issued, and upon the completion of doctoral studies and having defended a dissertation – a diploma attesting a scientific (art) degree. A supplement (appendum) of a diploma shall be a constituent part of the diploma, a document which provides information on the content of the acquired higher education.

2. On completion of study programmes which do not award a degree, a certificate attesting the completed studies shall be issued.

3. A higher education institution may award a qualification, provided that it has the powers set by legal acts.

4. The procedure of preparation, production, accounting, registration and issuance of a compulsory form of diplomas, diploma supplements (appenda) and certificates shall be laid down by the Government.

5. The list of qualification degrees and the list of study areas and study fields pursuant to which studies are carried out in higher education institutions shall be approved by the Government. When a Lithuanian higher education institution together with a foreign higher education institution carry out a joint study programme, a qualification degree other than those included in the list may be awarded. The right to award such a qualification degree shall be granted to a higher education institution by the Government upon the recommendation of the Ministry of Education and Science.

6. Education, higher education qualifications acquired in foreign higher education institutions shall be assessed and recognized in accordance with the procedure laid down by the Government.

**Article 52. Admission to a higher education institution**

1. Persons having at least the secondary education shall be admitted by way of competition to a study programme of the first cycle and an integrated study programme in a higher education institution, taking account of learning results, entrance examinations or other criteria laid down by a higher education institution. A list of competitive subjects according to study fields and principles of composition of a competitive grade, a lowest passing entrance



grade and other criteria shall, upon the evaluation by a students' representation, be set by higher education institutions and announced by them not later than two years prior to the beginning of an appropriate academic year.

2. A general number of student places shall be fixed by a higher education institution, taking into consideration the possibilities of quality assurance in studies.

3. Persons having a higher education qualification shall be admitted to a study programme of the second cycle in accordance with the procedure laid down by the higher education institution. Persons having a Professional Bachelor's qualification shall have the right to enter study programmes of the second cycle, if they meet the minimum requirements approved by the Ministry of Education and Science.

4. Persons who enrol to study pursuant to informal education programmes or individual subjects (their sets), shall be admitted in accordance with the procedure laid down by higher education institutions.

## **CHAPTER VI**

### **ACADEMIC COMMUNITY**

#### **Article 53. Academic community**

1. The academic community shall consist of students, the teaching staff, the research staff, other researchers, and professors emeritus of higher education and research institutions.

2. Members of the academic community shall be guaranteed the academic freedom which encompasses:

- 1) the freedom of thought, the freedom of expression;
- 2) the freedom to choose methods of and access to research (artistic) and pedagogical activities, which is in conformity with the accepted principles of ethics;
- 3) protection against restrictions and sanctions for making public the results of his or her research, and for the manifestation of his or her beliefs, with the exception of the cases when the declared information is a State or official secret and/or is in violation of laws of the Republic of Lithuania.

3. The academic community shall be also guaranteed the following:

- 1) the rights of creative and intellectual work as established in laws and international agreements of the Republic of Lithuania;
- 2) equal rights to take part in competitions;
- 3) objective and open reviewing of scientific works.

4. The academic community shall make use of the academic freedom and acts in compliance with the Code of Academic Ethics, which is prepared and approved by higher education and research institutions in accordance with the recommendations of the supervisor of academic ethics and procedures.

#### **Article 54. A status of a student and an unclassified student**

1. A student shall be issued a student certificate. The form of a student certificate and the procedure of its issuance shall be laid down by the Ministry of Education and Science, and the production and issuance of a student certificate shall be organized by the union(s) of students' representative bodies of higher education institutions of Lithuania.

2. Relations between a student and a higher education institution shall be executed in the form of a study agreement. Model terms and conditions of a study agreement shall be set by the Ministry of Education and Science, upon having evaluated proposals of the union(s) of students' representative bodies.

3. Relations between an unclassified student and a higher education institution shall be documented in accordance with the procedure laid down by the higher education institution.

#### **Article 55. Student's rights and duties**

1. Students shall have the right to:

- 1) to study pursuant to a chosen study programme;
- 2) to study pursuant to an individual plan of studies in compliance with the procedure laid down by a higher education institution;
- 3) to study according to more than one study programme or other study subjects in the same or another higher education institution;
- 4) to assess the quality of lecturing and material support of studies;
- 5) choose a teaching staff member, if the same subject is taught by several teaching staff members;
- 6) propose a topic for their graduate paper or choose from among several proposed topics;
- 7) account for works by applying alternative ways, if they have a disability because of which they are unable to account for the works according to the set procedure and the alternative way of accounting ensures the achievement of the intended objectives;
- 8) address the administration of a higher education institution so that the results of the studies in the same or any other Lithuanian or foreign higher education institution be recognized;

9) address the administration of a higher education institution, the dispute settlement commission regarding the violation of interests;

10) terminate and renew studies in accordance with the procedure laid down by the statute of a higher education institution;

11) take an academic leave of absence without losing the status of a student;

12) express their thoughts and views freely;

13) participate in the management bodies of a higher education institution;

14) elect a students' representative body and be elected to it, freely join other associations;

15) to exercise other rights laid down by laws, statutes of higher education institutions and other legal acts.

2. A student who fails an examination or a credit shall have the right to retake this examination or credit in accordance with the procedure laid down by a higher education institution. Such a procedure must be adopted after the analysis of proposals made by a students' representative body.

3. Students must:

1) study diligently;

2) adhere to the Code of Academic Ethics adopted by a higher education institution;

3) observe this Law, the statute of a higher education institution, other legal acts and internal rules of procedure.

4. The procedure for awarding incentives and imposing disciplinary measures to students shall be laid down by a higher education institution upon the evaluation of proposals by a students' representative body.

5. The State shall create for a student who studies in the place other than the place of his permanent residence conditions to choose a personal healthcare institution and doctors in accordance with the procedure laid down by the Law on the Health System.

6. Citizens of the Republic of Lithuania who study in higher education institutions shall be provided with an opportunity to fulfil the initial mandatory military service in accordance with the procedure laid down by the Law on Military Conscription.

7. The head of a higher education institution or a person authorised by him must, upon having received written applications, complaints or notifications of students concerning violations of their rights or lawful interests set out in this Law or other legal acts, examine them and reply in writing within a period of 15 calendar days.

8. A dispute settlement commission shall function in a higher education institution. This commission shall settle disputes of students and the administration or other employees related to

research and study activities. The administration of a higher education institution and a students' representative body (if there is no students' representative body - a general meeting (conference) of students) shall each appoint an equal number of authorised persons to the dispute settlement commission. The statute of a higher education institution shall lay down the procedure for setting up a dispute settlement commission, settling disputes and implementing decisions.

#### **Article 56. Self-government of students**

1. Interests of students of a higher education institution shall be represented by a students' representative body. A students' representative body shall consist of students elected by a general meeting (conference) of students. A students' representative body shall act in compliance with the Law on Associations and other legal acts, unless otherwise provide for by this Law, as well as with the statute of a higher education institution and the statutes of the students' representative body, approved by a general meeting (conference) of students.

2. If there is no students' representative body in a higher education institution, students of the faculties of the higher education institution shall delegate to a general students' meeting (conference) the representatives elected by a majority of the votes cast in the general meetings (conferences) of the students of the faculties.

3. A general meeting (conference) of students shall be valid if attended by more than half of all the students (all the delegates). Decisions of a general meeting (conference) of students shall be deemed adopted if more than half of all the attending students vote in favour of them.

4. The statutes of a students' representative body must define the procedure for delegating students to the management bodies of a higher education institution. Representatives of students shall have a decisive vote in activities of the management bodies

5. A students' representative body shall be entitled to receive information and explanations from a higher education institution and its units on all issues pertaining to studies.

6. A higher education institution shall, in accordance with the procedure laid down by the higher education institution council, support a students' representative body and other organizations of students, provide premises and funds to finance their activities, as well as provide funds for cultural, sports and public activities of students.

7. A students' representative body shall have the right to express its opinion on all issues which are of interest to students and to request, in accordance with the procedure laid down by the statute of a higher education institution, to reconsider the decision adopted by the management bodies of the higher education institution.

