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Proclamation JULY/2009 – INOFFICIAL COPY

**HIGHER EDUCATION PROCLAMATION**

WHEREAS it has become necessary to lay down a legal system to enable institutions to effect institutional transformation, and thus be able to serve as dynamic centers of capacity building consistent with the aspirations of the peoples of Ethiopia;

WHEREAS it has become necessary to create an appropriate legal framework to guide institutions focus on critical issues of relevance and quality of education and research to contribute with efficacy to the Ethiopian peoples' aspirations of peace, democracy and development;

WHEREAS, to ensure good governance in the context of an expanding higher education system, it is imperative to provide by law for an appropriate balance of an institution's autonomy and its accountability to Government and to public interests generally;

WHEREAS it is necessary to provide by law that the system of governance of institutions shall promote, consistent with the Constitution, a life of a learning academic community governed by the principle of freedom of expression based on reason and rational discourse;

WHEREAS the stage of development of the country's higher education in general requires legal direction and guidance to enable it become efficacious, it has also become particularly necessary to guide properly by law higher education in private institutions in order to ensure and promote its positive contributions through relevant and quality education;

NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

**PART ONE**

**GENERAL PROVISIONS**

**1. Short Title**

This Proclamation may be cited as the "Higher Education Proclamation No. -----  
---/2009."

**2. Definitions**

In this Proclamation, unless the context requires otherwise:

- 1/ "academic community" means all those persons studying, teaching and doing research as permanent or visiting members of an institution;
- 2/ "academic staff" means members of an institution employed in the capacity of teaching and/or research, and any other professional of the institution who shall be recognized so by senate statutes;
- 3/ "academic unit" means a college, faculty, school, an institute, a department or a centre established as a constituent unit of an institution;
- 4/ "administrative support staff" means personnel of an institution employed to provide administrative, business management, accounting, catering, maintenance, safety, security and such other services;
- 5/ "Agency" means Education Relevance and Quality Agency to be established by regulations of the Council of Ministers;
- 6/ "Centre" means Education Strategy Centre to be established by regulations of the Council of Ministers;
- 7/ "higher education" means education in the arts and sciences offered to undergraduates and graduate students who attend degree programmes through any of the delivery modes stated under Article 19 of this Proclamation;
- 8/ "institution" means a public or private higher education institution;
- 9/ "Ministry" or "Minister" means the Ministry or Minister of Education, respectively;
- 10/ "person" means a natural or juridical person;
- 11/ "private institution" means a non-public higher education institution established by one or more individual owners or by non-profit making associations, founded as co-operative society or commercial association, or higher education institution established abroad and operating in Ethiopia;
- 12/ "public institution" means an institution whose budget is allocated by the Federal or State Government, as the case may be;
- 13/ "state" means any state specified in Article 47 of the Constitution and includes the Addis Ababa and Dire Dawa city administrations;
- 14/ "technical staff" means non-administrative personnel employed to support the teaching-learning and research processes and non-academic professional medical personnel employed in a teaching hospital;
- 15/ any expression in the masculine gender includes the feminine.

### **3. Scope of Application**

- 1/ This Proclamation shall apply to any institution operating in Ethiopia.

- 2/ Notwithstanding the provisions of sub-article (1) of this Article, this Proclamation shall not apply to institutions under religious organizations and whose objectives and curricula are primarily religious and to those institutions that offer only diploma and certificate programmes.

#### **4. Objectives of Higher Education**

The objectives of higher education are to:

- 1/ prepare knowledgeable, skilled, and attitudinally mature graduates in numbers with demand-based proportional balance of fields and disciplines so that the country shall become internationally competitive;
- 2/ promote and enhance research focusing on technology transfer consistent with the country's priority needs;
- 3/ ensure that education and research promote freedom of expression based on reason and rational discourse;
- 4/ design and provide community and consultancy services that shall cater to the developmental needs of the country;
- 5/ ensure institutional autonomy with accountability;
- 6/ ensure the participation of key stakeholders in the governance of institutions;
- 7/ promote and uphold justice, fairness, and rule of law in institutional life;
- 8/ promote democratic culture and uphold multicultural community life;
- 9/ ensure fairness in the distribution of public institutions and expand access on the basis of need and equity.

## **PART TWO**

### **INSTITUTIONS, STAFF AND STUDENTS OF INSTITUTIONS**

#### **SECTION ONE** **INSTITUTIONS**

#### **5. Establishment**

- 1/ A public institution financed by the federal government shall be established by regulations of the Council of Ministers.
- 2/ A public institution financed by a state government shall be established by law enacted by the state; provided however, that the state law shall comply with the requirements of this Proclamation and other federal minimum quality standards.

- 3/ Without prejudice to the provisions of this Proclamation, a private institution shall be established in accordance with the law governing associations, business organizations, cooperatives or any other relevant law.
- 4/ Any institution shall be established, changed or modified on the basis of a project which shall:
  - a) set socially acceptable aims for the proposed institution;
  - b) contain a description of the status and main academic units of the institution, and documentation on programmes and curricula;
  - c) provide data on the research and teaching staff, the facilities, and the funding schemes;
  - d) provide for a management system which shall guarantee effective delivery of education and research;
  - e) undertake to comply with minimum national standards and requirements.
- 5/ The Ministry shall issue directives on application of the provisions of sub-article (4) of this Article.
- 6/ The project for the establishment of a private institution shall, in addition to the requirements under sub-article (4) of this Article, be accompanied by a memorandum of establishment specifying the institution's:
  - a) scope of activities;
  - b) property and source of funding;
  - c) management bodies and agents.
- 7/ The requirements for the establishment, change or modification of an institution under this Article shall apply *mutatis mutandis* to the establishment of an institution or a branch of an institution that originates in a foreign country.

## **6. Legal Personality**

An institution established in accordance with this Proclamation shall have legal personality and, as such, it shall be entitled to own property, to enter into contracts, and to sue and be sued in its own name.

## **7. Guiding Values of Institutions**

The guiding values that institutions shall promote and uphold in pursuance of their mission are:

- 1/ pursuit of truth and freedom of expression of truth;
- 2/ institutional reputability based on successful execution of mission;

- 3/ competitiveness in scholarship and cooperation with other institutions;
- 4/ institutional autonomy with accountability;
- 5/ participatory governance and rule of law;
- 6/ justice and fairness;
- 7/ a culture of fighting corruption;
- 8/ quality and speedy service delivery;
- 9/ economical use of resources and effective maintenance of assets;
- 10/ recognition of merit;
- 11/ democracy and multiculturalism.

## **8. Responsibilities of Institutions**

Without prejudice to other provisions of this Proclamation, every institution shall:

- 1/ uphold the objectives of higher education and the guiding values of the institution; and ensure that it is an institution of scholarship;
- 2/ develop programmes of study and provide higher education; prepare and supply qualified graduates in knowledge, skills, and attitudes on the basis of needs of the country; and award academic qualifications in accordance with its programmes;
- 3/ undertake and encourage relevant study, research, and community services in national and local priority areas and disseminate the findings as may be appropriate; undertake, as may be necessary, joint academic and research projects with national and foreign institutions or research centres;
- 4/ recruit and administer its personnel and manage its finance and property in accordance with this Proclamation and other applicable laws;
- 5/ legislate and implement internal rules and procedures in accordance with this Proclamation;
- 6/ prepare and implement institutional plans, budget and organizational structures, and submit performance reports in accordance with this Proclamation;
- 7/ establish cooperation relations with industries and other institutions in pursuit of its mission;
- 8/ give recognition or award prizes or honorary degrees to persons of outstanding achievements or contributions to society;
- 9/ provide support to primary and secondary education and provide support and cooperate with preparatory and technical and vocational schools as may be appropriate;

- 10/ publish annual and multi-year statistics on educational input-and-output and financial incomes and expenditures as stipulated in this Proclamation;
- 11/ discharge other responsibilities provided for in this Proclamation and in its instrument of establishment.

**9. Status of Institutions**

Any institution may be established as an entity having the status of:

- 1/ university;
- 2/ university College;
- 3/ college;
- 4/ institute.

**10. Levels of Curriculum and Education**

Without prejudice to the provisions of this Proclamation on status of institutions and subject to senate decisions, curricula to be developed by any institution shall have programmes, as may be appropriate, leading to the award of:

- 1/ Bachelor Degree;
- 2/ Medical Doctor (MD) or Doctor of Veterinary Medicine (DVM) degree;
- 3/ Master's Degree (MA/MSc), or a Medical or other Professional Specialty;
- 4/ Doctorate (PhD) Degree or its equivalent; or
- 5/ any other degree that may be determined by the academic senate.

**11. Granting the Status of a University**

- 1/ An institution shall be granted the name and status of a university by the Ministry where:
  - a) it has a minimum enrollment capacity of 2,000 students in regular undergraduate and graduate programmes in at least three academic units larger than departments, or it has a minimum enrollment capacity of 2,000 students in regular undergraduate programmes in at least four academic units larger than departments;
  - b) it has a record of at least four consecutive classes of graduates in a degree programme if it has been rendering services of higher education after being accredited as a university college, college or institute;
  - c) it undertakes research in different appropriate fields, has published its research products and has facilitated means of dissemination of the research findings to end-users;

- d) it has a curriculum that match the national standards set by the Ministry, the necessary academic staff, institutional governing structures as provided for by this Proclamation, teaching materials, classrooms, libraries, laboratories, and other appropriate discipline-related facilities; and
  - e) it fulfills other minimum national standards set by the Ministry.
- 2/ Notwithstanding the provisions of sub-article (1) of this Article and without prejudice to Article 5 of this Proclamation, an institution may be established with the name and the status of a university if it is conceived as such and its resource provisions as well as its institutional plans and vision are such that it can, in the judgment of the Ministry, fulfill the requirements set forth under sub-article (1) of this Article in an acceptable time.
- 3) The Ministry shall determine the university status of an institution that offers a combination of regular and distance or virtual education or only distance and/or virtual education on the basis of, as the case may be, its own study or in accordance with international good practice.

## **12. Granting the Status of a University College**

- 1/ An institution that may be granted the name and status of a university college by the Ministry shall, in addition to the requirements stipulated under paragraphs (c), (d) and (e) of sub-article (1) of Article 11 of this Proclamation:
- a) have a minimum enrollment capacity of 2,000 undergraduate students in its regular degree programmes in three academic units larger than departments; and
  - b) have a record of at least three consecutive classes of graduates in a degree programme if it has been rendering services of higher education after being accredited as a college or an institute.
- 2/ Notwithstanding the provisions of sub-article (1) of this Article and without prejudice to Article 5 of this Proclamation, an institution may be established with the name and status of a university college if its resource provisions as well as institutional plans and vision are such that it can, in the judgment of the Ministry, fulfill the requirements set forth under sub-article (1) of this Article in an acceptable time.
- 3) The Ministry shall determine the university college status of an institution that offers a combination of regular and distance or virtual education or only distance and/or virtual education on the basis of, as the case may be, its own study or in accordance with international good practice.



**13. Granting the Status of a College**

An institution that shall be granted the name and status of a college by the Ministry shall, in addition to the requirements stipulated under paragraphs (d) and (e) of sub-article (1) of Article 11 of this Proclamation, offer higher education in degree programmes at least in one academic unit larger than departments.

