

# Higher Education Act

2006 No 63 13 June

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**Entry into force 1 July 2006** Amended by Act No 126/2011 (entry into force 30 September 2011), Act No 67/2012 (entry into force 3 July 2012), and Act No 91/2015 (entry into force 5 August 2015, with the exception of Article 1. and Articles 4 to 7 for which the date of entry into force was 1 July 2015).

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

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## Section I Scope; role of higher education institutions

■ **Article 1** This Act applies to educational institutions which provide higher education leading to a degree and which have obtained accreditation ...<sup>(1)</sup> within the meaning of Article 3.

<sup>(1)</sup>Act No 91/2015, Article 10.

■ **Article 2** A higher education institution is an independent educational institution that pursues teaching, research, the preservation and search for knowledge, and creative activity in the fields of science, the humanities, technology or the arts. The role of higher education institutions is to contribute to the creation and dissemination of knowledge and skills for the benefit of students and of society in general. The activities of higher education institutions are aimed at strengthening the fabric of Icelandic society and its position in an international context[, an endeavour guided by the interest of future generations].<sup>(1)</sup> Higher education institutions are centres of knowledge and form part of the international education and science community.

□ Higher education institutions shall provide education to students through teaching and participation in scientific research, and prepare them for jobs that require the application of [academic]<sup>(1)</sup> methods, knowledge and skills. [Higher education institutions shall prepare students for responsible participation in a democratic society.]<sup>(1)</sup> The education provided by higher education institutions shall take into account the needs of society at each time, and can have an academic, as well as a professional, focus.

□ [Higher education institutions are free to organise their activities and decide on their arrangement as they see fit.]<sup>(1)</sup>

<sup>(1)</sup>Act No 67/2012, Article 1.

■ **[Article 2a]** Higher education institutions have an obligation to respect the academic freedom of their staff. Academic freedom entails the right of academic staff to approach the subjects they teach in a way they consider reasonable and in keeping with academic requirements. Academic freedom does not affect the responsibility of staff to follow any general code of conduct or of ethics adopted by the higher education institution concerned. The choice of research and teaching subjects in individual academic disciplines pursued at a higher education institution shall be free of the influence of the owners and financial backers of the institution.

Every higher education institution shall adopt a code of ethics, including rules on the rights and obligations of staff as referred to in the first paragraph.]<sup>(1)</sup>

<sup>(1)</sup>Act No 67/2012, Article 2.

## **Section II Accreditation of higher education institutions**

■ **Article 3** [Higher education institutions may be operated either as government-funded or as non-profit organisations or may adopt any other recognised corporate form. Public higher education institutions are independent government-funded organisations operating under the authority of the Minister unless the superior authority over such an institution rests with a different minister according to law. Higher education institutions may not be operated for the purpose of financial gain.

Higher education institutions are accredited by the Minister subject to the conditions stipulated in this Act. The Minister may delegate the task of granting such accreditation to the Directorate of Education.

The Minister shall issue rules<sup>(1)</sup> regarding the accreditation of higher education institutions based on internationally recognised criteria. The rules shall include the conditions which higher education institutions must fulfil in order to qualify for accreditation. The conditions relate to the following:

- a. The purpose and aims of the institution;
- b. Its organisation and structure;
- c. The organisation of teaching and research;
- d. Qualification standards for academic staff;
- e. Admission criteria and the rights and obligations of students;
- f. Working conditions for teachers and students as well as their support structures, including facilities for handicapped students;
- g. The internal quality assurance framework;
- h. A description of the studies with reference to the knowledge, skills and competence required for each qualification;
- i. Finances.

The accreditation of higher education institutions is limited to specific academic disciplines and their sub-disciplines.

Higher education institutions wishing to obtain accreditation for teaching or research activities in disciplines other than those for which they are already accredited shall address an application to the Minister. The Minister may delegate the task of granting such accreditation to the Directorate of Education. Higher education institutions may only pursue academic disciplines which are covered by their accreditation.

The Minister shall appoint a committee of three independent experts to review applications for accreditation in individual disciplines. The Minister may delegate the task of appointing the committee to the Directorate of Education.

Where a higher education institution intends to discontinue teaching or research activities in a particular academic discipline, the Ministry or the Directorate of Education, as appropriate, shall be notified. If, for two consecutive years, a higher education institution has neither carried out teaching nor research in a discipline covered by its accreditation, the accreditation for that discipline shall expire.