8. A students' representative body shall account for the funds appropriated by a higher education institution according to the procedure laid down by the statute of the higher education institution and the statutes of the students' representative body.

**Article 57. Union(s) of representative bodies of students of higher education institutions of Lithuania**

1. Students' representative bodies of higher education institutions may unite into associations or other unions in the manner prescribed by the law.

2. Lithuanian students' representative bodies and their union(s) may participate in activities of international organizations of students.

3. A union(s) of representative bodies of students of higher education institutions of Lithuania shall make proposals to the Seimas and the Government, organize joint events of the students from the entire country, coordinate activities of representative bodies of students of higher education institutions.

4. Funds for activities of a union(s) of representative bodies of students of higher education institutions of Lithuania shall be appropriated from the state budget.

**Article 58. Teaching staff**

1. The positions of teaching staff members of higher education institutions shall be as follows: professor, associate professor, lecturer, assistant.

2. A scientist or established artist may hold the position of professor. A scientist who hold the position of professor must train scientists, teach students, conduct research and experimental (social, cultural) development and direct them, announce research results. An established artist who holds the position of professor must train professional artists, teach students, participate in artistic activities and/or develop art research areas and direct them, announce research results.

3. A scientist or established artist may hold the position of associate professor.-With the consent of the academic council, a person who has a considerable practical experience in the sphere of a specific subject (subjects) and a Master's qualification degree or a higher education qualification equivalent to it may be accepted to the position of associate professor in a college for a period of one year. A scientist who holds the position of associate professor must teach students, conduct research and experimental (social, cultural) development, announce the results of this activity. An established artist who holds the position of associate professor must train professional artists, teach students, participate in artistic activities.

4. A scientist or a person who has at least a Master's qualification degree or a higher education degree equivalent to it may be a candidate for the position of lecturer. A lecturer must teach students, perform methodological work.

5. A person who has at least a Master's qualification degree or a higher education qualification equivalent to it may be a candidate for the position of assistant. An assistant must direct practical training of students (practical work, practical trainings, internship, etc.), help in carrying out research and experimental (social, cultural) development work. The latter requirement shall not be mandatory to assistants of university art studies, as well as college assistants.

6. A higher education institution shall lay down qualification requirements of positions of teaching staff members, which are not lower than those established in paragraphs 2-5 of this Article, as well as the procedure of organization of competitions to fill the said positions and of the performance evaluation of teaching staff members.

#### **Article 59. Research staff**

1. The research staff of higher education and research institutions shall be researchers holding the position of chief research staff member, senior research staff member, research staff member, junior research staff member, as well as postdoctoral grant holders.

2. The position of chief research staff member may be held by a scientist. A chief research staff member must train scientists, direct research and experimental (social, cultural) development, announce research results.

3. The position of senior research staff member may be held by a scientist. A senior research staff member must direct research and experimental (social, cultural) development, announce research results.

4. The position of a research staff member may be held by a scientist. A research staff member must conduct research and experimental (social, cultural) development, announce the results of this activity.

5. The position of junior research staff member may be held by a person who has at least a Master's qualification degree or a higher education degree equivalent to it. A junior research staff member must conduct or help conducting research and experimental (social, cultural) development works, prepare to enter doctoral studies.

6. The Research Council of Lithuania shall lay down the minimum qualification requirements for positions of research staff members, with the exception of the position of a postdoctoral grant holder.

7. The position of a postdoctoral grant holder in the institution other than the one in which a person prepared a doctoral dissertation, may be held by that person, provided that he defended the doctoral dissertation not earlier than five years before the appointment to this position.

8. Higher education and research institutions shall lay down the qualification requirements for positions of researchers which must be not lower than the ones established in paragraphs 2-6 of this Article, with the exception of the position of a postdoctoral research holder, and the procedure for organizing competitions to fill the said positions, with the exception of competitions to fill the position of a postdoctoral grant holder.

9. The Government shall lay down the qualification requirements for the position of a postdoctoral grant holder, the procedure for appointing to this position and funding postdoctoral scholarships.

#### **Article 60. The administration and other employees**

1. A higher education and research institution must have its own administration necessary for the performance of administrative functions of the institution and the units of the institution, as well as employees of the administration and other employees necessary for the implementation of the objectives of studies, research and experimental (social, cultural) development, economic activities of the institution.

2. The administration shall consist of employees of higher education and research institutions, with the exception of the heads of the academic units of higher education institutions, which are included into the composition of other academic units, and the heads of the academic units of research institutes, who shall have the right to give orders within the limits of their competence to subordinate employees. Besides the administrative duties, they may carry out pedagogical and/or research work. An academic unit of a higher education and research institution shall be such a unit whose main activities are the carrying-out of studies and/or research and experimental (social, cultural) development.

3. The number of other employees of higher education and research institutions, their duties and functions shall be laid down by higher education and research institutions.

#### **Article 61. Visiting teaching staff members and research staff members**

1. Higher education and research institutions may invite teaching staff members and research staff members to work under the fixed-duration employment contract for a period not exceeding two years.

2. The procedure of appointment to a position as prescribed in this Law shall not apply to visiting teaching staff members and research staff members.

#### **Article 62. Associate scientists**

1. On the decision of the senate (academic council) of a higher education and research institution of Lithuania or the scientific council of a research institute of Lithuania a status of the associate scientist may be conferred on a scientist who worked in that institution and who has maintained scientific relations with the institution or institute, but who temporarily works elsewhere (not longer than until the expiry of the term of office).

2. With the consent of the senate (academic council) of a higher education institution or the scientific council of a research institute, an associate scientist may return to the previously held position without a competition and hold the said position until the expiry of the term of tenure. The periods during which an associate scientist worked elsewhere shall be included in the term of tenure.

#### **Article 63. Professor emeritus**

1. The senate (academic council) of a higher education institution may confer the title of professor emeritus to a professor who actively performed research and pedagogical work in the higher education institution, for the special merit to sciences, humanities or arts.

2. A professor emeritus shall, in accordance with the procedure laid down by the statute of a higher education institution, be provided with the possibilities to participate in research and other activities of the higher education institution.

3. A professor emeritus shall, in accordance with the procedure laid down by a higher education institution, paid a fixed monthly contribution of the professor emeritus with the funds of the higher education institution.

#### **Article 64. Rights and duties of the staff of a higher education and research institution**

1. The staff of a higher education and research institution shall, in accordance with the procedure laid down by legal acts, have the right:

1) within the limits of the competence to participate in competitions for implementation of research programmes and obtaining of support from higher education and research funds, to utilize the appropriated resources;



2) to participate in competitions for postdoctoral scholarships in the Republic of Lithuania and abroad;

3) to obtain from state institutions the information which is necessary for research work. If such information is a state or official secret, it shall be furnished and used in accordance with the procedure laid down by legal acts;

4) to participate in consideration of a statute (regulations) and trends of activities of their institution;

5) to participate in various trade unions and associations, including those functioning abroad;

6) to work independently or join creative groups;

7) to independently publish their scientific works.

2. Every five years teaching staff members may be released for a period not longer than one year from their pedagogical work to conduct research and to improve their scientific and pedagogical qualification. A teaching staff member shall be paid his average salary during the said period.

3. The staff of a higher education and research institution, related to research and study activities, must:

1) observe the Code of Academic Ethics;

2) perform other duties set in the statute (regulations, statutes) of their institution and their employment contracts.

#### **Article 65. Acceptance to the positions of teaching staff members and research staff members of higher education and research institutions**

1. Persons shall be accepted to the positions of teaching staff members and research staff members of higher education and research institutions, with the exception of postdoctoral grant holders and persons indicated in Article 61 and paragraph 4 of this Article, through an open competition for a five-year term of tenure. The procedure for organizing a competition to fill the positions of teaching staff members and research staff members of a higher education institution shall be laid down by the higher education institution, and the procedure for organizing a competition to fill the positions of teaching staff members and research staff members of a research institute – by the research institute.

2. Persons shall be appointed to the position of a postdoctoral grant holder for a period not longer than two years in accordance with the procedure laid down by the Government. This period may be extended by one more year in accordance with the procedure laid down by the Government.