**14. Granting the Status of an Institute**

An institution that shall be granted the name and status of an institute by the Ministry shall, in addition to the requirements stipulated under paragraphs (d) and (e) of sub-article (1) of Article 11 of this Proclamation:

- 1/ be able to give education and training at least in one field or discipline; and
- 2/ have a capacity in the discipline to offer education in a degree programme.

**15. Establishment of New Public Institution**

- 1/ Notwithstanding the provisions of Articles 11 and 12 of this Proclamation and without prejudice to other provisions of this Proclamation, a new public institution may be established as a university or a university college on the basis of decision by the Council of Ministers.
- 2/ The Ministry shall ensure that the new public institution meets all the requirements expected of its level.

**16. Academic Freedom**

- 1/ Academic freedom shall be guaranteed for every institution in pursuit of its mission and consistent with international good practice.
- 2/ Every institution shall, in the exercise of its academic freedom, cultivate the culture of social responsibility in its academic community.
- 3/ Every institution shall regulate the exercise of its academic freedom in accordance with this Proclamation and international good practice.

**17. Autonomy of Public Institutions**

- 1/ Every public institution is hereby granted the necessary autonomy in pursuit of its mission.
- 2/ Subject to the responsibilities of the Board and the Ministry as stipulated in this Proclamation, autonomy of public institutions shall also include to:
  - a) develop and implement relevant curricula and research programmes; create new or close existing programmes; set up its organizational structure and enact and implement its internal rules and procedures;

- b) consistent with other provisions of this Proclamation, select academic and other staff to be employed by the institution and designate or determine their responsibilities based on institutional requirements and expectations concerning performance and quality of work;
  - c) administer its staff based on the provisions of this Proclamation and the principles of other applicable laws;
  - d) nominate the president, vice presidents and members of the Board, and select and appoint leaders of academic units and departments as provided for by this Proclamation;
  - e) manage its funds and property on the basis of this Proclamation and other applicable laws and regulations.
- 3/ Every public institution shall exercise its autonomy in ways that, at the same time, ensure lawfulness, efficiency and effectiveness, transparency, fairness, and accountability.

**18. Autonomy of Academic Units of Public Institutions**

- 1/ Every institution shall have academic units with the minimum necessary hierarchical governance structures and with appropriate nomenclature that shall be based on reasonable and justifiably clustered disciplines or fields or branches of a discipline.
- 2/ Subject to rules, standards and procedures established by the institution, consistent with this Proclamation, academic units of a public institution shall have the necessary autonomy in administration and finance as well as in academic affairs.
- 3/ Presidents shall ensure that academic units are provided institutionally with the necessary support and enabling systems and resources to fulfill their responsibilities as autonomous units.

**19. Education Programmes**

- 1/ Unless specifically established otherwise, the core business of any institution shall be to offer education and training through regular programmes, conduct research, and render community services.
- 2/ Subject to demonstrable competence, any institution may also offer education and training through the following programmes:
  - a) continuing education;
  - b) distance or virtual education.
- 3/ Subject to demonstrable competence, any institution may also give short-term trainings for capacity building, or for imparting knowledge and skills in specific fields, and award appropriate certificates.

**20. Language of Instruction**

- 1/ The medium of instruction in any institution, except possibly in language studies other than the English language, shall be English.
- 2/ Notwithstanding the provisions of sub-article (1) of this Article, short-term trainings and preparation of teachers for primary schools and grades may be given in any appropriate languages.
- 3/ Education for students with complete hearing impairment shall be given in or supplemented by appropriate sign language.

**21. Curriculum**

- 1/ Curricular design, delivery, and assessment of learning outcomes in any institution shall aim at enabling the learner to acquire pertinent scientific knowledge, independent thinking skills, communication skills and professional values that together prepare him to become a competent professional.
- 2/ Every institution shall guide curricular development by its academic units through appropriate learning outcomes.
- 3/ Institutions shall have suitable framework that provide for purposeful curricular development; and shall ensure its implementation by academic units.
- 4/ Curricula common to any number of public institutions may be developed jointly through the participation of the public institutions responsible for their implementation; and such curricula shall serve as the minimum requirements applicable to any of the institutions.
- 5/ Without prejudice to national interests and relevance, every institution shall enjoy the liberty of developing and implementing curricula for all of its academic programmes, including concerning programmes for which nationally applicable curricula may be developed through joint efforts of institutions.
- 6/ Curriculumm delivery shall be research and study-based and up-to-date and the teaching-learning process shall be continuously updated in its design, delivery methods, and instruments of assessment.
- 7/ The Ministry may, without prejudice to the legitimate authority of the individual institutions, coordinate curricula development common to public institutions and issue directives as may be necessary to bring the provisions of this Article into operation.
- 8/ The Ministry may establish, whenever necessary, national panels or councils or a body to coordinate and monitor curricula review, development and implementation.

**22. Institutional Quality Enhancement**

- 1/ Without prejudice to other provisions of this Proclamation and the relevant regulations and directives, every institution shall have a satisfactory internal system for quality enhancement that shall be continuously improved.
- 2/ The internal system of quality enhancement of every institution shall provide for clear and comprehensive measures of quality covering professional development of academic staff, course contents, teaching-learning processes, student evaluation, assessment and grading systems, which shall also include student evaluation of course contents together with the methods and systems of delivery, assessment, examinations and grading.
- 3/ The quality enhancement system shall be applied to all processes of importance to the quality of study programmes, beginning with the information provided to potential applicants and ending with student evaluation upon completion of the course.
- 4/ Institutions shall develop quality standards, undertake academic audit on a periodic basis, follow-up and rectify the deficiencies revealed by the audit, and maintain appropriate documentation of the audit, activities undertaken and of the ensuing results, and submit such documentations regularly to the Agency.
- 5/ Institutions shall be responsible to give practical effect to appropriate recommendations by the Agency on quality enhancement measures that have to be taken.
- 6/ Details on institutional systems of quality enhancement shall be included in the internal regulations of institutions.
- 7/ The Ministry, the Centre, and the Agency shall also guide institutional quality enhancement efforts as well as curricula development through a national qualifications' framework that shall, as the case may be, determine or indicate core learning outcomes or graduate competencies.

**23. Academic Guidance and Counseling**

- 1/ Every institution, through its relevant units and academic staff, shall officially and properly inform students and applicants of the courses of study available, the content, structure, and requirements of each course.
- 2/ Every institution shall assist students throughout the duration of their courses of study by providing them with specialized academic advice and counseling relating to their studies.
- 3/ Academic units shall take remedial actions where academic advice and counseling reveal the need for special academic support and follow up.

- 4/ Institutions shall explore and establish as necessary a system of pre-admission counseling of students on study choice.

**24. Research and Research Directions**

- 1/ The focus of research in any institution shall be primarily on promoting the relevance and quality of education and on the country's developmental issues focusing on transfer of technology.
- 2/ Every institution shall define its core research areas and themes on the basis of the priority needs of the country, the institution's comparative advantages, and in consultation with the key stakeholders.
- 3/ More specifically, every institution shall undertake research that shall:
  - a) take into account the priority needs of the country and enable the country to solve its challenges and build its capacity through technology transfer;
  - b) equip students with basic knowledge and skills that enable them to undertake further and relevant studies and research.
- 4/ Every institution shall have an institutionalized system that enables it to carry out planned research and conduct joint research projects with other national and international institutions, research centres, and industries.
- 5/ Particulars on the organization, management, responsibilities, and procedures required to conduct research shall be determined by each institution.
- 6/ Every institution shall have a transparent system of research that deploys purposefully its academic staff as primarily teachers, researchers, or combinations thereof on the basis of its research agenda and plan, demonstrable merit, and practicality, and with stipulations clarifying debated areas.
- 7/ Without prejudice to sub-article (6) of this Article, every institution shall ensure that all and everyone of its academic staff are engaged in study activities based on literature or research focusing on developmental issues.
- 8/ Every institution shall issue rules and procedures on research and consultancy standards, code of professional ethics, norms, responsibilities that shall govern its operations and the activities of its academic staff within 300 days from the effective date of this Proclamation, and in case of a new institution, within a year from the date of its establishment.

**25. Research and Innovation Fund**

- 1/ Every institution shall establish research and innovation fund.

- 2/ Every institution shall give priority in allocating budget and provision of other supports for research focusing on technology transfer and innovation.
- 3/ Without prejudice to the provisions of sub-article (2) of this Article, any institution may conduct research in the priority areas using incomes from non-public sources; and it shall ensure that all such funds as well as public funds allocated specifically for research are utilized with efficiency and efficacy.
- 4/ Every institution shall have a transparent system of research fund management and utilization.
- 5/ Any institution or any of its academic staff may enter into joint research and receive research funds from external and foreign sources if the research falls within the research standard, code of professional ethics, and norms of the institution as shall be stipulated in accordance with sub-article (8) of Article 24 of this Proclamation.

**26. Consultancy and other Supplementary Activities**

- 1/ Institutions may perform consultancy or other supplementary activities in areas related to their competence.
- 2/ Public institutions shall ensure that undertaking of consultancy or other supplementary activities by academic staff shall not in any way compromise the quality, extent, and availability of activities for the implementation of which the public institutions are established.
- 3/ Public institutions shall ensure that undertaking of supplementary activities by academic or other staff does not erode their mission, or their legal and ethical standards and foundations.
- 4/ Every public institution shall issue detail directives to regulate consultancy services or other supplementary activities rendered by its academic staff within one year from the effective date of this Proclamation, and in case of a new institution, within two years from the date of its establishment.
- 5/ Every institution shall have the responsibility to forge relations with industries for mutual benefits and on the basis of principled and transparent negotiations and agreements.
- 6/ Without prejudice to individual intellectual property rights and agreements on confidentiality, every institution shall have the responsibility to put at the service of the wider community the knowledge and skills that have hitherto been utilized only for academic purposes.
- 7/ Institutions shall use the results of the consultancy services as one source to deliver informed academic services and to enrich teaching and learning.
- 8/ Any non-compliance by any academic staff with the directives referred to in sub-articles (4) of this Article shall constitute sufficient ground for

disciplinary action against the violator in accordance with the institutions disciplinary rules, if the violator persists in his violations after the first instance official warning by an appropriate person of the institution.

- 9/ Any immediate supervisor or any other pertinent official who is aware of any violation of the provisions of this Article shall have the responsibility to stop it through due process; and shall be liable to appropriate disciplinary action if he neglects his responsibility.

**27. Access to Information**

- 1/ Institutions shall establish efficient systems for statistical data collection and information exchange among themselves, their units, and with the Ministry.
- 2/ Institutions shall publish accurate, detailed, and comprehensive annual educational and financial statistical data. The statistical data shall be published, except in circumstances of force majeure, within 120 days after the end of an academic year.
- 3/ Without prejudice to legal restrictions, governmental and non-governmental organizations shall have the responsibility, upon request, to cooperate in providing the necessary information to academic staff or students who undertake research.