The accreditation of a higher education institution serves as a confirmation that the activities of that institution are consistent with the provisions of this Act and with rules pursuant to it. The accreditation does not amount to a commitment by public authorities to support the institution in question financially. No institution pursuing activities in Iceland may refer to itself as a higher education institution (Icelandic “háskóli”) unless it has been accredited by the Minister or the Directorate of Education, as appropriate.

□ The Minister shall issue rules on the translation into foreign languages of the names of accredited higher education institutions. The Minister may delegate the task of establishing such rules to the Directorate of Education.]<sup>(2)</sup>

<sup>(1)</sup>Rules No 1067/2006. <sup>(2)</sup>Act No 91/2015, Article 10.

■ **Article 4** Where a higher education institution accredited under this Act either fails to comply with its provisions or with rules or conditions based thereupon, or fails to meet the requirements for teaching and research, the [Minister]<sup>(1)</sup> may revoke its accreditation, either for individual disciplines or entirely. [The Minister may delegate the task of revoking accreditations pursuant to this Article to the Directorate of Education.]<sup>(2)</sup>

<sup>(1)</sup>Act No 126/2011, Article 430. <sup>(2)</sup>Act No 91/2015, Article 10.

■ **Article 5** [The Minister]<sup>(1)</sup> shall establish a National Qualification Framework<sup>(2)</sup>. The National Qualification Framework is a systematic description of degrees and diplomas having a main emphasis on a general description of the knowledge, [skills and competence]<sup>(3)</sup> required for each qualification. The Framework shall specify the conditions to be met by higher education institutions for each academic level. Higher education institutions shall be required to publish comparable descriptions of the knowledge, [skills and competence] required for each qualification. ...<sup>(3)</sup>

<sup>(1)</sup>Act No 126/2011, Article 430. <sup>(2)</sup>Notice No 530/2011. <sup>(3)</sup>Act No 67/2012, Article 4.

### Section III Study programmes and degrees

■ **Article 6** Teaching at higher education institutions shall be organised in courses according to a credit system. A full-time study programme shall normally consist of 60 credits per academic year, reflecting all student workload during that time. The completion of higher education studies shall be followed by the award of a degree or other final qualification when the student has passed examinations in all required courses and satisfactorily completed all assigned projects. On graduation, students shall receive a Diploma Supplement.

■ **Article 7** The arrangements for teaching, research, studies and assessment shall be decided upon by each higher education institution.

□ Higher education institutions shall decide which study programmes to offer in their academic disciplines [and sub-disciplines].<sup>(1)</sup> Recognised degrees and qualifications generally awarded by higher education institutions are as follows:

- a. Diploma, corresponding to at least 30–120 standardised credits;
- b. Bachelor's degree, corresponding to at least 180–240 standardised credits;
- c. Master's or Candidatus degree, corresponding to at least 90–120 standardised credits in addition to a Bachelor's degree or its equivalent;
- d. Doctoral degree, corresponding to at least 180 standardised credits in addition to the credits required for the award of a Master's or Candidatus degree.

□ ...<sup>(1)</sup> Higher education institutions may decide to award credits toward the academic levels referred to in the second paragraph for studies involving practical training.

□ [Higher education institutions shall apply to the Minister for authorisation to offer study programmes leading to a doctoral degree. The Minister may delegate the task of granting such authorisation to the Directorate of Education. In each case, the higher education institution concerned must demonstrate that it meets the relevant requirements and conditions set out in the Rules<sup>(2)</sup> pertaining to doctoral studies at higher education institutions. The Minister or the Directorate of Education, as decided by the Minister, shall appoint a committee of three independent experts to assess the fitness of higher education institutions to award doctoral degrees.]<sup>(3)</sup>

□ ...<sup>(1)</sup>

<sup>(1)</sup>Act No 67/2012, Article 5. <sup>(2)</sup>Rules No 37/2007. <sup>(3)</sup>Act No 91/2015, Article 10.

■ **Article 8** Higher education institutions shall regularly and publicly account for the measures taken to ensure that the study programmes they offer comply with the National

Qualification Framework referred to in Article 5.

[When new study programmes are being prepared and organised, higher education institutions shall provide the Ministry or the Directorate of Education, as further decided by the Minister, with information on the manner in which those programmes comply with the National Qualification Framework referred to in Article 5.]<sup>(1)</sup>

<sup>(1)</sup>Act No 91/2015, Article 10.