3. With not less than three months remaining before the expiry of the term of tenure of a teaching staff member and research staff member of a higher education and research institution, an open competition shall be announced to fill such position. A person who already holds this position may participate in the said competition. An announcement about a competition to fill a position must be published in the websites of the institution and the Research Council of Lithuania, as well as in the Lithuanian mass media and, where appropriate, in the international mass media.

4. An employment contract of unlimited duration for holding this position shall be concluded with a person who has the second time in succession won the competition to hold the same position of the teaching staff member or research staff member. Performance evaluation of this person shall be carried out every five years in accordance with the procedure laid down by higher education and research institutions. A person who fails the performance evaluation shall be dismissed from the position. Persons shall be accepted to a higher position of a teaching staff member or research staff member by way of an open competition.

5. A recruitment commission which evaluates candidates for the position of teaching staff members and research staff members, with the exception of postdoctoral grant holder, shall be set up in accordance with the procedure laid down by higher education and research institutions. Not less than one-third of the members of the recruitment commission must be persons who do not work in this higher education and research institution. When making arrangements for a competition to fill the position of the chief research staff member or professor, at least one international expert must be in the recruitment commission.

6. An extraordinary performance evaluation may be conducted for teaching staff members and research staff members of higher education and research institutions in accordance with the procedure laid down by the councils of the institutions.

## **Article 66. Organizations of students, teaching staff members, scientists and other researchers**

1. Students, teaching staff members, scientists and researchers shall have the right to join unions and other associations pursuant to the procedure laid down by the Law on Associations.

2. The Lithuanian Academy of Sciences shall be a state budgetary institution which unites the most prominent Lithuanian and foreign scientists who, because of their activities, are connected with Lithuania. The Lithuanian Academy of Sciences shall act in compliance with its statute. The statute of the Lithuanian Academy of Sciences shall be approved by the Seimas.

3. The Lithuanian Catholic Academy of Sciences shall join together the most prominent catholic-oriented Lithuanian scientists, Lithuanian scientists living abroad and foreign scientists

who, because of their activities, are connected with Lithuania. The Lithuanian Catholic Academy of Sciences shall act in compliance with its statutes.

4. Student unions and organizations, organizations of teaching staff members, scientists and other researchers, scientific societies and other associations of students, which act in compliance with laws and their statutes, may, in accordance with the procedure laid down by the Research Council of Lithuania, receive state budgetary funds for activities related to the objectives of the system of higher education and research.

## **CHAPTER VII**

### **FUNDING OF HIGHER EDUCATION AND RESEARCH**

#### **Article 67. Funds of higher education and research institutions**

1. Funds of higher education and research institutions shall comprise the following:

- 1) resources of the basic funding of the state budget for state higher education and research institutions;
- 2) state budgetary funds appropriated for studies in accordance with the procedure laid down by this Law to higher education and research institutions;
- 3) funds of state investment programmes and state investment projects to state higher education and research institutions;
- 4) income received as payment for studies, as well as income received from economic, research activities and rendered services;
- 5) funds received as competition-based programme funding of research;
- 6) funds of state funds;
- 7) funds appropriated by international and foreign funds and organizations;
- 8) funds received as charity under the Law on Charity and Sponsorship;
- 9) other funds received in legal ways.

2. State budget appropriations for each state university and state higher education and research institution shall be allocated under a separate line. State colleges shall be funded with the state budget appropriations allocated for the state institutions or establishments which perform the functions of their founder.

#### **Article 68. Funds of the basic funding of the state budget**

1. The funds of the basic funding of the state budget shall be allocated to state higher education and research institutions for:

1) research, experimental (social, cultural) development and the expansion of artistic activities;

2) administration and economy;

3) other needs.

2. State budget funds for research, experimental (social, cultural) development and expansion of artistic activities shall be allocated to state higher education and research institutions in compliance with the procedure laid down by the Government according to the results of evaluation of research (artistic) activities of the state higher education and research institutions.

#### **Article 69. State budget funds for studies**

1. State budget funds for studies shall be appropriated for:

1) covering a tuition fee in student places which are funded by the state;

2) compensating, in the manner prescribed by Article 71 of this Law, a tuition fee paid by the students who achieved the best results of studies in the student places which are not funded by the state;

3) target funding of studies;

4) state loans or state-supported loans;

5) social scholarships and other support.

2. State budget funds for studies shall not be appropriated for branches of foreign higher education institutions established in the Republic of Lithuania.

3. Funds related to preparation of scientists or specialists shall, in accordance with the procedure laid down by the Government, be allocated to research institutes and other institutions which together with state universities prepare these scientists or help preparing these specialists.

#### **Article 70. Payment of a tuition fee in student places funded by the State**

1. The priority to state-funded student places pursuant to study programmes of the first cycle and integrated study programmes shall belong to enrolling persons according to their capabilities which are determined by taking into account the results of *matura* examinations, studying, other results as well as special capabilities. A consecutive order of persons who have completed a secondary education programme with the best results shall be determined by the Ministry of Education and Science.

2. State-funded student places according to study programmes of the first cycle and integrated study programmes shall be allocated to higher education institutions in accordance with the choice between higher education institutions made by enrolling persons who have

completed the secondary education programme with the best results, without exceeding state funding established for each study area. Distribution of funding for study fields shall be established by the Government, taking into account the needs of the national economic, social and cultural development and financial possibilities of the State.

3. A preliminary number of state-funded student places of the first cycle and integrated studies in each study area or a set of study fields shall be announced by the Ministry of Education and Science not later than by 16 February of each year.

4. Only those persons whose study results are not lower than the minimum rates fixed by the Ministry of Education and Science may put in for state-funded student places of the first cycle and integrated study programmes.

5. The final number of state-funded student places of the first cycle and integrated studies to which students are admitted as well as their distribution among higher education institutions and study areas shall be approved by the Ministry of Education and Science after the results of admission to higher education institutions are made known and study agreements are signed.

6. The number, approved by the Ministry of Education and Science, of student places of a permanent-form in a higher education institution, when the studies by students admitted to the said student places are covered with the state budget funds pursuant to the provisions of this Article, shall remain during the whole set period of studies, and the number of student places of an extended-form in a higher education institution, when the studies by students admitted to the said student places are covered with the state budget funds, shall remain during a period which lasts one-and-a-half time longer than a study period established for the appropriate studies of a permanent form, with the exception of the cases provided for in paragraph 8 of this Article. In the cases when a person is excluded from a higher education institution, loses the state funding or terminates studies and when a state-funded student place is not occupied in accordance with the procedure laid down in paragraph 14 of this Article, state funding for a student place shall remain for a higher education institution until the end of a budgetary year.

7. A person whose studies of the first cycle or integrated studies are funded by the State shall, after the first two years of studies and in the case of extended studies – after the completion of half of the study programme, lose state funding for studies if the mean of the results of his studies during an appropriate period is more than 20 percentage points lower than the mean of the results of studies of an appropriate study programme and form by higher education institution students of the same year of studies during an appropriate period. A person who loses state funding must pay for his studies a tuition fee fixed by a higher education institution and his state-funded student place shall be occupied by a person whose study results in a student place which is not funded by the State are the best.

8. A person whose studies are funded by the State in accordance with the procedure laid down by the Government shall have the right to change a study programme within the same study area, without losing the remaining part of state funding of the studies, where such part does not exceed the standard tuition fee of that study programme.

9. The number of state-funded student places of the second cycle, doctoral studies and studies which do not award a degree shall be fixed each year prior to 11 March according to concrete study fields by the Government, taking account of national economic, social and cultural development needs as well as financial possibilities of the State. Student places of studies of the second cycle and studies which do not award a degree shall be distributed among universities by the Ministry of Education and Science according to the results of their research (artistic) activities and/or the choice by those enrolling into study programmes of the first cycle and integrated study programmes according to a study or research field. Doctoral student places shall be distributed for higher education and research institutions by the Ministry of Education and Science in accordance with the results of research (artistic) activities and doctoral studies.