**28. Academic Calendar and Fiscal Year**

- 1/ The minimum standard of an academic year of regular programmes in institutions shall be 300 calendar days, divided equally into appropriate semesters.
- 2/ The senate of every institution shall determine the actual academic year in accordance with the provisions of sub-article (1) of this Article.
- 3/ The fiscal year of every public institution shall be the fiscal year of the Government.

**SECTION TWO**

**STAFF OF INSTITUTIONS**

**29. Category of Staff**

Any institution shall have:

- 1/ academic staff;
- 2/ technical support staff;
- 3/ administrative support staff;

4/ professionals in teaching hospitals, as may be appropriate.

### **30. Academic Staff**

- 1/ Any institution may have the following academic staff:
  - a) professors, associate professors, assistant professors, lecturers, assistant lecturers and, under unique circumstances or conditions of transition, graduate assistants employed for teaching and/or research;
  - b) other employees of the institution considered academic staff by decision of the senate following international good practice and the provisions of the institution's internal regulations.
- 2/ Every institution shall institute rules and procedures on employment and promotion of its academic staff, consistent with international good practices.
- 3/ Notwithstanding the provisions of sub-article (2) of this Article, graduates with bachelor degrees may be employed as regular academic staff in government institutions only on the basis of directives to be issued by the Ministry.
- 4/ Every institution shall ensure adequate supply of academic staff in quality as well as in numbers. The size of academic staff in an institution shall be based on staff-to-student ratios and additional research requirements that shall be determined by the institution.
- 5/ There shall be national standards for teaching and research loads applicable in all public institutions. The standard loads shall be formulated by the forum of public universities and be implemented upon recommendation by the respective Boards and approval by the Ministry. The Ministry may decide to apply the standards on private institutions.
- 6/ The Ministry shall issue, from time to time, minimum academic staff ratios with regard to educational qualifications and professional ranks, which shall be complied with by every institution.
- 7/ Any public institution endowed with better postgraduate programme resources shall assist, free of tuition charges and as a matter of national priority, in the academic staff development of less so endowed public institutions.
- 8/ Without prejudice to other pertinent laws, any applicant to an academic position in an institution shall be considered for employment only if he produces a letter of release from his last employer.
- 9/ Without prejudice to other applicable laws, any academic staff who has been dismissed for disciplinary reasons may be employed in another institution only after a proper review and scrutiny of his prior history, the nature of the disciplinary offence that caused his dismissal and his



situation after the dismissal, and upon the prior approval by the senate of the institution.

- 10/ Every institution shall have, as may be appropriate, the obligations to implement the provisions of this Article.

### **31. Rights of Academic Staff**

- 1/ Without prejudice to other provisions of this Proclamation, every academic staff shall have the right to:
- a) exercise academic freedom consistent with the institution's mission;
  - b) conduct research and render consultancy services in accordance with internal regulations of the institution; and take sabbatical and research leaves to conduct research and studies beneficial to the institution and the country, in accordance with internal regulations of the institution;
  - c) be entitled to further education and training for professional development, subject to internal rules and regulations of the institution;
  - d) be promoted and assume new academic rank on the basis of merit in accordance with the institution's rules and regulations and in accordance with national norms and standards the Ministry may issue as necessary;
  - e) enjoy transparent, fair, and equitable administration and system of remuneration and benefits that shall be instituted by Government as the economic condition of the country may permit or as the income of a private institution may permit;
  - f) participate, as feasible, in formulations of institutional direction, plans, regulations, and in curricula development and make comments on the quality and appropriateness of the teaching-learning process;
  - g) be informed on his performance results and of any records kept in his personal file without his prior knowledge as well as enjoy confidential maintenance of information in his personal file except for the official business of the institution or the provisions of pertinent laws require otherwise;
  - h) enjoy campus security for himself and for his personal property while rendering the proper services;
  - i) be informed on the plan, development, direction, condition and performance of the institution;
  - j) elect and be elected where election of academic staff is the norm;

- k) receive due process in disciplinary matters and demand and receive redress in cases of injurious decisions.
- 2/ Every institution shall formulate rules and procedures on all matters of rights of its academic staff and adopt and implement same after having them duly debated through participatory processes.

**32. Responsibilities of Academic Staff**

- 1/ Every academic staff member of an institution shall have the responsibilities to:
- a) teach, including assisting students in need of special support, and render academic guidance or counseling and community services;
  - b) undertake problem-solving studies and researches and transfer technology, in the specific area of self-competence and professional position, that are beneficial to the country; or at least ensure that own teaching is research and study-based and continuously updated;
  - c) participate in curriculum development, review, and enhancement; and achieve the required professional standard in curriculum delivery, student assessment, grading and counseling, and in management of student complaints and grievances, and in professional ethical standards in general;
  - d) uphold, respect and practice the objectives of higher education and the guiding values of the institution; and exercise academic freedom with professionalism and consistent with the applicable provisions of this Proclamation;
  - e) counsel, assist and support students in acquainting themselves with the mission and guiding values of the institution as well as with the objectives of higher education;
  - f) devote his full working time to the institution;
  - g) refrain from imposing his political views and religious beliefs on his students during teaching-learning process;
  - h) treat and interact with members of the institution's community by refraining from acts that are contrary to rights enshrined in the Constitution;
  - i) perform other additional responsibilities that may be provided for by the senate statutes, establishing legislation, or memorandum of association of the institution.
- 2/ Academic staff who are medical and health professionals shall have also the responsibility to render health services in the institution's teaching hospital.

- 3/ Institutions shall draw up, through participation of the academic staff, and implement rules and procedures of discipline of academic staff which shall be consistent with the provisions of this Article and other relevant provisions of this Proclamation.
- 4/ Every institution shall formulate and implement the rules and procedures of discipline referred to in sub-article (3) of this Article within 300 days from the effective date of this Proclamation or, in case of a new institution, within 300 days from the date of its establishment.

**33. Employment Tenure and Extension of Retirement Age of Academic Staff**

- 1/ An academic staff may have tenured employment, which shall constitute a privilege and an incentive for professional excellence; and an academic staff shall attain tenured employment through service and scholarly contribution in teaching and/or research or institutional leadership.
- 2/ A tenured academic staff shall have job security, and may not be dismissed from his position unless he has committed a serious breach of discipline as stipulated by the senate statutes of the public institution.
- 3/ Professors or associate professors who meet the requirements of sub-article (1) of this Article may, upon retirement, be given the rank and status of professor emeritus or associate professor emeritus in accordance with the provisions of the senate statutes of an institution.
- 4/ The retirement age of an academic staff of a public institution may be extended by the Ministry, for two consecutive sets of terms of three years each, where:
  - a) the staff holds a Master's Degree or above, remains in good health and has a meritorious continuous service;
  - b) the institution reasonably justified, on the basis of actual and projected demand, the need to extend the retirement age;
  - c) the staff has freely consented to extension of the retirement age.
- 5/ The Ministry shall issue directives for the implementation of the provisions of this Article.

**34. Joint Appointment**

- 1/ Joint appointment of academic staff shall apply in circumstances when it shall prove an efficacious solution for an institution's challenge to ensure the relevance and quality of education as well as to meet demand of academic staff; and it shall be restricted in application to an institution's professionals with Master's degree and above and to professionals with high degree of relevant expertise from industry, business, research establishments and other organizations.

- 2/ Without prejudice to other provisions of this Proclamation and other applicable laws, an academic staff or a government employee, may be employed, with his consent and the consent of his institution or organization, on a joint appointment basis if he has the required capability to do so. Where there is scarcity of qualified experts in some fields, institutions and organizations shall co-operate with one another for the joint employment of an academic staff or a government employee.
- 3/ Issues of importance to the joint appointee and the concerned employers such as status, duration of appointment, remuneration and other benefits, the tasks to be achieved and the apportionment of working time shall be negotiated and agreed by the parties within the framework of rules and procedures enacted by the concerned senate.
- 4/ The provisions of this Article shall not be construed to entitle an academic staff of a public institution or a government employee to be jointly appointed in a private institution.
- 5/ Without prejudice to the provisions of sub-article (3) of this Article, the Ministry shall, within a year from the effective date of this Proclamation, issue a standard guideline to assist institutions develop their own rules and procedures.

### **35. Administrative and Technical Support Staff**

- 1/ Administrative and technical support staff of public institutions shall be governed by policies and directives issued by the Board of the institution in accordance with sub-article (3) of Article 36 and sub-article 1(j) of Article 44 of this Proclamation.
- 2/ Non-academic professionals and the technical staff employed in teaching hospitals shall also be governed by policies and directives issued under sub-article (1) of this Article; provided however, that their remuneration system shall be consistent with standards applicable to the public health sector.
- 3/ Public institutions shall ensure that their administrative and technical support staff meet the required level of competence and that they are not in excess of the optimum number.
- 4/ The government shall ensure that its budgetary appropriations to public institutions are made to meet only the optimum number of administrative and technical support staff.
- 5/ The Centre together with the public institutions shall, within one year from the effective date of this Proclamation, establish standard ratios that shall be applicable in determining the optimum number of administrative and technical support staff of a public institution.

- 6/ Every public institution shall ensure slim organization and frugal employment of support staff to conduce for the application of the provisions of sub-articles (3) and (4) of this Article.
- 7/ Public institutions shall adjust their staff ratios within one year from the effective date of the standard ratios to be established pursuant to sub-article (5) of this Article.

**36. Rights and Responsibilities of Support Staff**

- 1/ Support staff of public institutions shall be entitled to good governance in accordance with the applicable principles provided for by civil service law.
- 2/ Every institution shall formulate rules and procedures on all matters of importance to its support staff and have them validated through participatory processes before adoption.
- 3/ Based on the principles of the applicable civil service law, the Board of a public institution may issue detail rules and procedures regulating the administration of the institution's support staff.
- 4/ Every support staff of an institution shall have the responsibility to respect applicable laws and institutional directives as well as conform in his practice to the objectives of higher education and the guiding values of the institution as applicable.

**SECTION THREE**

**STUDENTS OF INSTITUTIONS**

**37. Rights of Students**

- 1/ Without prejudice to other provisions of this Proclamation and other applicable laws, students of any institution shall have the right to:
  - a) free inquiry in pursuit of truth and freedom of expression of ideas and thoughts in the process of learning and conducting research;
  - b) have appropriate opportunities and conditions to learn in classrooms, campuses and in the larger community;
  - c) protection of their constitutional human rights, personal safety, and security of their personal property on campus;
  - d) be free to express orderly their views on issues of institutional policy;
  - e) receive institutional legal protection from any form of discrimination or harassment;

- f) be entitled to equitable and fair treatment in all respects of the teacher-student relationship and to an environment conducive to stimulate learning;
  - g) be evaluated solely on academic basis consistent with norms provided for by this Proclamation and the institution's academic standards, and receive redress against capricious evaluation;
  - h) participate in a transparent system of performance evaluation of academic staff and academic programmes;
  - i) enjoy the benefits of a carefully considered policy of confidentiality regarding the information that should be part of their permanent educational record and as to the conditions of its disclosure;
  - j) join the institution's student union, which shall be founded on the principle of universality of membership in accordance with the pertinent laws so as to promote and protect lawfully their common interests;
  - k) obtain access to facilities of the institution through their union in accordance with the rules and procedures of the institution;
  - l) participate, through their union or representatives, in the sessions of the institution's governing bodies in accordance with the provisions of this Proclamation, the provisions of the establishing law of the institution and directives issued by the Board;
  - m) use, under the leadership and guidance of the student union and with the attendant responsibilities, communications media on campus to provide a forum for the free exchange of ideas and to present news, opinion and editorial comments;
  - n) benefit from the cost-sharing system and receive guidance and counseling services in accordance with this Proclamation.
- 2/ Every institution shall have the responsibility to develop and implement rules and procedures that shall safeguard the rights of students stipulated under sub-article (1) of this Article. The rules and procedures shall be developed in accordance with this Proclamation and on the basis of consensus built through the participation of the academic community.