■ **Article 9** Higher education institutions operating under this Act shall agree on the mutual recognition of study programme[s and their individual] elements.<sup>(1)</sup> They should cooperate in order to make the best use of available human and material resources and contribute efficiently to a diverse offer of higher education. Higher education institutions may award degrees as referred to in Article 7 in the context of collaborative degree programmes operated in conjunction with other higher education institutions, national or international. [Icelandic higher education institutions should seek to cooperate in this manner with a view to making the best use of public funds and strengthening their position internationally.]<sup>(1)</sup>

<sup>(1)</sup>Act No 67/2012, Article 7.

■ **Article 10** Higher education institutions may evaluate studies completed at [other accredited higher education and research institutions]<sup>(1)</sup> for course credits. Furthermore, higher education institutions may [in exceptional cases evaluate courses]<sup>(1)</sup> completed at other educational or research institutions for course credits, provided that they guarantee that such courses meet quality and study requirements comparable to those made on the basis of this Act. [International agreements on the recognition of higher education and qualifications to which the Icelandic authorities are party must be respected.]<sup>(1)</sup>

<sup>(1)</sup>Act No 67/2012, Article 8.

#### **Section IV Quality assurance of teaching and research**

■ **Article 11** Quality assurance of teaching and research at higher education institutions has the following objectives:

- a. To ensure that the conditions for the accreditation of higher education institutions are met;
- b. To ensure that the National Qualification Framework is complied with;
- c. To systematically improve the quality of teaching and research;
- d. To incite higher education institutions to take greater responsibility for their own activities;
- e. To ensure the international competitiveness of higher education institutions.

Quality assurance of teaching and research at higher education institutions shall take place on the basis of both internal evaluations and periodic external evaluations. The [Minister]<sup>(1)</sup> shall adopt rules<sup>(2)</sup> on quality assurance of teaching and research.

<sup>(1)</sup>Act No 126/2011, Article 430. <sup>(2)</sup>Rules No 321/2009.

■ **Article 12** Higher education institutions shall carry out systematic quality assurance of teaching and research on the basis of internal evaluations. Internal evaluations of higher education institutions and their constituent units shall take place at regular intervals and shall cover policies and objectives, the content of study programmes, teaching, teaching practices, assessment, research, research outcomes, working conditions, administration and external relations. Where appropriate, the active participation of staff and students in the internal quality assurance programmes of higher education institutions shall be ensured.

Higher education institutions shall publish information pertaining to their internal quality assurance programmes.

■ **Article 13** The [Minister]<sup>(1)</sup> shall decide on the timing of external evaluations of the quality of teaching and research and draw up three-year plans for such evaluations. Where justified, the [Minister]<sup>(1)</sup> may also decide on an *ad hoc* evaluation of a higher education institution or its individual units.

An external evaluation may cover a higher education institution as a whole, individual scientific or academic disciplines, departments, study programmes, or other specified elements of the activities of a higher education institution. An external evaluation may also cover several higher education institutions.

External evaluations shall be carried out in consultation with the higher education institution(s) concerned, each institution providing the assistance and information required for the evaluation. All evaluation reports compiled pursuant this Act shall be published accompanied by a statement on the manner in which the institution concerned intends to respond to the evaluation results.

<sup>(1)</sup>Act No 126/2011, Article 430.

■ **Article 14** The [Minister]<sup>(1)</sup> may delegate the general [administration]<sup>(2)</sup> of external evaluations of teaching and research to a committee, an institution, a company or any other party, national or international, having the relevant competence. [The Minister may lay down rules on the arrangement of external evaluations of higher education institutions.]<sup>(2)</sup>

External evaluations shall be conducted by an independent party. [Such evaluations shall take place with the participation of independent experts and a person representing students.]<sup>(2)</sup>

<sup>(1)</sup>Act No 126/2011, Article 430. <sup>(2)</sup>Act No 67/2012, Article 9.

## Section V Administration of higher education institutions

■ **Article 15** [The administration of higher education institutions shall be entrusted to a Governing Council and a Rector as further provided for in an applicable *lex specialis* or in the charter, statutes or other foundation document of the institution concerned.]<sup>(1)</sup> The organisation of higher education institutions shall be such as to ensure that students and teachers are represented on those administrative units responsible for teaching, research and quality issues. The Rector shall meet the requirements of Article 18, first paragraph, in one or more recognised academic disciplines pursued at the higher education institution concerned.]<sup>(2)</sup>

In other respects, the administration of higher education institutions shall be governed by an applicable *lex specialis* or the charter, statutes or other foundation document of the institution.