10. The state shall fund the tuition fee of persons studying in state-funded student places in accordance with the procedure laid down in Article 76 of this Law.

11. State budget funds to cover the tuition fee in state-funded student places shall be allocated in accordance with the procedure laid down by the Government.

12. In the cases and pursuant to the procedure laid down by the Government, persons who studied in state-funded student places, who have been excluded from a higher education institution or have terminated their studies, must return into the state budget the funds (or part thereof) intended to cover the tuition fee in state-funded student places.

13. The Ministry of Education and Science shall lay down the procedure for competing of persons, who have acquired education in the institutions of foreign countries, for state-funded student places.

14. After having excluded from a higher education institution a person who studied in a state-funded student place or after he himself terminates studies (with the exception of the cases provided for in paragraph 8 of this Article), a person who studies in the same study programme of the same year of studies in the student place which is not funded by the State may be transferred to the said state-funded student place in the manner prescribed by the higher education institution (with the exception of the person referred to in Article 72 of this Law).

#### **Article 71. Reimbursement of the tuition fee**

1. Part of the persons in the student places of the first cycle or integrated studies, which are not funded by the State, who finished with the best results the first two academic years (in the

case of extended studies –half of a study programme) and the remaining academic years, shall be compensated for the tuition fee paid for the studies during an appropriate period (a part of the fee which does not exceed the standard tuition fee). After the first two years of studies (in the case of extended studies – after finishing half of a study programme) compensation shall cover the tuition fee paid by a person during an appropriate period of time (a part of the fee which does not exceed the standard tuition fee). Upon the completion of the studies, compensation shall cover the tuition fee (a part of the fee which does not exceed the standard tuition fee) paid for the period from the third year of studies until the end of the first cycle of studies or the end of the integrated studies (in the case of extended studies – for the other half of a study programme). The number of persons for whom the tuition fee (a part of the fee which does not exceed the standard tuition fee) is compensated shall be determined according to a specific study field of a higher education institution in the manner prescribed in paragraph 2 of this Article. Consecutive orders of persons who finished with the best results the first two academic years (in the case of extended studies – half of a study programme) and the remaining academic years in the student places which are not funded by the State shall be set in the manner prescribed by a higher education institution according to the study fields.

2. The number of persons in a specific study field of a higher education institution, who finished with the best results the first two years of studies (in the case of extended studies - half of a study programme) or the remaining academic years and for whom according to the provisions of paragraph 1 of this Article the tuition fee (a part of the fee which does not exceed the standard tuition fee) is compensated, shall be proportionate to the number of persons who were admitted to the state-funded student places of such study area in an appropriate year of admission. The overall number of persons for whom according to the provisions of paragraph 1 of this Article the tuition fee is compensated shall not exceed 10 per cent of the number of persons who, in that academic year, finished studies of the first two academic years (in the case of extended studies – half of a study programme) or the remaining academic years in the state-funded student places of studies of the first cycle or integrated studies.

**Article 72. Cases when state funding is not provided for studies and a tuition fee is not reimbursed**

1. The following persons shall not have the right to state-funded student places or compensation of a tuition fee in accordance with the procedure laid down in Articles 70 and 71 of this Law:

1) persons who repeatedly study according to a study programme of the same or lower cycle, if they have acquired more than a half of the credits of that study programme with the state budget funds, with the exception of the cases provided for by the Government;

2) persons who simultaneously study according to two or more study programmes which award a degree of the same cycle or according to study programmes which do not award a degree, if their studies are financed with the state budget funds according to at least one of these study programmes (they themselves pay for the second or other study programmes);

3) foreign nationals, with the exception of the persons specified in paragraph 2 of Article 73 of this Law, as well as citizens of the member states of the European Union and other states of the European Economic Area, unless otherwise provided for by international agreements or other legal acts of the Republic of Lithuania;

4) in other cases set out by the Government.

2. The following persons shall pay for studies a tuition fee which is proportionate to the volume of a subject (modules):

1) persons who study according to informal education programmes;

2) persons who repeatedly study individual subjects of a study programme.

### **Article 73. Target funding of studies**

1. In accordance with the procedure laid down by the Ministry of Education and Science, state budget funds may, by way of competition, be appropriated to higher education and research institutions for the implementation of study programmes, taking into consideration the most urgent needs of the economic, social and cultural development of the State, if the said needs may not be satisfied in other ways laid down in this Law. The number of student places of target funding of studies according to study field or study programmes shall be announced by the Ministry of Education and Science each year but not later than before 15 April.

2. Studies of children, grandchildren, great-grandchildren of the Lithuanians living abroad and foreigners of the Lithuanian origin may be additionally funded in accordance with the procedure laid down by the Ministry of Education and Science. Citizens of the Republic of Lithuania who have lived abroad at least three years or citizens of foreign states who have lost the citizenship of the Republic of Lithuania shall be regarded as Lithuanians living abroad. A foreigner shall be considered to be a foreigner of Lithuanian descent if at least one of his parents or grandparents is or was Lithuanian and who considers himself Lithuanian.

### **Article 74. State loans and state supported loans**

1. Students may get state loans or state-supported loans:



- 1) to pay the tuition fee;
- 2) for living expenses;
- 3) to pay for part studies pursuant to international (interdepartmental) agreements.

2. State budget appropriations allocated to the State Studies Foundation, funds accumulated from the repayment of loans, interest and interest charged for late payment, support, as well as funds of private economic entities and other funds may be used for granting state loans or state-supported loans and for covering the expenses related to administration thereof. The Government shall lay down the procedure for granting, administering and repaying state loans or state-supported loans.

3. The limit of state-supported loans shall be set in the Law of the Republic of Lithuania on the Approval of Financial Indicators of the State Budget and Municipal Budgets for the corresponding year.

**Article 75. Scholarships and other support for students**

1. Students may be granted social and incentive scholarships.

2. Social scholarships from the state budget funds may be granted in the manner prescribed by the Government to students of studies of the first cycle, the second cycle and the integrated studies of a higher education institution.

3. Incentive scholarships from the funds of higher education institutions or other funds may be granted to the best students taking into consideration their study results or other academic achievements. The fund of incentive scholarships of state higher education institutions shall be established and the said scholarships shall be granted in accordance with the procedure laid down by the senates (academic councils) of the state higher education institutions, after consultation with a students' representative body.

4. Other types of support may be provided to students of higher education institutions with the state budget funds in accordance with the procedure laid down by the Government.

5. Students of higher education institutions shall be entitled to receive also other types of support.

6. The Government shall approve the description of a procedure for granting state support for studies abroad, as well as support to persons studying in doctoral studies and students studying according to study programmes which do not award a degree, who have been admitted to student places in which studies are paid with state budget funds.

**Article 76. Tuition fee**

1. The tuition fee shall be fixed by a higher education institution. The tuition fee shall be indicted in the rules on admission to a higher education institution.

2. The tuition fee in higher education institutions shall be fixed taking into consideration the studies-related expenses specified in paragraph 3 of this Article. In those cases when the tuition fee of persons who study in student places which are not funded by the State, such a tuition fee may additionally include the expenses which are not specified in paragraph 3 of this Article, but which are necessary to ensure the quality of studies.

3. The following funds necessary for carrying out studies shall be included in the expenses of studies:

1) for wages and salaries of teaching staff members, research staff members and other employees related to studies;

2) to purchase goods and services related to studies;

3) to give incentives to students.

4. The standard tuition fee of an appropriate study field or a set of study programmes shall be calculated in accordance with the procedure laid down by the Government, where such a tuition fee shall comprise all the expenses specified in paragraph 3 of this Article. A standard tuition fee of students admitted to a higher education institution in a corresponding year shall be each year approved by the Ministry of Education and Science before 15 January. In the cases where a tuition fee fixed by a higher education institution does not exceed the standard tuition fee, the tuition fee of a higher education institution shall be paid with the state budget funds. In the cases where a tuition fee fixed by a higher education institution exceeds the standard tuition fee, the standard tuition fee shall be paid with the state budget funds.

5. Persons who study in state-funded student places of state higher education institutions shall not have to pay to a higher education institution any fee related to the implementation of a study programme, with the exception of the cases referred to in paragraph 2 of Article 72 of this Law.