### **38. Responsibilities of Students**

- 1/ Without prejudice to other provisions of this Proclamation and other applicable laws, any student of an institution shall have the responsibilities to:
  - a) attend classes properly and respect the indivisible authority of any academic staff in the leadership and management of the teaching-learning process;

- b) maintain standards of academic performance established for each course in which he is enrolled;
  - c) know and uphold the objectives of higher education and the guiding values of the institution;
  - d) respect, in classroom or anywhere in the premises of the institution, the rights of other persons protected by law;
  - e) observe the applicable provisions of this Proclamation and the rules of the institution which are consistent with this Proclamation;
  - f) interact with academic and other staff and any other student of the institution with due respect to their Constitutional rights;
  - g) refrain from any unlawful act and from any unethical activities;
  - h) remonstrate and seek redress peacefully and through legal avenues in the event student interests, be it individual or collective, are at stake, and exhaust all institutional avenues of redress;
  - i) use and handle the properties of the institution with due care and be held accountable for any damage caused to the property of the institution due to intentional or negligent misuse or destruction;
  - j) effect payment of fees applicable in accordance with the provisions of this Proclamation for services that has been provided by the institution;
- 2/ Every institution shall have the duty to adopt a code of conduct governing students' behavior and appropriate disciplinary procedures.

### **39. Admissions of Students**

- 1/ Admissions to undergraduate programmes of any institution from preparatory schools shall be based on completion of the preparatory programme and obtaining the necessary pass marks in the Ethiopian University Entrance Examination (EUEE). Admissions may also be granted to students completing their secondary education in foreign countries on the basis of equivalent academic achievements that shall be determined by the Ministry.
- 2/ The Ministry shall administer the EUEE and decide on eligibility for admissions to any institution.
- 3/ Without prejudice to other provisions of this Article and this Proclamation and other applicable laws, every institution shall admit:
  - a) for undergraduate studies, graduates of preparatory schools who pass the EUEE and graduates of foreign school systems with equivalent level as determined by the Ministry;
  - b) for second degree-level graduate studies, candidates who have completed their undergraduate studies with the academic results

required by the institution; or, for doctoral programmes, candidates who have second-level degrees and the academic results required by the institution;

- c) technical and vocational education and training graduates with pertinent qualifications and who satisfy entrance qualifications assessment set by the institution, with the right to participate in the assessment being limited to those who qualify on the basis of merit-based directives to be issued by the Ministry.
- 4/ Notwithstanding the provisions of sub-articles (1) and 3(a) of this Article there shall be special admissions procedures for citizens that deserve affirmative action that shall be determined by regulations of the Council of Ministers and implemented in accordance with directives of the Ministry issued hereunder.
- 5/ A public institution may admit **adults** under special admissions procedures to be issued pursuant to the establishment regulations of the institution and as the institution's senate may determine; and the Ministry may extend the applicability of this provision to private institutions as circumstances may permit.
- 6) The Ministry shall consult the public institutions concerning student placement so long as the current centralized placement of students in public institutions shall continue. As and when direct selection of students for admission by public institutions becomes feasible and desirable, the Ministry shall limit itself to administering the EUEE, deciding on pass marks and eligibility for admission, including entitlement to affirmative action, monitoring the admission process and ensuring compliance by institutions to its directives.

#### **40. Physically Challenged Students**

- 1/ Institutions shall make, to the extent possible, their facilities and programmes amenable to use with relative ease by physically challenged students.
- 2/ Institutions shall, to the extent that situations and resources permit, relocate classes, develop alternative testing procedures, and provide different educational auxiliary aids in the interest of students with physical challenges.
- 3/ Building designs, campus physical landscape, computers and other infrastructures of institutions shall take into account the interests of physically challenged students.
- 4/ Institutions shall ensure that students with physical challenges get to the extent necessary and feasible academic assistance, including tutorial sessions, exam time extensions and deadline extensions.



**41. Quality of Teaching-Learning and Assessment of Students**

- 1/ The teaching and learning process in any institution shall, whatever the methods of delivery employed, promote active learning.
- 2/ The teaching and learning conditions in any institution shall, as far as practicable, create in-class and on-campus enabling environment and stimulating atmosphere for students to learn.
- 3/ The designing of courses and their delivery shall be such that the courses shall cultivate the knowledge and skills students already have, cultivate constructive professional values, and bring about positive attitudinal development in students at the end of the courses.
- 4/ Students shall be assessed on the basis of their learning experience; and the marking system shall be reflective of the competences achieved by students.
- 5/ There shall be institutionally recognized student assessment and examination methods and systems at academic unit levels to which any academic staff shall adhere, and have been made known to students.
- 6/ There shall be adequate structures, at the necessary levels of the pertinent academic units, which shall constitute leading authorities at any of the levels on student assessments, examinations and grading of results.
- 7/ Student complaints against assessment methods, examinations, grading systems or results thereof shall be handled with due attention at the appropriate institutional levels.
- 8/ Academic staff shall receive on-job and tailor-made professional training on student assessment theories and skills; and successful application of assessment skills as well as teaching shall constitute a critical prerequisite for continuity of employment and promotions.
- 9/ Rules and procedures governing teaching methods and assessment, grading and determining academic status of students shall be provided in the senate statutes of every institution and shall be further elaborated in guidelines issued by the appropriate academic units.

**PART THREE**  
**PUBLIC INSTITUTIONS**

**SECTION ONE**  
**GOVERNANCE AND INTERNAL STRUCTURES**

**42. Organization of Public Institutions**

- 1/ Without prejudice to other provisions of this Proclamation, every public institution shall have:
  - a) governing and advisory bodies.

- b) academic units;
  - c) governing body of teaching hospital, as may be relevant;
  - d) administrative and technical support units;
  - e) office and other facilities necessary for undertaking properly its activities.
- 2/ The establishment of academic units in accordance with this Proclamation shall be determined on the basis of relevance and quality of education and research as well as on cooperative, efficient and effective use of resources.
  - 3/ Every academic unit of an institution established pursuant to sub-article (2) of this Article shall have a system of governance that shall be devised by the president, debated by the managing council, the university council and the senate, and approved by the Board. Such system shall consist of governing and managing bodies, their responsibilities, and rules and procedures of leadership and management.
  - 4/ Notwithstanding other provisions of this Proclamation, a public institution may reorganize itself, in part or in full, differently in accordance with international good practice, with the sole purpose of more effective performance in the fulfillment of its mission and subject to approval by the Board and endorsement by the Ministry.
  - 5/ Except as may be directed otherwise by the Ministry, in the event any public institution finds it necessary to reorganize itself as provided in sub-article (4) of this Article, the president shall submit to the Board an exhaustive proposal discussed by the managing council, the university council, the senate, and by unions of students and teachers of the institution.

#### **43. Governing and Advisory Bodies**

- 1/ Governing and advisory bodies of a public institution shall consist of:
  - a) Board;
  - b) president;
  - c) senate;
  - d) managing council;
  - e) university council;
  - f) academic unit council;
  - g) academic unit managing council;
  - h) department assembly;
  - i) advisory or specialized committees or councils that may be established by the Board, senate or university council.

- 2/ Notwithstanding the provisions of sub-article (1) of this Article, the structures and nomenclature of governing and advisory bodies of a public institution may be modified by its Board upon advice by the president in accordance with sub-articles (3), (4), and (5) of Article 42 of this Proclamation.
- 3/ The composition, constitution, responsibilities, and decision-making process of governing bodies of academic units under paragraphs (f) to (h) of sub-article (1) of this Article shall be determined in accordance with Article 42(3) of this Proclamation.

**44. Responsibilities of the Board**

- 1/ The Board of a public institution shall be the supreme governing body of the institution and it shall have the responsibilities to:
  - a) supervise and ensure that the institution implements the provisions of this Proclamation and that good governance prevails in the institution;
  - b) without prejudice to other provisions of this Proclamation, examine, approve and follow up the implementation of proposals of institutional reorganization, organizational plans, policies, administration and academic programmes and internal regulations of the institution;
  - c) issue directives, upon the advice of the president, regarding qualification requirements and procedures of nomination and appointment procedures and terms of office of the vice presidents and other academic officers; and monitor the propriety of implementation of same;
  - d) nominate the candidate president and recommend for appointment to the Ministry and appoint the vice presidents on the basis of nominations made by the president;
  - e) take, without prejudice to the applicability of other relevant laws, any disciplinary action, including removal from office, against any of the vice presidents, and in the case of the president in consultation with the Ministry, in the event of serious failure to discharge his responsibility;
  - f) appoint auditors of the institution and determine their remunerations;
  - g) review and submit strategic plans, annual plans and budgets of the institution and supervise their implementation; approve and submit performance reports and financial statements of the institution;

- h) monitor and ensure that the institution keeps proper books of accounts of all its mainstream and sundry incomes and that all expenditures are as budgeted;
- i) take remedial measures within its own competence and report promptly to the Ministry in the event of serious breaches of the law by the institution's other governing bodies or in the event the danger of serious financial loss is suspected or has actually happened;
- j) cause, as necessary, the formulation of and approve policies regarding employment, promotion, discipline, salary, allowances, and other benefits for the administrative and technical support staff of the public institution on the basis of the basic principles of the federal civil service laws;
- k) request and obtain information on matters concerning the institution and report same if particularly important to the Ministry;
- l) submit proposal as may be necessary to the Ministry for the amendment of the law establishing the public institution as well as advise it on all matters of importance to higher education and research generally and for institution governance particularly as perceived from its position as Board of an institution;
- m) examine and give final decision on grievances against decision by the public institution;
- n) monitor, without prejudice to the provisions of paragraph (m) of this sub-article, that the institution has an adequate institutional system to expeditiously receive and redress grievances;
- o) conduct, on the basis of the president's report, performance evaluations of the institution, of its constituents, and of its leaders and governing bodies against plans;
- p) monitor the implementation of senate legislations and decisions;
- q) rescind decisions made by the president or the senate when the decisions compromise institutional mission or contravene government policy, this Proclamation, or the Constitution;
- r) issue its own rules of procedure and internal regulations, as well as rules of discipline applicable to its members;
- s) approve promotions to the rank of professorship;
- t) determine upon advice by the president the type and amount of different fees relating to education charged by the public institution and, on the basis of decisions by the Council of Ministers and the institution's income, decide on payable allowances, overload rates and other similar sundry rates.