<sup>(1)</sup>Rules No 977/2014. <sup>(2)</sup>Act No 67/2012, Article 10.

■ **Article 16** [The administration of a higher education institution shall ensure that representatives of teachers, students and other staff can participate in a consultative forum on academic issues within the institution, and in the development of academic policies.]<sup>(1)</sup>

<sup>(1)</sup>Act No 67/2012, Article 11.

## Section VI Personnel

■ **Article 17** The professional titles of teachers at higher education institutions shall be as follows: *professor* ('Professor'), *dósent* ('Associate Professor'), *lektor* ('Assistant Professor') and *aðjunkt* ('Adjunct Lecturer'). The Governing Council may adopt more detailed provisions on these and other professional titles which it decides to use.

■ **Article 18** Higher education institutions shall establish an evaluation committee to assess the qualifications of professors, associate professors, assistant professors and research specialists. [Persons holding one of these professional titles shall possess knowledge and experience corresponding to international criteria for the title in question in the relevant academic discipline, as confirmed by the opinion of the evaluation committee or by a doctoral degree awarded by a recognised higher education institution.]<sup>(1)</sup> Furthermore, their professional achievements must have led to their recognition in the relevant area of expertise.

[Only persons holding a doctoral degree awarded by a higher education institution, or who have attained an equivalent level of knowledge and experience, may be appointed to evaluation committees.]<sup>(1)</sup> Each evaluation committee shall include at least one member who is not an employee of the higher education institution concerned.

More detailed provisions on evaluation committees, teaching staff requirements and the qualifications and duties of such staff shall be stated in a *lex specialis* or in the statutes, charter or other foundation document of the higher education institution concerned.

<sup>(1)</sup>Act No 67/2012, Article 12, read in conjunction with Transitional Provision I of the same Act.

## **Section VII Students**

■ **Article 19** Students enrolling at a higher education institution must have passed the matriculation examination from an upper secondary school or an equivalent final examination. Higher education institutions may accept students who possess an equivalent level of maturity and knowledge as assessed by the relevant institution. Higher education institutions shall ensure that their admission and study requirements correspond at all times to those of foreign higher education institutions accredited in a similar academic field.

[The Minister may issue a regulation providing for the coordination of admission procedures nationally, the processing of applications and the publication of a notice on the application deadline for admission to higher education institutions. Prior to issuing the regulation, higher education institutions shall be given an opportunity to submit comments on its provisions.]<sup>(1)</sup>

Higher education institutions may apply special admission criteria, including by requiring students who meet the criteria of the first paragraph to pass an entrance or assessment examination.

Subject to the approval of the [Ministry],<sup>(2)</sup> higher education institutions may offer preparatory study programmes for persons who do not meet admission criteria. [The Minister may issue rules<sup>(3)</sup> on preparatory study programmes offered by higher education institutions.]<sup>(1)</sup>

After having obtained the opinion of the students' union of the relevant higher education institution, its Governing Council shall adopt rules on students' rights and obligations, including on available appeal procedures within the institution.

[Higher education institutions shall make provisions to ensure that teaching and special pedagogic support is available to students who have a disability within the meaning of Article 2 of the Act on the affairs of disabled people, No 59/1992, and to students with emotional or social difficulties. The institutions shall provide expert assistance and make appropriate facilities available as needed. Wherever possible, students with disabilities shall pursue their studies in the same venues as other students. Moreover, higher education institutions shall strive to provide special support to students with specific learning difficulties or suffering from an illness.]<sup>(1)</sup>

<sup>(1)</sup>Act No 67/2012, Article 13. <sup>(2)</sup>Act No 126/2011, Article 430. <sup>(3)</sup>Rules No 1266/2013.

■ **Article 20** The [Minister]<sup>(1)</sup> shall appoint three persons for a period of two years to a board of appeal to deal with complaints lodged by students at higher education institutions. One member of the board shall be nominated by the Rectors' Conference of Higher Education Institutions, one shall be nominated jointly by student unions, and one shall be appointed as chair without nomination. All board members must meet eligibility requirements for district court judges. Alternate members shall be appointed in the same way.

Appeals to the board fall under Section VII of the Administrative Procedures Act. Thus, the board cannot accept an appeal unless the relevant higher education institution has issued a final decision on the rights or obligations of the student concerned. However, the student may request a ruling by the board on whether the procedure followed by the higher education institution when handling a written complaint is consistent with law and sound administration, in which case the board shall issue an opinion in this regard.