6. A tuition fee or its part may be covered for persons studying in the student places not funded by the state, by employers of the studying person, a higher education institution, other natural and legal persons.

## **Article 77. State funding of research, experimental (social, cultural) development and artistic activities**

1. Research, experimental (social, cultural) development and artistic activities shall be funded:

1) with funds of the basic financing of the state budget designated for research, experimental (social, cultural) development and artistic activities;

2) according to national research programmes and national complex programmes;

3) according to other competition-based programmes.

2. Competition-based programmes shall be the totality of measures of research, experimental (social, cultural) development works, the results of which are new scientific knowledge and technologies, the research, experimental (social, cultural) development infrastructure, a higher competence of researchers and other matters necessary to solve urgent problems of the state and society. Competition-based programmes shall be implemented by way of competition in the form of funded projects.

3. National research programmes shall be competition-based programmes which create conditions to solve problems important to the state and society and to increase the international competitiveness of the Lithuanian science. The purpose of national research programmes shall be to concentrate the scientific potential of Lithuania and financial resources, to initiate and to coordinate new and on-going research necessary to solve a certain problem. The provisions of national research programmes shall be approved by the Government.

4. National complex programmes shall be sets of projects selected by way of competition the purposes and tasks of which are oriented towards the training of specialists of the highest qualification, conducting of research, experimental (social, cultural) development, creation of general infrastructure, strengthening of scientific and business ties in the specific subsectors of the economy (business segments).

5. Other competition-based programmes shall be initiated and implemented in accordance with the procedure laid down by an institution administering these programmes.

6. Applicants shall compete for competition-based programme funding by presenting applications which are assessed by their compliance with the objectives of research, experimental (social, cultural) development projects, and the criteria of their topicality, competence, quality and other criteria.

7. Competition-based programme funding shall be administered by the Research Council of Lithuania and an institution authorised by the Government or the Ministry of Education and Science.

8. Research in the fields of Lithuanian economy, culture, social protection, health care, national defence and environmental protection, other spheres, experimental (social, cultural) development, training of specialists and other fields of activities related to competition-based programmes shall be financed with the funds which are provided for when approving such

programmes; these funds shall be disposed of by the interested ministries, foundations, higher education and research institutions, business entities.

9. Teaching staff members, research staff members and other researchers may receive state support for postdoctoral scholarships as well as support for participation in scientific conferences abroad, for teaching in foreign higher education and research institutions. This support shall be administered by the Research Council of Lithuania in accordance with the procedure laid down by it. State support may also be provided by other state institutions. State support to the teaching staff members, research staff members and other researchers who gained postdoctoral scholarships abroad under international agreements shall be provided in accordance with the procedure laid down by the Government.

#### **Article 78. Accounting, financial statements and audit of higher education and research institutions**

1. Accounting of higher education and research institutions, organisation and management thereof, compiling of financial statements and reports on implementation of the budget shall be established by laws and other legal acts.

2. Income of state budgetary research institutes accrued from scientific, economic activities and rendered services shall be included in the state budget income, but shall be used pursuant to the procedure laid down by legal acts and according to special programmes for the implementation of purposes and tasks set out in statutes of state research institutions.

3. State assets transferred under a property trust agreement must be recorded separately from other assets of a state higher education institution.

4. State higher education and research institutions shall each year (but not later than until March) publicly announce and submit to the Ministry of Education and Science and the founder annual reports on activities, as well as publicly announce annual revenue and expenditure estimates and reports on their implementation.

5. The National Audit Office shall conduct an audit of state higher education and research institutions in accordance with the procedure laid down by legal acts. When necessary, the Ministry of Education and Science or the founder may initiate an audit of financial statements of state higher education and research institutions.

### **CHAPTER VIII**

#### **MANAGEMENT, USE AND DISPOSAL OF ASSETS OF STATE HIGHER EDUCATION INSTITUTIONS**

**Article 79. Principles of management, use and disposal of the assets of state higher education institutions, inviolability of the territory and buildings of state higher education institutions**

1. While managing, using and disposing of assets, higher education institutions shall adhere to the following principles:

1) public benefit. This principle shall mean that the assets must be managed, used and disposed of carefully, with an aim to develop an educated individual and society, receptive to sciences and humanities, cultural values and latest technologies, to freely create, accumulate and communicate scientific knowledge and cultural values, to foster a civilizational identity of Lithuania;

2) efficiency. This principle shall mean that while managing, using and disposing of the assets, a state higher education institution must seek the greatest benefit for society;

3) rationality. This principle shall mean that the assets must be taken care of and managed in a reasonable, purposeful and proper manner;

4) accountability to the public. This principle means that state higher education institutions, when implementing the autonomy, the freedom of culture, science, research, teaching guaranteed by the Constitution of the Republic of Lithuania, and independently managing the assets entrusted to them, are accountable to the public for quantitative and qualitative changes of the assets managed, used and disposed of by them;

5) autonomy of economic activities. This principle means that a state higher education institution is granted a freedom of economic activities which is related to the institution's responsibility for the implementation of the mission of the higher education institution.

2. State higher education institutions shall make use of the right to the inviolability of their territories and buildings. Only the Government may, upon having evaluated the opinion of a state higher education institution, change the boundaries of the territory of the state higher education institution or the managers of the state buildings. If the council of a state university does not agree, the boundaries of the territory or the holders of the state buildings may be changed by the Seimas.

**Article 80. Transfer under trust agreements of state assets to state higher education institutions**

1. The State may transfer by the right of trust and under a property trust agreement to state higher education institutions the fixed tangible assets belonging to it by the right of ownership in accordance with the procedure and under the conditions laid down by the Law on

the Management, Use and Disposal of State and Municipal Assets, with the exception of the cases provided for in this Chapter.

2. A state property trust agreement shall be drawn up for a period not exceeding twenty years. A model form of a property trust agreement shall be approved by the Government.

3. A state property trust agreement shall expire in the cases referred to in Article 6.967 of the Civil Code and in the event of reorganization.

4. Besides other terms and conditions specified in Article 6.959 of the Civil Code, a state property trust agreement must provide for the duty that a state higher education institution must, not later than before 1 May of the next year, publicly announce in the webpage of the higher education institution a report on the management, use and disposal of the state assets for the last financial year.

5. A state higher education institution may lease the state assets transferred to it under a property trust agreement to the third persons, may transfer under a contract of loan for use, if that has been provided for in the property trust agreement and if this is necessary to ensure activities of the higher education institution.

6. The state assets transferred under the property trust agreement may not be the object of recovery according to the obligations of a state higher education institution, including the obligations which occurred while managing, using and disposing of the said assets.

#### **Article 81. Management, use and disposal of the assets of higher education institutions by the right of ownership**

1. The following shall comprise the assets managed, used and disposed of by state higher education institutions by the right of ownership:

- 1) assets invested by the State;
- 2) income received as payment for studies, as well as income received from economic, research activities and rendered services;
- 3) funds and other assets received as charity under the Law on Charity and Sponsorship;
- 4) other funds, with the exception of state budget funds;
- 5) assets purchased with the state budget funds and with the funds provided for in subparagraphs 2-4 of this paragraph, with the exception of the immovable property acquired with the European Union aid, funds of the state budget and state foundations;
- 6) gift property;
- 7) inherited property;

8) economic rights arising from results of intellectual activities (scientific or artistic works and objects of industrial property rights - patents, design, trademarks and topographies of semiconductor products, other intellectual property objects);

9) income, assets or other benefit gained while managing, using and disposing of the funds or other assets indicated in subparagraphs 1-8 of this paragraph.

2. While managing, using and disposing of the assets referred to in paragraph 1 of this Article, state higher education institutions may conclude only those civil transactions which are in conformity with their founding documents and purposes of activities.

### **Article 82. Rights arising from results of intellectual activities**

1. Economic rights arising from results of intellectual activities (scientific or artistic works and objects of industrial property rights - patents, design, trademarks and topographies of semiconductor products, other intellectual property objects) acquired under contract or in accordance with the procedure laid down by laws shall belong to state higher education institutions by the right of ownership.