- u) oversee the proper constitution and functioning of the senate, university council, and the managing council; and establish, as it may consider necessary and upon the advice of the president, any particular advisory council accountable to the president;
  - v) carry out such other responsibilities as provided for by other provisions of this Proclamation and by the establishing law of the public institution.
- 2/ The Board shall be accountable to the Ministry or, in case of an institution under a state, to the appropriate organ of the state government.
  - 3/ The Board's chairperson of a federal public institution shall be appointed by the Minister; and shall have the responsibility to ensure that the Board discharges effectively its responsibilities.
  - 3/ Benefits due to the members of Board of a federal institution shall be determined by the Ministry and covered by the institution, with due regard to the ability of the institution.

**45. Composition and Quorum of the Board**

- 1/ The Board shall be composed of seven voting members, including the chairperson; and selection of members shall give due regard to merit-based gender balance.
- 2/ The Minister shall select and appoint the board chairperson and three additional voting members to the Board.
- 3/ The president, in consultation with the university council and the senate, shall nominate three other voting members of the Board and submit their list for appointment to the Minister.
- 4/ The president of the institution shall be a non-voting member and secretary of the Board.
- 5/ The members to be nominated pursuant to sub-article (2) and (3) of this Article shall be past or present holders of responsible positions and notable personalities especially in teaching or research and in integrity, or be representatives of the customers of the products and services of the institution and whose exceptional knowledge, experience and commitment are such as to enable them to contribute to the attainment of the mission of the institution and the objectives of higher education generally.
- 6/ The Board at its discretion may invite any resource persons to any of its sessions.
- 7/ The Board shall have a quorum when five of the voting members attend; provided however, that in the event that it proves difficult for five members to attend under certain circumstances, the Board shall conduct its sessions with a quorum of four voting members. The Board shall specify

in its rules of procedures the circumstances under which this provision may apply.

- 8/ In the event the chairperson may not attend a scheduled session, the attending members shall choose a chairperson from among the attending members for that particular session and execute the session's agenda.
- 9/ The Board shall resolve matters by a simple majority vote.

**46. Regular Sessions of the Board**

- 1/ The Board shall conduct three to four regular sessions in a year. The sessions shall be spread in such a manner as to enable it to give strategic leadership and influence preparations of plans and budgets as well as plan implementation by the institution.
- 2/ Without prejudice to sub-article (1) of this Article, the Board may hold extra-ordinary sessions at the request of its chairperson or one-third of its voting members.
- 3/ The president may cause through the chairperson extraordinary sessions to be held and shall generally ensure that all Board sessions are well-prepared for, regularly held, properly documented, and that the documentation is kept in order, and the results are effectively communicated as directed by the Board.

**47. Termination of Board Membership**

Membership of the Board may be terminated by:

- 1/ expiry of the term of office, as may be determined by the Ministry;
- 2/ resignation;
- 3/ illness, death or conviction of serious criminal offence;
- 4/ exclusion by the Ministry on grounds of severe misconduct, incompetence, or serious failure or inability to attend Board sessions;
- 5/ decision by the Ministry to reform the Board in whole or in part.

**48. Performance Self-Evaluation of the Board**

- 1/ The Board shall conduct its own performance evaluation with the purpose of drawing lessons to improve continuously its leadership.
- 2/ Performance evaluation of the Board shall be conducted in a closed meeting of the voting members, with the president of the institution attending and contributing to the evaluations.

- 3/ The Board chairperson shall submit regularly the results of the evaluation to the Ministry. The Ministry and Board chairpersons shall also hold biannual joint forums.
- 4/ The Board shall determine when and how to conduct its performance evaluations; provided however, that it shall have annually at least one monitoring evaluation and one summative evaluation.

**49. The Senate**

The senate, being the leading body of the institution for academic matters and without prejudice to the responsibilities of the Board, shall have the responsibilities to:

- 1/ determine the academic calendar of the institution;
- 2/ accredit academic programmes and their curricula and supervise academic units to ensure the relevance and quality of education and research;
- 3/ legislate and ensure proper implementation of the institution's statutes related to all academic and research matters in accordance with this proclamation;
- 4/ determine conditions on which degrees are awarded or revoked;
- 5/ determine an institution-wide framework for quality enhancement and student assessment;
- 6/ advise the president, upon request, on appointments of academic heads;
- 7/ recommend to the Board promotions of academic staff to the rank of professor and promote academic staff to the rank of associate professor;
- 8/ approve nominations by academic units for employment of academic staff with the rank of professor;
- 9/ decide on the type, number, membership, and responsibilities of its specialized committees;
- 10/ award honorary degrees and other academic prizes to persons with outstanding achievements meriting recognition by the institution, upon request by the president;
- 11/ examine and approve recommendations by the president in respect of opening, closure, merger or change of name of academic units under the public institution.
- 12/ perform other responsibilities which may be given to it in the establishing law of the institution or may be referred to it by the president.

**50. Members of the Senate**

- 1/ Membership and the number of members of the senate and their terms of office shall be determined by the establishing law of the public institution.

- 2/ Notwithstanding the provisions of sub-article (1) of this Article, at least the majority of the members of the senate shall be meritorious and senior members of the academic staff appointed by the president.
- 3/ The president shall chair the senate and ensure that the institution's academic community is appropriately represented in its membership.
- 4/ Notwithstanding the provisions of this Article, the Board of a public institution may, upon advice by the president, change or modify senate membership and terms of office, as necessary and consistent with good practice, but solely to ensure that it shall be fit for purpose.

**51. Sessions of the Senate**

- 1/ The senate shall determine its regular and extraordinary sessions in its own rules of procedure and internal regulations, which shall also include disciplinary rules of its members.
- 2/ Notwithstanding the provisions under sub-article (1) of this Article, the senate may hold continuous sessions upon request by the president.
- 3/ The senate may hold extraordinary sessions upon the request of the president, the Board or one-third of its members.
- 4/ The president shall ensure that senate sessions are well-facilitated and prepared for, properly documented and the documentation kept in order, and are exhaustive in the discussion of issues; and that senate decisions are properly communicated and implemented.
- 5/ The senate shall have a quorum when more than half of its members attend and shall make decisions by simple majority votes, and in case of a tie, the chairperson shall have a casting vote.
- 6/ The senate, consistent with its mandate, shall devote some of its sessions to evaluations of the academic performance of the academic units, of its committees, and its own performance; and the results of the evaluations shall be duly communicated by the president to the Board.
- 7/ The senate at its discretion may invite resource persons it deems necessary to any of its sessions.

**52. Appointment and Performance Evaluation of President and Vice Presidents of a Public Institution**

- 1/ The president shall be appointed by the Minister or by the head of the appropriate state organ, as the case may be, from a short list of nominees provided by the Board in accordance with sub-article 1(d) of Article 44 of this Proclamation.
- 2/ The position of the president shall be publicly advertised by a body designated by the Board.



- 3/ The vice presidents of a public institution shall be appointed based on merit and through competition by the Board in accordance with sub-article 1(c) and (d) of Article 44 of this Proclamation.
- 4/ The candidate president and vice president of a public institution shall have, among others, commendable academic leadership and managerial ability as well as demonstrable commitment to institutional change and development and to the Constitution and government policies.
- 5/ Without prejudice to the provisions of sub-article (4) of this Article, further particulars of requirements and procedures of competition and selection shall be determined by the law establishing the institution and by the Board.
- 6/ The terms of office of the president of a public institution shall be six years and of the vice president four years; provided however, that and without prejudice to other provisions of this Proclamation, they may be repeatedly reappointed.
- 7/ The Board shall make monitoring reviews on the performance of the president and vice presidents bi-annually and comprehensive in-depth reviews every three years in the presence and with the participation of the president and the vice presidents.
- 9/ No person shall hold the position of acting president or acting vice-president for a period of more than 180 days.

**53. Responsibilities of the President of a Public Institution**

- 1/ The President of a public institution shall be the chief executive officer of the institution and, without prejudice to the responsibilities of the Board, shall have the responsibilities to:
  - a) direct and administer the public institution with the aim of ensuring the achievement of its mission;
  - b) ensure that organs of the institution and its community uphold the objectives of higher education and guiding values of the institution;
  - c) ensure that the provisions of this Proclamation and of other laws applicable to the institution are respected;
  - d) ensure that the institution, in accordance with its enrollment capacity, prepares graduates with competence and professional mix consistent with the needs of the country;
  - e) create and continuously build a conducive institutional environment stimulating learning and research;
  - f) ensure that the institution's research and consultancy activities focus on national priorities;

- g) ensure that the institution in the pursuit of its mission is perpetually connected internationally as well as with national and local institutions, relevant agencies and business and industry, and associations;
- h) ensure that the institution always keeps abreast national and international developments and positions itself to respond effectively to the country's needs in education, training, research, consultancy and community services;
- i) ensure that the institution has a capable system of internal leadership and management;
- j) design and implement, upon ultimate approval by the Board, nomination and appointment systems of officers and academic heads;
- k) determine and implement, upon approval by the senate and the Board, academic unit-and-department level governing bodies and structures guided by the principles of relevance and quality of education and research, autonomy, efficacy and efficiency of service delivery;
- l) ensure that employment and official positions are achieved through competition and that removal from office is based on performance evaluation, disciplinary matters and end of tenure of office alone.
- m) ensure that policies, directives and procedures of the institution are designed in conformity with pertinent laws and government policies;
- n) develop and implement institutional standard measures and ensure that the academic and administrative operations of the institution are on the basis of the standards;
- o) ensure that the institution maintains a healthy balance of income and expenditure and proper books of accounts of all incomes and expenditures;
- p) ensure that Board and senate sessions as well as of those other leadership bodies such as the managing council and the university council are well-prepared for and held regularly;
- q) resolve by peaceful and legal means all intra-institutional disputes and disputes with third parties, in pursuit of the institution's mission and best interests;
- r) ensure that all fundamental operations and substantive transactions of the institution are appropriately documented in text and data form as appropriate and that the information is, without prejudice to institutional interests, appropriately and readily accessible to end-users;

- s) prepare institutional plans, budget, organizational structures and directives, and ensure their implementation upon approval;
  - t) inform periodically the Board, government and the public about the state of the institution;
  - u) build and maintain a reliable safety and security system that protects life and property in the premises of the institution;
  - v) represent the institution in all its dealings with third parties;
  - w) open and operate bank accounts in the name of the institution;
  - x) delegate, as may be necessary, his powers and responsibilities to the vice presidents and appropriate heads of academic units;
  - y) ensure that his foreign travels are of value to the institution and planned;
  - z) discharge such other responsibilities as may be given to him by the establishing law of the institution and by the Board.
- 2/ The President shall devote his full working time to the requirements of his office; and shall be remunerated appropriately for his services in the form of basic salary and other benefits.
- 3/ In the case of absence from duty, the president shall delegate, as a standard practice, the academic vice president on his behalf and, in the case of simultaneous absence of the said vice president, any of the other vice presidents.