It shall not be the role of the board of appeal to reassess examination results or the professional conclusions of teachers, juries or moderators.

- The rulings of the board of appeal are final at the administrative level and are not subject to appeal to the Minister.
- The [Minister]<sup>(1)</sup> may formulate more detailed rules<sup>(2)</sup> on the work of the board of appeal.  
<sup>(1)</sup>Act No 126/2011, Article 430. <sup>(2)</sup>Rules No 1152/2006.

### **Section VIII Finances**

■ **Article 21** The [Minister]<sup>(1)</sup> may negotiate agreements for the duration of three to five years at a time regarding the funding of teaching and research activities at higher education institutions accredited by the [Ministry]<sup>(1)</sup> pursuant to this Act. The existence of such agreements is a prerequisite for the provision of funding to the higher education institutions concerned.

- The agreements shall stipulate the following:
  - a. The [Ministry's]<sup>(1)</sup> terms and conditions for the provision of funding to the higher education institution in question;
  - b. The definition of teaching and research activities funded by the Treasury;
  - c. The main focuses of the higher education institution and the common objectives of the parties to the agreement;
  - d. Other tasks carried out by the higher education institution under the agreement;
  - e. ...<sup>(2)</sup>

...<sup>(2)</sup>  
<sup>(1)</sup>Act No 126/2011, Article 430. <sup>(2)</sup>Act No 67/2012, Article 14.

■ **Article 22** The [Minister]<sup>(1)</sup> shall lay down rules on the funding provided to higher education institutions. The rules shall stipulate the study programmes and research activities eligible for funding, the weighting of different subjects, the scope of research activities, and any other element on the basis of which funding is to be allocated.

Provisions regarding the authorisation of public higher education institutions operating under the authority of the [Minister]<sup>(1)</sup> to collect fees shall be stipulated in the applicable *lex specialis*.

<sup>(1)</sup>Act No 126/2011, Article 430.

■ **Article 23** Every higher education institution receiving funding from the Treasury shall hold an open annual meeting where the finances of the institution and the main aspects of its work programme are presented.

### **Section IX Miscellaneous provisions**

■ **Article 24** [Each higher education institution shall publish an official list of degrees offered by the institution at each time.]<sup>(1)</sup> Higher education institutions shall publish a course catalogue for each academic year, including an overview of and information on all creditable courses available and all degrees awarded by the institution.

<sup>(1)</sup>Act No 67/2012, Article 15.

■ **Article 25** Higher education institutions shall maintain information on the academic records of their students, current and former. They must also provide access to information and documents necessary for the purpose of the work of public statistical bodies and the publication of statistics. [Each higher education institution shall provide the Ministry with any information or document that it may need access to in relation to its monitoring of the institution's activities and finances. Documents emanating from higher education institutions are governed by the provisions of the Act on the National Archives of Iceland, No 66/1985, as amended. Where a higher education institution ceases its activities or is merged with another institution, its documents shall be transferred to the National Archives.]<sup>(1)</sup>

<sup>(1)</sup>Act No 67/2012, Article 16.

■ **Article 26** The rectors of higher education institutions accredited by the [Ministry]<sup>(1)</sup> form a special Rectors' Conference of Higher Education Institutions. They shall meet regularly and

discuss matters relating to the activities and interests of the institutions concerned. The conference shall provide opinions in matters referred to it by the [Minister]<sup>(1)</sup> or by individual higher education institutions. The conference shall constitute its rules of procedure and submit them to the [Minister]<sup>(1)</sup> for approval.

<sup>(1)</sup>Act No 126/2011, Article 430.

#### **Section X Entry into force etc.**

■ **Article 27** This Act shall enter into force on 1 July 2006. ...

■ **Article 28** ...

■ **Transitional provisions** Higher education institutions operating according to an operating licence issued by the Minister for Education, Science and Culture pursuant to the Higher Education Act, No 136/1997, as well as the University of Iceland, the University of Akureyri and the University of Education, each of which currently operates in accordance with a *lex specialis*, shall within two years of the entry into force of this Act have attained accreditation within the meaning of Article 3 in the academic disciplines pursued in each of them.

□ The Agricultural Education Act, No 57/1999, shall be reviewed within two years of the entry into force of this Act with a view to coordinating and increasing the cooperation of higher education institutions on quality assurance and study programmes.

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*Disclaimer: This is an English translation. The original Icelandic text, as published in the Law Gazette (Stjórnartíðindi) is the authoritative text. Should there be discrepancy between this translation and the authoritative text, the latter prevails.*