2. A person must notify a state higher education institution in accordance with the procedure laid down by it about the results of intellectual activities which have been achieved in that state higher education institution through the use of its experience or technologies and/or equipment and/or when carrying out a research while fulfilling the job functions. Issues pertaining to the transfer of economic rights to a higher education institution or conferring of such rights for use shall be regulated in accordance with the procedure laid down by the law and/or contracts.

3. Not less than one-third of the profit gained for commercial use of the results of intellectual activities achieved by employees of a state higher education institution when carrying out research while fulfilling the job functions and by persons studying in doctoral studies when carrying out research must be allocated to an author (co-authors), unless otherwise provided for in an employment contract or a contract concluded between the state higher education institution and the employee (person studying in doctoral studies).

4. When cooperating in the sphere of research and/or experimental (social, cultural) development with other establishments, enterprises and organizations, state higher education institutions shall lay down the conditions of management, use and disposal of intellectual property in a contract.

### **Article 83. Restrictions on the disposal of the assets managed and used by state higher education institutions by the right of ownership**

1. Transactions on the basis of which the state assets of a higher education institution are transferred to the third persons shall be concluded in compliance with market prices which are fixed in accordance with the Law on Basics of Property and Business Valuation, after having obtained a consent of the Government or an institution authorised by it according to the procedure laid down by the Government.

2. State higher education institutions shall not have the right to invest in legal persons of unlimited civil liability and to found them. State higher education institutions may establish and invest in legal persons of limited civil liability under the conditions and in the manner prescribed by the council of a higher education institution only when such establishment or investment is related to activities concerning organization of studies conducted by a state higher education institution or research carried out by this institution, and is necessary to achieve such objectives.

3. It shall be prohibited for state higher education institutions to provide a security in the form of the assets they manage for performance of obligations of the third persons.

4. State higher education institutions shall have the right to borrow, that is to sign loan agreements, lease (financial lease) agreement and other promissory debt instruments, observing the general limit on borrowing by state higher education institutions as fixed by the Law on the Approval of Financial Indicators of the State Budget and Municipal Budgets of the relevant year. The Ministry of Education and Science shall distribute this limit on borrowing among state higher education institutions. State higher education institutions shall account for the undertaken debt obligations to the Ministry of Education and Science in accordance with the procedure laid down by it. A state higher education institution may not mortgage more than 20 per cent of the tangible assets managed by the right of ownership in order to secure the performance of debt obligations. Before concluding immovable property mortgage contracts it shall be required to obtain in the manner prescribed by the Government, a consent of the Government or an institution authorised by it.

## **CHAPTER IX**

### **REGULATION OF ACTIVITIES OF RESEARCH INSTITUTIONS DURING THE TRANSITIONAL PERIOD**

#### **Article 84. Types of research institutions and foundations of their activities**

1. State research institutions shall be of the following types:

- 1) a state research institute;
- 2) a university research institute;
- 3) a state research establishment.



2. Research institutions shall conduct long-term research and experimental (social, cultural) development, important for the State and society, in an area defined by the founder (a meeting of the members of a legal person).

3. Research institutions may be state and non-state. The founder of state research institutions shall be the Government. Founders of non-state research institutions shall be natural or legal persons, with the exception of state and municipal establishments, as well as the branches, located in Lithuania, of enterprises established in member states of the European Union or other states which signed the Agreement on the European Economic Area.

4. State research institutions shall be public legal persons that function as budgetary or public establishments.

5. Non-state research institutions may be public or private legal persons. They shall be founded to fulfil scientific objectives of their founders (members of the legal person).

#### **Article 85. Rights and duties of research institutions**

1. Research institutions shall have the right:

1) in compliance with laws and other legal acts, to determine their structure, internal working arrangements, number of employees, their rights and duties, workpay conditions;

2) when accomplishing their mission, to cooperate with enterprises, establishments and organizations;

3) to publish scientific and other literature as well as to choose scientific publications, other ways to announce the results of their research and experimental (social, cultural) development;

4) together with higher education institutions to train scientists, to help to train specialists;

5) to promote the use of the results of research and experimental (social, cultural) development in the fields of economy, social and cultural life;

6) to manage, use and dispose of assets in accordance with the procedure laid down by legal acts;

7) to carry out expert examinations, to provide scientific consultations and other services in the fields of science and technologies;

8) to acquire other rights and duties in accordance with the procedure laid down by legal acts.

2. Research institutions must:

1) ensure academic freedom of members of the academic community;

2) in accordance with the procedure laid down by the founder or an institution authorised by it to inform the founders (members of the legal person) and the public about the measures of quality assurance in research activities, their financial and economic activities, and the use of funds;

3) furnish in due time official information to institutions authorised by the Government (statistical data and subject-specific information) which is necessary for the management and monitoring of the higher education and research system;

4) perform other obligations established by legal acts.

#### **Article 86. State research institute**

1. A state research institute shall be a research institution whose main activity is long-term international-level fundamental and applied research which requires groups of specialized scientists.

2. The main purposes of a state research institute shall be as follows:

1) to conduct long-term research and experimental (social, cultural) development, important for the development of the national economy, culture and society, in a certain area (areas);

2) to cooperate with representatives of business, government and the public, to carry out commissioned works of research and experimental (social, cultural) development, to render methodological and other assistance;

3) together with higher education institutions to train scientists, to help to train specialists, to ensure the scientific competence of international level;

4) to communicate scientific knowledge to the public, to apply it in culture and education, social and economic activities, to contribute to the establishment of economy based on innovations and knowledge, development of society receptive to knowledge.

#### **Article 87. University research institute**

1. A university research institute shall be a research institution which conducts research and experimental (social, cultural) development in a certain area (certain area) corresponding to the purposes and mission defined by the university, which provides a scientific base for studies of university students and training of scientists, improvement of the scientific qualification of the teaching staff members.

2. The main purposes of a university research institute shall be as follows:

1) to conduct long-term research and experimental (social, cultural) development, important for the development of the national economy, culture and society, in a certain area (areas);

2) together with the university to train scientists, to help to train specialists, taking into consideration the latest scientific achievements and the needs of the national economy;

3) to create conditions for studies of students, improvement of the qualification of teaching staff members and other specialists.

#### **Article 88. State research establishment**

1. A state research establishment shall be a research institution which conducts applied research and experimental (social, cultural) development works important for the development of an appropriate sphere of economy or culture, and/or which develops experimental production.

2. The main purposes of a state research establishment shall be as follows:

1) to conduct applied research and experimental (social, cultural) development, training, to create methodologies of a concrete area of research and experimental (social, cultural) development, which is topical for the founder (members of a legal person) or an institution performing the functions of the founder;

2) to communicate results of research and experimental (social, cultural) development and contribute to the creation of economy based on innovations and knowledge, development of society receptive to knowledge.

#### **Article 89. Governing bodies of a research institution**

1. The governing bodies of a state research institution (with the exception of a state research establishment) shall be the council of the research institution and director of the research institution.

2. Governing of state research establishments and non-state research institutions shall be regulated by the founding documents.

#### **Article 90. Council of a state research institute and university research institute**

1. The governing body of a state research institute and a university research institute shall be the council.

2. The council shall perform the following functions:

1) approve the institute's perspective action plan;

2) approve the institute's structure and changes therein;

3) approve an annual report on activities of the institute, organize a permanent qualification analysis of activities and evaluate how the institute implements its tasks, objectives and mission in the State;

4) lay down the procedure for organising the performance evaluation of research staff members and competitions to fill positions of research staff members;

5) consider a revenue and expenditure estimate of the institution, reporting on its implementation, other documents regulating research activities and internal procedure;

6) perform other functions set by the statutes.

3. Two-thirds of the members of the council shall be elected by scientists of a state research institute and one-third of the members of the council shall be delegated by the founder or an institution authorised by him. The Government may fix another proportion of members of the council elected by scientists of a state research institute and members of the council appointed by the founder, moreover, it may determine that the council of a state research institute includes representatives of the interested institutions, establishments and organizations.