**54. Responsibilities of Vice President of a Public Institution**

- 1/ The vice-president of a public institution, in addition to those responsibilities given to him under the establishing law of the institution, shall have the responsibilities to:
- a) advise, assist and support the president in the exercise of his responsibilities;
  - b) exercise the responsibilities the president may entrust to him.
- 2/ Any public institution may have as many vice presidents as the Board determines in consultation with, as the case may be, the Ministry or the state organ.
- 3/ Vice presidents shall devote most of the time to the requirements of their offices and shall be remunerated appropriately for their services in the form of basic salary and other benefits.
- 4/ There shall not be associate vice presidents in any public institution.

**55. Termination of Service of the President and Vice President**

- 1/ The president or vice president of a public institution may be relieved of his responsibilities by:
  - a) resignation;
  - b) release on grounds of criminal indictment, incompetence, severe misconduct, severe illness or upon death;
  - c) absence from duty for more than 180 consecutive days with official acquiescence;
  - d) absence from duty for more than 45 consecutive days without official acquiescence;
  - e) expiry of terms of office.
- 2/ The Minister or the head of the concerned state organ, as the case may be, may relieve the president of his post pursuant to the provisions of sub-article (1) of this Article and upon advice by the Board, or without such advice if the Minister or the head of the concerned state organ is convinced that it is the right action to take.
- 3/ The Board may relieve any vice president of his post, pursuant to the provisions of sub-article (1) of this Article.
- 4/ Without prejudice to the provisions of sub-article (1) of this Article, the Board may, as the case may be, cause the removal or remove the president or any vice president if it determines, through three consecutive monitoring reviews or one in-depth review, his continuity in office would be injurious to the institution.

## **56. Managing Council**

- 1/ Without prejudice to the power of the president to include other pertinent officers, the president, the vice presidents, and the officer in charge of institution-wide student affairs shall constitute the core members of the managing council; and the president shall chair the managing council.
- 2/ The managing council shall advise the president on strategic issues and on other cases that the president believes require collective examination as well as serve as a forum for monitoring, coordination, and evaluation of institutional operations.
- 3/ The managing council shall meet regularly at least twice a month on a regular day and time that shall be determined by the president.
- 4/ The managing council shall hold and conduct its sessions with a majority of its core members present.
- 5/ minutes of sessions of the managing council shall be taken by a secretary designated by the president.
- 6/ The president shall ensure free and open expression of views in managing council sessions. The president may order votes in case substantially

competing opinions emerge to ascertain the weight of the competing opinions.

- 7/ No member other than the president or a person instructed by the president shall communicate to third parties the council's deliberations on controversial issues and the results thereof.
- 8/ The provisions of this Article shall also be applicable, as appropriate, with respect to private institutions.

## **57. University Council**

- 1/ The president shall chair the university council, and its members shall consist of the core members of the managing council, all deans, directors, members of the senate standing committee, the chief librarian, the registrar, other key academic officers, service department heads, and, as it shall be determined by the Board upon the advice of the president, an appropriate number of academic staff and student representatives with appropriate gender mix.
- 2/ The university council shall advise the president by expressing its views on institutional proposals regarding plans, budget, organizational structures, academic programmes, agreements of cooperation, and on division, merger, change of name and closure of academic units as well as on performance.
- 3/ The university council shall meet at least once every six months on the day and time that shall be fixed by the president.
- 4/ Attendance of university council sessions by members shall be mandatory. Membership shall not be delegated except in accordance with the permission of the president. Sessions may be held without a requirement for quorum.
- 5/ The president shall ensure a democratic atmosphere stimulating free expression of opinions and ideas in sessions of the university council. The president may order votes in case substantially competing opinions emerge to ascertain the weight of the competing opinions.
- 6/ The secretary of the managing council shall also serve as the non-voting and non-consultative secretary of the university council.
- 7/ No member of the university council other than the president or a person nominated by the president shall serve as its official spokesperson.
- 8/ Without prejudice to the provisions of this Article, the university council may adopt its own rules of procedures.
- 9/ The provisions of this Article shall also be applicable, as may be appropriate, with respect to private institutions.

**58. Forum of Public Institutions**

- 1/ Public institutions may establish a forum, in accordance with this Proclamation and with an appropriate name, to coordinate efforts, harmonize academic standards and approaches, share experience, and to advise the Ministry on national and international strategic issues, trends and conditions of higher education.
- 2/ The establishment of the forum shall be effective as of the date of its registration by the Ministry upon ascertaining the consistency of its statutes with the provisions of this Proclamation.
- 3/ The presidents, representing their respective institutions, shall be members of the forum. Without prejudice to the provisions of sub-article (1) of this Article, the council of presidents may decide on nomenclature, aims, responsibilities, leadership architecture, procedures, and rules of the forum.
- 4/ The forum may establish its own office in accordance with the decision made by the council of presidents.
- 5/ The spokesperson of the forum shall be the incumbent leader of the forum, who shall be elected in accordance with its rules.
- 6/ The financial source of the forum shall be annual contributions by the member public institutions and grants and funds the forum may obtain from other legally sanctioned sources.
- 7/ The forum shall respect provisions of other applicable laws in its operations.
- 8/ The Ministry may, as may be necessary, consult the forum on issues of higher education.
- 9/ There may be, as may be necessary, consultative partnerships between the forum of public institutions and any legally established association of private institutions.
- 10/ Where the forum of public institutions contravenes the provisions of this Proclamation or any other applicable laws, it may be suspended by the order of the Minister until it rectifies the irregularities.

**SECTION TWO**

**DIVISION, MERGER, CHANGE OF NAME AND CLOSURE OF  
PUBLIC INSTITUTIONS**

**59. Division, Merger or Change of Name of Public Institution**

- 1/ A public institution may be divided into two or more public institutions or merged with another public institution or its name be changed by

regulations of the Council of Ministers or in accordance with a state's law, as the case may be.

- 2/ Division, merger or change of names of public institutions shall take place without prejudice to the provisions of this Proclamation and other applicable laws.

**60. Closure of Public Institutions**

- 1/ A public institution may be closed down by decision of the Council of Ministers or the appropriate organ of a state, as the case may be.
- 2/ The closure of a public institution shall be made public through the appropriate media.

**61. Transfer of Rights and Obligations**

- 1/ Where a public institution is divided into two or more institutions pursuant to the provisions of this Proclamation, its rights and obligations shall be transferred to the newly formed institutions. The extent of rights and obligations to be transferred to each of the newly formed institutions shall be as prescribed by the Council of Ministers regulations or the state's law effecting the division.
- 2/ The rights and obligations of institutions merged in accordance with the provisions of this Proclamation shall be transferred to the new institution.
- 3/ The divided or merged public institution shall lose its former juridical personality from the date of the division or merger.
- 4/ The provisions of this Article shall, *mutatis mutandis*, apply with respect to an institution whose name has been changed.

**SECTION THREE**

**BUDGET AND FINANCIAL MANAGEMENT OF  
PUBLIC INSTITUTIONS**

**62. Budget**

- 1/ Public institutions shall be funded by the Federal Government or states through block-grant system based on strategic plan agreements.
- 2/ Every public institution shall receive a block grant-budget, agreed upon in advance as indicative budget for a five-year period; provided however, that such block-grant budget shall be revised annually.

- 3/ Every public institution shall mobilize other income as provided for by Articles 66 and 67 of this Proclamation and other legally sanctioned sources.
- 4/ Depending on the state of its preparedness, every public institution may start operating under a block-grant system, depending on plans adopted by the Board and the strategic plan agreement as well as on its general preparedness, after one year from the effective date of this Proclamation.
- 5/ Public institutions shall build their capacities in financial and educational data management to implement properly and efficiently block-grant funding within the period specified in sub-article (4) of this Article.
- 6/ The Ministry of Finance and Economic Development shall assist public institutions in implementing the provisions of this Article.
- 7/ Any public institution may accept donations from third parties; provided however, that no such donation or subsidy may negatively influence the standing, mission and objectives of the institution.
- 8/ Any public institution shall report to the Ministry or the appropriate state organ receipt of funds from third-parties and its investment incomes.

**63. Budget Subsidy**

- 1/ Any unutilized portion of allocated block-grant of any public institution may remain at the disposal of the institution as budget subsidy.
- 2/ The institution shall use the budget subsidy only as capital budget.
- 3/ The budget subsidy shall be budgeted together with the year's block grant and other institutional income for the year and approved by the Board as the institution's total budget.

**64. Financial Management**

- 1/ The president of a public institution shall conduct the financial affairs of the institution in accordance with the law and with the principles of efficiency, efficacy, frugality and transparency.
- 2/ A public institution shall be free to use its income as it sees fit, in accordance with its approved business plan, except insofar as the law provides otherwise, and having regard to the purposes of any tied funds.
- 3/ The Board may authorize the president of a public institution to make necessary expenditures on the basis of the previous budget where the Board may not be able to approve timely the budget for the current fiscal year.

**65. Strategic Plan Agreement**



- 1/ Every public institution shall conclude with the Ministry or the concerned state organ a strategic plan agreement for a period of five years.
- 2/ A strategic plan agreement shall, in particular, contain:
  - a) strategic objectives, key result areas, academic priorities, learning outputs, and institutional and human resources development;
  - b) planned research projects and programmes;
  - c) study and diversity of programmes and continuing, distance and virtual education;
  - d) the number of students and the number and qualification of academic staff;
  - e) social goals such as measures to enhance the nationality composition of its academic staff, increase the proportion of senior positions held by women, and assistance to disadvantaged sections of its students;
  - f) indicative block-grant budget commitments made by the government and the institution's commitment to make up, through other sources of income, the financing gap that may occur;
  - g) the indicative allocations of the block-grant budget and the funds to be mobilized by the institution for each year of the strategic plan period;
  - h) contingency plan in the event of non-fulfillment of the anticipated strategic-plan budget;
  - i) appropriate mechanisms of accounting, monitoring, evaluation and reporting.
- 3/ A strategic plan agreement may be amended in the event of significant changes in the circumstances or assumptions on which it was based.
- 4/ Public institutions shall conclude the next strategic plan agreements, as the case may be, with the Ministry or the appropriate state organ within the current plan period.

## **66. Income Generation**

- 1/ Without prejudice to the provisions of this Proclamation and other applicable laws, an income generating enterprise may be established by any public institution upon the request of the president and approval by the Board.
- 2/ The enterprise shall have its own legal personality and operate, like any business organization, in compliance with all legal requirements.
- 3/ The initial capital required for the establishment of the enterprise may be a budget allocated by government.

- 4/ Without prejudice to sub-article (3) of this Article, the enterprise may have the following sources of income:
  - a) income generated from the services it renders and the activities it carries out;
  - b) voluntary contributions made by the staff of the institution;
  - c) donations;
  - d) other lawful sources of income.
- 5/ The institution shall use the net profits of the enterprise in the pursuit of its mission and objectives in accordance with the provisions of this Proclamation.
- 6/ The financial statements of the enterprise shall be submitted to the Board within six months from the end of the fiscal year.

**67. Income Fund**

- 1/ An income fund may be set up in a public institution by decision of the Board and, as the case may be, approval by the Ministry or the appropriate state organ.
- 2/ Sources of income of the fund shall be:
  - a) contributions made by the income generating enterprise of the institution;
  - b) unutilized finance of the fund during the fiscal year;
  - c) donations;
  - d) other legally sanctioned sources of income.
- 3/ The fund may be used for different capacity building activities of the institution, prizes and other activities as shall be approved by the Board.
- 4/ Disbursement of the fund shall comply with its budgetary appropriations.

**68. Reporting and Supervision**

- 1/ Any public institution shall:
  - a) submit to, as the case may be, the Ministry or the appropriate state organ duly evaluated and approved annual performance and audited financial reports based on the strategic plan agreement; and publish the educational and expenditure data for the fiscal year as provided for under Article 27 of this Proclamation;
  - b) furnish information to the Ministry or the concerned state organ whenever it is required to do so.

- 2/ Any public institution may be subject to supervision by the Ministry or the appropriate state organ to ensure its compliance with the law and strategic plan agreements.
- 3/ The Ministry or the appropriate state organ may annul decisions of the Board, the president or the senate which are contrary to the law, government policy or to the institution's statute.

**69. Books of Accounts**

- 1/ Every public institution shall install an accounting system, including income and expenditure accounting, and a reporting system, appropriate to its responsibilities, which shall fall under the responsibility and management of the president.
- 2/ Every public institution shall follow double-entry bookkeeping, keep costs and revenues related to supplementary activities separate from other costs and revenues, and shall observe general regulations on accounting in all other areas.
- 3/ The Ministry may, in consultation with the Ministry of Finance and Economic Development, issue directives on accounting and reporting system enabling the use of simplified valuation methods and auditing of statements for measurement of an institution's assets and liabilities.

**70. Audit**

- 1/ An autonomous internal audit unit accountable to the president shall be established in any public institution.
- 2/ The head of the internal audit unit of a public institution shall be appointed by the Board upon recommendation by the president.
- 3/ The internal audit unit shall conduct performance, financial, and property audit of the institution and report the findings to the president and the Board.
- 4/ Without prejudice to the powers of the federal or state Auditor General, as the case may be, the accounts of a public institution shall be audited annually by an external auditor appointed by the Board; and the audit findings shall be reported to the Board and the Ministry or the appropriate state organ.

**PART FOUR**  
**PRIVATE INSTITUTIONS**

**71. Accountability**

- 1/ A private institution shall be accountable to the appropriate body as provided for in its memorandum of association and its by-laws.
- 2/ Notwithstanding the provisions of sub-article (1) of this Article, a private institution shall also be accountable to the Ministry in respect of the propriety of its operations in the provision of education and conducting research.

## **72. Responsibilities of Private Institutions**

- 1/ Every private institution shall have the responsibilities to:
  - a) ensure strict compliance with directives issued by the Ministry on admissions of students;
  - b) ensure the minimum curricula quality standards, including educational content, pedagogy, student assessment and examination system, and system of grading;
  - c) perform regular annual self-evaluation and evaluations by students and academic staff on its academic and research performance and make the results of the evaluations public to its community as well as report to the Agency;
  - d) maintain a readily accessible list of accredited study programmes offered, including the specific fields within the programmes in which the institution is authorized to offer degrees, and form of their delivery, enrollment capacity and the standard length of study, and the profiles of its academic staff and the modes of their employment; and give accurate information to its students and the public about the same;
  - e) ensure that its leadership and management structures, modus operandi of the structures, the leadership and management capabilities of the position occupants, its location, premises and facilities, and the campus environment generally are fit for the purposes of a higher education institution of its status, levels of studies, student and staff numbers, and the nature of the programmes and fields in which it is engaged;
  - f) submit to the Agency its detailed plans on education, research and training on a five-yearly basis, and annual up-dates of the plans; and make the plans public;
  - g) submit detailed annual reports to the Agency on its activities in education, research, and training at the end of each academic year and publish its educational input and output data as required by this Proclamation;
  - h) supply information required by the Ministry free of charge and in the form and within the time the Ministry may specify;

- i) notify the Ministry immediately in case a bankruptcy proceeding is instituted against it;
  - j) conduct its operations in accordance with the provision of this Proclamation and other applicable laws.
- 2/ The annual report on the activities of a private institution shall include, among others:
  - a) activities and results thereof performed within the particular academic year;
  - b) results of performance evaluation of the institution;
  - c) internal developments that may have taken place in the institution in the course of the academic year;
  - d) a signed diagnostic statement of its state of general condition as an institution of higher education by its supreme governing body, following the end of the academic year.
- 3/ The annual report on activities, the long-term plans of the institution, and the results of evaluation of its activities shall be made public.
- 4/ Notwithstanding the other provisions of this Article and specifically provisions for academic audit, the Agency may conduct, as may be necessary, unscheduled reviews and investigations of any private institution and take corrective measures.

**73. Internal Regulations of Private Institutions**

- 1/ Internal regulations of a private institution shall stipulate the governing bodies of the institution, decision-making procedures of academic bodies, academic programmes, rights and obligations of the academic community, and grievance handling procedures.
- 2/ Internal regulations of a private institution and their amendments shall not contravene the provisions of this Proclamation and provisions of any other applicable law.
- 3/ The Agency shall ensure that any private institution has an appropriate and functional internal regulations.

**74. Requirement for Accreditation**

- 1/ Any person who desires to establish, upgrade or modify a private institution shall be required to secure an accreditation from the Agency in accordance with this Proclamation.
- 2/ Any institution which has received accreditation and offers accredited study programmes shall have the right to issue valid qualifications of higher education to its graduates consistent with accredited study

programmes, specific disciplines in the programmes, and its enrollment capacity.

**75. Application for Accreditation**

- 1/ Any person who desires to establish, upgrade or modify a private institution shall submit an application for accreditation to the Agency.
- 2/ An application submitted pursuant to sub-article (1) of this Article shall contain:
  - a) name and main address of the institution;
  - b) financial capacity of the institution;
  - c) the body to which the institution is accountable;
  - d) the names and addresses of the owners of the institution;
  - e) vision, mission and objectives of the institution;
  - f) programmes of study and levels of education and training;
  - g) appropriate curriculum, the number and level of qualifications of academic staff and technical and administrative support staff recruited by the institution and soon to be recruited with recruitment plan;
  - h) details of the available and soon to be made available facilities and services required for conducting education or training such as libraries, laboratories, classrooms, educational and research facilities, and the manner in which they are maintained;
  - i) admission requirement for new students;
  - j) internal regulations of the institution providing for the status, rights and responsibilities of the academic community and grievance handling procedures;
  - k) system of governance and management by which the academic and administrative affairs of the institution shall be conducted;
  - l) a five-year plan of the institution;
  - m) investment and other necessary permits issued by the appropriate government organs.
- 3/ The Agency shall, upon examining the application submitted to it:
  - a) issue accreditation where it ascertains that the institution satisfies the requirements under this Proclamation and regulations and directives issued hereunder;
  - b) reject the application for accreditation where it finds that the institution does not meet the requirements under this Proclamation and regulations and directives issued hereunder.

- 4/ Where the Agency rejects an application for accreditation pursuant to sub-article 3(b) of this Article, it shall notify the applicant in writing about the grounds for the rejection of the application.
- 5/ An applicant that is denied accreditation under sub-article 3(b) of this Article, may reapply after fulfilling the requirements for accreditation within 90 days from the date of notification of the denial; provided however, that an applicant whose application is rejected twice may not reapply until after one year.
- 6/ The Agency shall make the decision on the rejection of accreditation public through appropriate media depending on the character of the decision.

**76. Issuance of Accreditation**

- 1/ The Agency, upon examining the application for accreditation submitted to it and ascertaining that the institution satisfies the requirements under this Proclamation and regulations and directives issued hereunder, shall issue the accreditation within a reasonable time period .
- 2/ The accreditation issued by the Agency shall indicate:
  - a) the name and address of the institution;
  - b) the status, programmes and curriculum of the institution;
  - c) the number and qualification mix of the academic staff;
  - d) enrollment capacity and location of the campus;
  - e) the date of issuance of the accreditation and its duration of validity;
  - f) the name and signature of the official issuing the accreditation with the seal of the Agency affixed.
- 3/ The Agency shall make public issuance of the accreditation through appropriate media.

**77. Validity of Accreditation**

- 1/ An accreditation issued to a private institution pursuant to Article 76 of this Proclamation shall be valid for three years from the date of its issuance.
- 2/ An accreditation issued to a private institution shall be renewed upon the expiry of the period of its validity prescribed under sub-article (1) of this Article and, subsequently, every five years before the beginning of a new academic year.

**78. Application for Renewal of Accreditation**

An application submitted for renewal of accreditation pursuant to sub-article (2) of Article 77 of this Proclamation shall include the following:

- 1/ a report on the state of fact of the information and provisions submitted to the Agency during the application for accreditation or for a previous renewal;
- 2/ a self-assessment document prepared by the quality enhancement system of the institution;
- 3/ the list of permanent academic staff and technical and administrative support staff of the institution;
- 4/ the list of students that have been enrolled each year in each field of study offered by the institution;
- 5/ the list of facilities and teaching aids made available for educational and research activities as well as other related activities of the institution;
- 6/ audited financial reports of the institution for the last three years;
- 7/ other information required by the Agency in accordance with directives issued by the Ministry.

**79. Decision on Application for Renewal of Accreditation**

- 1/ Upon receiving an application for the renewal of accreditation pursuant to Article 78 of this Proclamation, the Agency shall, through its assessment committee:
  - a) evaluate the self-assessment document and other reports and ascertain the veracity of the information and statistics contained therein;
  - b) taking into account the nature of the institution's programmes, closely scrutinize:
    - (1) the academic and administrative infrastructure made available at the institution;
    - (2) the processes of teaching and learning which shall include the curricula, quality of teaching and learning, student support services, student involvement in the teaching-learning processes, and student evaluation on the quality of education, including on the quality of the academic staff;
    - (3) list and qualifications of support staff;
    - (4) scale and relevance of research activities.
- 2/ The Agency, based on the report of the assessment committee, shall:
  - a) issue renewal of the accreditation where it ascertains that the institution satisfies the requirements under this Proclamation and regulations and directives issued hereunder; or



- b) reject the application for the renewal of accreditation where it finds that the institution does not meet the requirements under this Proclamation and regulations and directives issued hereunder.
- 3/ Where the Agency rejects an application for renewal of accreditation pursuant to sub-article 2(b) of this Article, it shall notify the applicant in writing, together with a detailed statement explaining about the institution's standing vis-à-vis the requirements and recommending the corrective measures to be taken by the institution within a definite period of time.
- 4/ An applicant that is denied renewal of accreditation under sub-article 2(b) of this Article, may reapply after fulfilling the requirements for accreditation by taking the corrective measures suggested by the Agency within the specified time limit.
- 5/ The Agency shall make public, through appropriate media, the decision on rejection of renewal of accreditation.
- 6/ Any institution denied of renewal of accreditation shall take appropriate measures in order that the students and trainees it has admitted shall be transferred to other appropriate institutions and complete their studies.

**80. Renewal of Accreditation**

- 1/ The renewed accreditation shall indicate the:
  - a) name and address of the institution;
  - b) status of the institution and its programmes and curricula;
  - c) number and qualifications of the academic staff;
  - d) enrollment capacity and location of the campus;
  - e) date of renewal of the accreditation and its duration of validity;
  - f) name and signature of the official renewing the accreditation with the seal of the Agency affixed.
- 2/ The Agency shall make public renewal of the accreditation through appropriate media.

**81. Revocation of Accreditation**

- 1/ The Agency may revoke the accreditation of a private institution on any one of the following grounds:
  - a) where it is found that the accreditation was given on the basis of false information;
  - b) where the institution fails to rectify defects within the time fixed in the warning given by the Agency for failure to satisfy the required

standards or for contravening the provisions of this Proclamation, any other relevant law or regulations or directives issued hereunder;

- c) where the institution is dissolved or ceases its operations.
- 2/ A revocation of accreditation pursuant to sub-article 1(a) or (b) of this Article shall be made effective before the beginning of a new academic year.
- 3/ Any institution the accreditation of which has been revoked shall take appropriate measures that the students and the trainees continue their studies in other appropriate institutions.

**82. Appeal**

- 1/ Any institution may appeal to the Ministry for a review of the Agency's decision on rejection of an application for accreditation or renewal of accreditation or on the revocation of accreditation, within 30 days of the receipt of the decision.
- 2/ The Ministry shall establish an appeal committee to review the decision of the Agency and to make recommendations to the Minister.
- 3/ The Ministry shall grant the applicant the right to be heard before the final decision is given on the appeal.

**83. Issuance of Substitute Accreditation Certificate**

- 1/ Any private institution may apply to the Agency for a substitute accreditation certificate where its accreditation certificate is damaged or lost.
- 2/ The Agency shall issue a substitute accreditation certificate:
  - a) in case of damage, upon the return of the damaged certificate by the applicant;
  - b) in case of loss, having received legally acceptable evidence.

**84. Returning Accreditation Certificate**

- 1/ An institution whose accreditation is revoked in accordance with this Proclamation shall return the accreditation certificate to the Agency within 15 days.
- 2/ An institution shall return the previous certificate to the Agency in order to get a new appropriate accreditation due to change of its grade, merger, division or change of its name.

**85. Accreditation Fees**

Fees to be paid for accreditation shall be prescribed by directives issued hereunder.

**86. Government Subsidy**

- 1/ The Government may give budget subsidy or capacity building support to non-profit making private institutions that strive to strengthen the developmental efforts of the country by preparing particularly good quality professionals.
- 2/ The Ministry shall specify, by directives, the procedure for non-profit making private institutions to apply for budgetary subsidy or capacity building from Government and the method of monitoring their use, taking into account the:
  - a) number of full-time undergraduate and graduate students enrolled at the institution, and the number of students who do not pay tuition fees;
  - b) number of academic staff for whom the institution is the place of primary employment;
  - c) quality of education in the institution;
  - d) past achievements of the institution in the area of teaching-learning and research; and
  - e) institution's own funds invested in the development of its facilities.
- 2/ Non-profit making private institutions may receive earmarked additional subsidy funds:
  - a) to support degree programmes offered in specific fields of study or interdisciplinary studies; or
  - b) as incentive if the degree programmes are of a particularly high quality as confirmed by an assessment of the Agency.

**87. Applicability of the Provisions of this Part**

The provisions of this Part shall, *mutatis mutandis*, be applicable with respect to the accreditation of public institutions.

**PART FIVE**  
**POWERS AND DUTIES OF EXECUTIVE ORGANS**

**88. Powers and Duties of the Ministry**

Without prejudice to other responsibilities provided for by this Proclamation, the Ministry shall have the powers and duties to:

- 1/ ensure that preparation and delivery of curricula of higher education are in accordance with international developments and national demands and requirements;
- 2/ determine qualification frameworks for Bachelor, Master, Medical Specialty, and Doctoral programmes;
- 3/ ensure the implementation of the national policy and strategy on higher education;
- 4/ ensure that student placement to and within any public institution and procedures of admissions in general are consistently fair and just in accordance with this Proclamation, government policy, and with requirements it may stipulate from time to time as necessary;
- 5/ issue minimum national educational quality standards, professional code of conduct and necessary standard guidelines to be followed by institutions;
- 6/ determine criteria and standard procedures for government funding of institutions;
- 7/ facilitate cooperation and information exchange among institutions;
- 8/ provide technical support for internal quality assurance and enhancement systems of institutions;
- 9/ approve and ensure the implementation of strategic plans of public institutions;
- 10/ conduct studies to identify as well as to meet the professional and intellectual manpower needs of the country;
- 11/ in co-operation with concerned organs, promote investments to be made in the higher-education sector;
- 12/ encourage government organs, professional associations, business organizations, and other appropriate persons to work jointly on matters concerning education, training, research, practicum or apprenticeship and research and technology transfer;
- 13/ ensure proper implementation of the provisions of this Proclamation.

**89. Powers and Duties of the Agency**

Without prejudice to other responsibilities provided for by this Proclamation, the Agency shall have the powers and duties to:

- 1/ develop and implement clearly designed evaluation and accreditation criteria and procedures;
- 2/ evaluate projects for the opening or transforming of any institution or its units in accordance with this Proclamation and regulations and directives issued hereunder, and submit its recommendation to the Ministry;
- 3/ evaluate the activities, relevance and quality of education and training of any institution on the basis of which accreditation shall be given;
- 4/ evaluate whether the quality enhancement system of institutions are capable of ensuring quality in higher education and research;
- 5/ ensure that higher education and training offered at any institution are in line with economic, social and other relevant policies of the country;
- 6/ organize assessment committees, and determine their operational procedures and code of conduct for their assessment activities;
- 7/ examine and decide on applications submitted to it for accreditation and renewal of accreditation in accordance with the provisions of this Proclamation, and regulations and directives issued hereunder;
- 8/ request, when necessary, for information and opinions from appropriate organs to assess the relevance and quality of education or to examine accreditation or renewal of accreditation applications;
- 9/ evaluate institutions to ensure their compliance with the standards of relevance and quality of education set forth in this Proclamation and regulations and directives issued hereunder, and present to the Ministry conclusions resulting from the assessment;
- 10/ prepare and submit to the Ministry requirements and directives for the determination of status of institutions;
- 11/ advise the Ministry in respect of merger, division, closure or change of name of institutions in accordance with the provisions of this Proclamation;
- 12/ ensure that foreign institutions or their branches operating in Ethiopia are accredited in their country of origin and comply with the relevance and quality standards set by this Proclamation and regulations and directives issued hereunder;
- 13/ collect and disseminate information about the status, standards, and programmes of study offered by foreign institutions;
- 14/ develop guidelines on equivalence of higher education qualifications, and determine the equivalence of qualifications issued by foreign institutions;

- 15/ maintain up-to-date information on the accredited institutions and their status, main units and specialties, and periodically disseminate same to the public through appropriate means of communication.

**90. Powers and Duties of the Centre**

Without prejudice to other responsibilities provided for by this Proclamation the Centre shall have the powers and duties to:

- 1/ prepare national strategy for the development of higher education and institutions;
- 2/ prepare long-term national plans for the development of education and research within the system of higher education;
- 3/ prepare national proposals to raise the quality of research activities of institutions, the qualifications of the academic staff, and the study programmes of institutions;
- 4/ ensure that institution-level planning and strategy are in line with the national higher education macro plan and strategy; and for this purpose, work closely with institutions; examine strategic plan agreements and, upon approval, follow up their implementation;
- 5/ develop proposals on block grant budget allocations to individual public institutions, and monitor the implementation of same;
- 6/ collect, analyze and as appropriate publish and disseminate annual educational, research, financial and other statistical data of institutions;
- 7/ submit proposal to the Ministry on criteria and scheme of rewarding institutions through grant of differentiated developmental budget, and implement same upon approval;
- 8/ ensure that higher education is in line with the overall socio-economic development needs of the country and abreast global trends in orientation and approaches;
- 9/ advise the Ministry on ways of ensuring efficient higher education governance, leadership and management;
- 10/ conduct research and studies on current policies, practices and results, and propose appropriate course of action, and serve as a resource centre for reform, change and development;
- 11/ give opinion on higher education reform and development strategy and plan of the country;
- 12/ foster cooperation among national institutions in its areas of activity, and maintain contacts with institutions of other countries which are in charge of issues of higher education;
- 13/ discharge other responsibilities that may be entrusted to it by the establishing law.

**PART SIX**  
**MISCELLANEOUS PROVISIONS**

**91. Fees**

- 1/ Without prejudice to other applicable provisions of this Proclamation, a public institution may charge fees for its educational and other services; and the type, magnitude and modalities of payment of the fees shall be determined by directives to be issued by the Board.
- 2/ The rules for charging and the amount of fees in a private institution shall be determined by the body authorized by the statutes of its formation.

**92. Cost-Sharing**

- 1/ Any Ethiopian student studying in a public institution and who is not required to pay in advance tuition fee shall contribute, in cash or in service, to cover the cost of his education in accordance with the regulations of the Council of Ministers on cost-sharing.
- 2/ The cost-sharing higher education scheme referred to in sub-article (1) of this Article and the periodical review of the scheme shall be as prescribed by regulations of the Council of Ministers.

**93. Outsourcing of Services**

- 1/ Any public institution may outsource support services to other providers as appropriate and whenever feasible.
- 2/ In outsourcing services, any public institution shall ensure that the beneficiaries get appropriate and effective services and that the costs of the services are fair and acceptable.

**94. Access to Land**

Government may make the necessary land available for use by institutions for the purposes of their education, research and community-services operations in accordance with applicable laws and policies.

**95. Liability**

- 1/ Any person who fails to comply with the provisions of this Proclamation or regulations or directives issued hereunder shall, in accordance with the law, be civilly and criminally liable.

- 2/ Any person who, without having acquired accredited diploma, presents forged diplomas or any institution which issues diplomas for a programme that is not accredited shall, in accordance with the law, be civilly and criminally liable.

**96. Transitory Provisions**

- 1/ Pre-accreditation and accreditation certificates issued under Proclamation No. 351/2003 shall be deemed to have been issued in accordance with this Proclamation.
- 2/ Notwithstanding the provisions of sub-article (1) of this Article, private institutions shall take adjustment measures to fully meet the requirements of this Proclamation within one year from its effective date.
- 3/ Cases pending prior to the coming into force of this Proclamation shall be decided in accordance with the provisions of this Proclamation.

**97. Power to Issue Regulations and Directives**

- 1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.
- 2/ The Ministry may issue directives necessary for the implementation of this Proclamation and regulations issued under sub-article (1) of this Article.

**98. Repeal**

- 1/ The Higher Education Proclamation No. 351/2003 is hereby repealed; provided however, that regulations and directives issued under it shall, in so far as they are consistent with the provisions of this Proclamation, remain in force until replaced by regulations and directives issued hereunder.
- 2/ No law, regulations, directives or practices shall, in so far as they are inconsistent with the provisions of this Proclamation, have effect with respect to matters provided for by this Proclamation.

**99. Effective Date**

This Proclamation shall enter into force on the ----- day of -----, 2009.

Done at Addis Ababa, this ----- day of -----, 2009.

GIRMA WOLDEGIORGIS  
PRESIDENT OF THE FEDERAL DEMOCRATIC  
REPUBLIC OF ETHIOPIA