4. Two-thirds of members of the council of a university research institute shall be members of the council elected by scientists of the university research institute and one-third of members of the council shall be members of the council appointed by the university senate. The Government may fix another proportion of members of the council of a university research institute elected by scientists of the university research institute and members of the council of the university research institute appointed by the university senate, moreover, the Government may also determine the procedure in compliance with which representatives of the interested institutions, establishments and organizations are included in the council of the university research institute.

5. The director of a state research institute and a university research institute shall be an ex officio member of the council, but he may not be the chairman of the council.

#### **Article 91. Director of a state research institution**

1. The director of a state research institution shall be a sole management body of the state research institution, shall act in the name of the said institution and represent it. The director shall perform the functions of the head of an institution as provided for in the statutes and legal acts.

2. The Minister of Education and Science shall, on the recommendation of the council of a state research institute, appoint and dismiss a director of the state research institute elected by secret ballot in an open competition by the council of the state research institute.

3. A director of a university research institute shall be elected by the commission from among scientists by secret ballot in an open competition for a term of office not exceeding five years and for not more than two terms of office in succession; this commission shall comprise an equal number of representatives of the council of the university research institute and the university senate, and one representative of the Ministry of Education and Science. The Ministry of Education and Science shall lay down the procedure for holding a competition and setting up the commission. The university rector shall conclude a fixed-term employment contract with the elected director of the university research institute.

4. A person having a scientific degree and the experience in management may be the director of a state research institution.

5. The term of office of the director of a state research institution shall be five years. The same person may hold the office of the director of a research institution only for two terms of office in succession and not earlier than after the lapse of five years since the end of the last term of office, if the last term of office was consecutively the second.

#### **Article 92. Funding of research institutions**

State budget appropriations for each state research institute and university research institute shall be allocated under a separate line. State research establishments shall be funded with the state budget appropriations allocated for the state institutions or establishments which perform the functions of the founder of the appropriate state research establishments.

### **CHAPTER X FINAL PROVISIONS**

#### **Article 93. Implementation of the Law**

1. The Government or an institution authorised by it, other institutions specified in this Law shall prepare and approve legal acts necessary for the implementation of this Law.

2. Upon entry into force of this Law, universities may not accept persons to college studies and colleges may not accept persons to university studies.

3. State higher education institutions established prior to entry into force of this Law shall be regarded as having the right to carry out studies and activities related thereto. These state higher education institutions shall, within six months from the entry into force of this Law, be issued authorizations to conduct studies and to carry out activities related thereto.

4. The Government or an institution authorised by it shall organize the restructuring of research institutions until 1 January 2010.

5. The qualification acquired upon completion of a non-university study programme shall be equalled to the qualification acquired upon completion of a college study-programme. The equivalence of special professional studies to the appropriate studies in accordance with the composition of the study system approved by this Law shall be established by the Government.

6. Until 1 January 2010 universities together with state research institutes or university research institutes shall have the right to carry out doctoral studies.

7. The procedure, laid down in Article 52 of this Law, of setting and announcement of a list of competitive subjects according to study fields and principles of composition of an entrance grade, a lowest passing entrance grade and other criteria shall not apply to the conditions of admission to state higher education institutions, which were coordinated and announced prior to the entry into force of this Law in accordance with the procedure laid down by legal acts.

8. State higher education institutions must be restructured from budgetary establishments into public establishments until 31 December 2011.

9. Study programmes, assessed and registered in the Register of Study and Training Programmes prior to the entry into force of this Law, must be accredited by the Centre for Quality Assessment in Higher Education before 31 August 2009. Study programmes registered in the Register of Study and Training Programmes, which have not been assessed externally, must be assessed before 31 December 2010.

10. Higher education institutions shall create conditions to complete the studies for persons who were accepted to the higher education institutions before the entry into force of this Law.

11. Programmes of special professional studies designated for acquiring of teacher's qualification, which were registered in the Register of Study and Training Programmes before the entry into force of this Law, shall be held equivalent to the study programmes which do not confer a degree and which are designated for acquiring of teacher's qualification.

12. Councils of state colleges shall, until the date set by the Government, draw up drafts amending statutes of colleges, which implement the provisions of this Law, and submit them to the Government.

13. Change of the legal form of a state higher education institution shall not affect contracts of loan for use of state land which were concluded before the restructuring of a state higher education institution from a budgetary establishment into a public establishment.

14. A council of the Centre for Quality Assessment in Higher Education shall be set up within six months of the entry into force of this Law in accordance with the procedure laid down by paragraph 2 of Article 17 of this Law.

15. The Regulations of the Council of Higher Education shall be evaluated and, if necessary, amended within six months of the entry into force of this Law.

16. The Statute of the Lithuanian Academy of Sciences shall be evaluated and, if necessary, amended within ten months of the entry into force of this Law.

**Article 94. Entry into force and application of the provisions of Chapter VIII of the Law**

1. Paragraph 2 of Article 67 and paragraph 2 of Article 69 of this Law shall enter into force on 1 January 2010.

2. Subparagraphs 1 and 2 of paragraph 1 of Article 69, paragraphs 6, 7, 8, 10, 11, 12 and 14 of Article 70, Articles 71, 72 and paragraphs 1, 2, 3, 4 and 5 of Article 76 of this Law shall not be applied to persons who were accepted to higher education institutions before the entry into force of this Law.

3. State budget funds designated to fund studies of the persons accepted to state higher education institutions before the entry into force of this Law shall be appropriated in accordance with the procedure laid down by the Government, taking account of the number of student places, fixed pursuant to the procedure laid down by legal acts before the entry into force of this Law, where the studies in state higher education institutions of the students accepted to the said student places are fully or partly covered with state budget funds.

4. Students of undergraduate, integrated studies and studies of the second cycle of all forms of state higher education institutions, accepted to state higher education institutions before the entry into force of this Law, with the exception of the students specified in paragraphs 8 and 9 of this Article, if their studying does not meet the criteria of good studying as defined in paragraph 5 of this Article, shall each semester pay a study fee to a higher education institution in the amount of four base social benefits.

5. Free education shall be secured for students of state higher education institutions with a good academic record, accepted to the state higher education institutions before the entry into force of this Law, with the exception of the students specified in paragraphs 8 and 9 of this Article. Students with a good academic record shall be students who do not have academic failures and whose average of the evaluation of study subjects within a semester is not less than eight on a ten-point grading scale in accordance with the system of evaluation of study results approved by the Government or an institution authorised by it.

6. Students who were accepted to state higher education institutions before the entry into force of this Law shall be struck off the register of students of the higher education institution for poor progress in accordance with the procedure laid down by the higher education institution.

The following persons, accepted to state higher education institutions before the entry into force of this Law, who study in the same study programme of the same year of studies (except the persons referred to in subparagraphs 1-3 of paragraph 8 of this Article) shall qualify to fill vacancies according to the progress and in the order of priority:

- 1) students of the same study form;
- 2) students of other study forms.

7. In the case when it is impossible to fill vacancies in accordance with the procedure laid down in paragraph 6 of this Article, state budget funds designated for funding of these free student places may be used for funding the studies of students of the same year of studies who were accepted to state higher education institutions before the entry into force of this Law and who study according to the study programmes of at least equivalent cost.

8. The following persons accepted to a state higher education institution shall pay a tuition fee, fixed by the state higher education institution, for studies in the state higher education institution:

- 1) persons studying according to a study programme of the same cycle or a lower cycle which they have completed in the state higher education institution, if they paid the full tuition fee for not more than half of the credits of the study programme, with the exception of the cases provided for by the Government;

- 2) persons who simultaneously study according to two or more study programmes, if their studies are fully or partly financed with the state budget funds according to at least one of these study programmes (they themselves pay for the second or other study programmes);

- 3) foreign nationals, if the international agreements of the Republic of Lithuania or other legal acts do not provide otherwise;

- 4) persons who have failed to be accepted to the student places where the studies are fully or partly financed with state budget funds.

9. The following persons accepted to state higher education institutions before the entry into force of this Law shall pay a tuition fee, proportionate to the volume of a study subject, for studies in that state higher education institution:

- 1) persons who do not engage in sequential studies;
- 2) persons who repeat separate subjects of a sequential study programme.

10. Students who were accepted to state higher education institutions before the entry into force of this Law may receive state loans or state-subsidized loans to pay the study fees referred to in paragraph 4 of this Article. The Government shall lay down the procedure for granting, administering and repaying these loans.



11. Paragraph 2 of Article 75 of this Law shall apply only to students of state higher education institutions in 2009. State budget funds designated for payment of incentive scholarships and other support for students of state higher education institutions accepted to those state higher education institutions before the entry into force of this Law shall be granted in accordance with the procedure laid down by the Government.

#### **Article 95. Entry into Force and Application of the Law**

1. Paragraph 1 of Article 8 of this Law to the extent defining the obligation of universities to carry out only university studies, paragraph 1 of Article 9 to the extent defining the obligation of colleges to carry out only college studies, and paragraph 2 of Article 93 shall enter into force on 1 January 2010.

2. Paragraph 21 of Article 4 and paragraphs 3, 4, 5, and 6 of Article 47 of this Law shall enter into force on 1 September 2011. Until 1 September 2011 the following definition of “study credit” shall apply: a unit for measuring the scope of studies, equalling forty conditional student work (academic, laboratory, independent, etc.) hours, i.e., one week of the student’s work.

3. The qualification degree of the licentiate of art shall be awarded to the persons who will have completed the art postgraduate study programme by 1 September 2012. Art postgraduate studies shall be carried out in compliance with the regulations of art postgraduate studies which are approved by the Government. Postgraduate art students may receive scholarships in accordance with the procedure laid down by the Government. The equivalence of art postgraduate studies to the appropriate studies in accordance with the system of the composition of studies, approved by this Law, shall be established by the Government.

4. Chapter IX of this Law shall be valid until 1 January 2010.

5. Paragraphs 2 and 12 of Article 20, paragraphs 2 and 3 of Article 21, paragraphs 2 and 7 of Article 22 of this Law shall be applied to the management bodies of those state higher education institutions whose legal form is a budgetary establishment, where such bodies are formed in accordance with the procedure laid down by this Law. The management bodies of a state higher education institution, whose legal form is a budgetary establishment, elected or formed before the entry into force of this Law shall perform their duties in accordance with the procedure laid down by the statute of the higher education institution, in as much as it is in compliance with this part of the paragraph, until the expiry of the term of office set at the moment the said bodies were formed, but not longer than until the restructuring of the state higher education institution into a public establishment, with the exception of state colleges in which the management bodies were formed not earlier than the year 2007, or until the formation (election) of new management bodies, or until 31 December 2011. Members who are appointed

by scientists, teaching staff, administration and other employees to the first councils of state higher education institutions set up in accordance with the procedure laid down by this Law shall be appointed by way of election in accordance with the procedure laid down by the Ministry of Education and Science. Upon the entry into force of this Law, the rector (director) of a state higher education institution shall be elected (appointed) only by that council of the state higher education institution which has been set up in accordance with the procedure laid down by this Law. Where there is no council of a state higher education institution set up in accordance with the procedure laid down by this Law, the powers of the rector (director) of the state higher education institution shall be extended until the election of a new rector (director) of the state higher education institution, but not longer than for six months.

6. The provisions of Chapter VIII of this Law concerning the management, use and disposal of the assets of state higher education institutions shall be applied to those state higher education institutions which have been restructured into public establishments and in which the management bodies have been formed (elected), appointed in compliance with the provisions of this Law.

7. The provisions of Chapter IV of this Law regulating the establishment, termination and restructuring of higher education and research institutions, authorization to conduct studies and/or to carry out activities related thereto shall be applied to the procedures of the establishment, termination and restructuring, authorization to conduct studies and/or to carry out activities related thereto which started after the entry into force of this Law. If the procedures of the establishment, termination and restructuring of higher education and research institutions, authorization to conduct studies and/or to carry out activities related thereto started before the entry into force of this Law, such procedures shall be completed pursuant to the then-valid laws.

8. The provision of paragraph 4 of Article 65 of this Law which defines that an employment contract of unlimited duration shall be concluded with the persons who win the competition to fill the position of a teaching staff member or research staff member for the second time in succession shall be applied only in the cases when such procedures are carried out only after the entry into force of this Law or when the competition to fill the position of the professor is won by the person who has previously won such a competition twice in the same state higher education institution.

9. The increase of state-funded student places in 2009 and 2010 according to separate study programmes of state higher education institutions may not exceed the number of student places fixed by the Ministry of Education and Science.

**Article 96. Restructuring of state higher education institutions from budgetary establishments into public establishments**

1. State higher education institutions shall be restructured from budgetary establishments into public establishments pursuant the provisions of the Civil Code.

2. The Government shall take a decision regarding the investment in state higher education institutions of the assets belonging to the State by the right of ownership. When restructuring state higher education institutions into public establishments, immovable property may not be invested in such institutions.

3. After the restructuring of a state higher education institution into a public establishment, all the rights and duties which that state higher education institution acquired when it was a budgetary establishment shall be transferred to it.

4. Within twelve months of the entry into force of this Law, state universities shall apply to the Ministry of Education and Science concerning the setting-up of a council of a higher education institution provided for in this Law and shall submit the members nominated to this council by the higher education institution.

**Article 97. Restructuring of non-state higher education institutions**

Non-state higher education institutions established before the entry into force of this Law shall, at the decision of the founder (member of the legal person), have the right to change the legal form of the non-state higher education institution to the legal form of a private legal person chosen.

**Article 98. Repealing of Legal Acts**

Upon the entry into force of this Law, the following laws shall be repealed:

1) the Republic of Lithuania Law on Science and Studies (Official Gazette, 1991, No. 7-191);

2) the Republic of Lithuania Law on Science and Studies (Official Gazette, 2000, No. 27-715);

3) the Republic of Lithuania Law Amending Articles 5, 9, 11, 15, 34, 40, 51, 54, 56, 59, and 67 of the Law on Higher Education (Official Gazette, 2001, No. 16-496);

4) the Republic of Lithuania Law Amending Article 2, the Title of Chapter II, Articles 14, 15, 17, 27, 28, 29, 37, 39, 41, 47, 48, 54, 56, 57, 58, 59, 60, 61, 62, 63, 66, and 67, and Repealing Articles 18, 64, 65, and 68 of the Law on Higher Education (Official Gazette, 2002, No. 3-75);

5) the Republic of Lithuania Law Amending the Law on Science and Studies (Official Gazette, 2002, No. 68-2758);

6) the Republic of Lithuania Law Amending Articles 59 and 67 of the Law on Higher Education (Official Gazette, 2002, No. 71-2968);

7) the Republic of Lithuania Law Amending Articles 2, 3, 13, 15, 16, 17, 19, 22, 23, 24, 32, 36, 37, 39, 40, 41, 42, 44, 47, 48, 49, 54, 56, 57, 58, 59, 60, 61, 62, 63, and 67 (Official Gazette, 2003, No. 47-2058);

8) the Republic of Lithuania Law Amending Article 24 of the Law on Science and Studies (Official Gazette, 2004, No. 158-5756);

9) the Republic of Lithuania Law Amending the Law on Higher Education and the Law on Science and Studies (Official Gazette, 2005, No. 85-3136);

10) the Republic of Lithuania Law Amending the Law on Higher Education and the Law on Science and Studies (Official Gazette, 2006, No. 87-3395);

11) the Republic of Lithuania Law Amending Article 11 of the Law on Science and Studies (Official Gazette, 2007, No. 105-4287);

12) the Republic of Lithuania Law Amending Articles 22, 23, 25, 47, 56, 58, 59, 60, and 61 of the Law on Higher Education (Official Gazette, 2008, No. 73-2798);

13) the Republic of Lithuania Law Amending Article 10 of the Law Amending Articles 22, 23, 25, 47, 56, 58, 59, 60, and 61 of the Law on Higher Education (Official Gazette, 2008, No. No 127-4832);

*I promulgate this Law passed by the Seimas of the Republic of Lithuania.*

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS