

Law No. () of the Year 2018

On Higher Education

President of the Executive Committee of the Palestine Liberation Organization

President of the Palestinian National Authority

Under the Powers Invested in Us

And in accordance with the Provisions of the Amended Basic Law of 2003 and its Amendments, Mainly Article (43)

And in Accordance with the Provisions of the Law No. (11) of 1998 on Higher Education

And in Accordance with the Nomination of the Council of Ministers Dated 27\12\2017

And in the Name of the Arab Palestinian People

We Have Passed the Following Law

Article 1

Definitions

The following words and expressions shall have the meanings assigned thereto unless otherwise indicated by the context:

State: State of Palestine

Ministry: The Ministry of Higher Education

Minister: The Minister of Higher Education

Council: Council of Higher Education.

Council Chairman: Chairman of the Higher Education Council.

Institution: Any higher education organization that delivers higher education services.

Commission: National Accreditation and Quality Assurance Commission.

Higher Education: Any regular academic or vocational degree attained at a recognized higher education institution for a minimum of one full academic year or two semesters, after obtaining a secondary school certificate or its equivalent.

General Education: Formal school education which spans from elementary education stage (grade (1) until grade (10)) or - its equivalent at informal education- through secondary education (11-12 grades), including its scientific, humanities and vocational streams.

Educational Program: The collection of educational materials taught for a minimum of two semesters at a higher education institution to attain education degree or certificate.

Equation: Equation by the Ministry of an academic degree, granted by a non-Palestinian education institution, with its equivalent Palestinian academic degree according to the equation system.

Article 2

The Right to Higher Education

Higher education is the right of every citizen who meets the scientific and objective conditions specified by the Ministry.

Article 3

Freedom of Scientific Research

Academic freedom and scientific research are guaranteed under this Decree Law.

Article 4

Objectives of Higher Education

Higher education aims to achieve the following objectives:

1. Preserving the national identity of the people of Palestine, enhancing its unity and cohesion wherever it exists.
2. Promoting the role of Arabic Language throughout educational stages, research and translation.
3. Preparing qualified human cadre of specialists, researchers, experts and technicians in the different disciplines of knowledge in line with the requirements of sustainable development.
4. Encourage the movement of authorship, translation and scientific research and reinforce the continuing education programs offered by Palestinian higher education institutions.
5. Making room for all qualified students to join higher education.
6. Enhancing cooperation among local, regional and international higher education institutions in line with the national needs and priorities.
7. Enhancing and reinvigorating the vocational and technical education system and strengthening cohesion and complementarity among its components.
8. Supporting and developing the institution and scientific research centers.
9. Developing spiritual, ethical and human values of the students and creating violence-free university environment.

Article 5

Powers of the Ministry

The Ministry shall have the following responsibilities:

1. Implementing higher education policies in all areas according to the provisions of this Decree Law.
2. Concluding agreements related to higher education, scientific research and cultural exchange programs with national dimension and following up the implementation of these agreements with the local, Arab, regional and international entities.

3. Representing Palestine in regional and international conferences in the field of higher education and scientific research.
4. Following up the institution, its academic programs and systems as well as its services, and performance and outputs quality.
5. Examining the applications submitted by the Commission for licensing higher education institutions.
6. Recognizing non-Palestinian higher education institutions.
7. Organizing the works of the students' service offices and following up their affairs.
8. Executing the policies of scholarships, grants and students aid at home and abroad.
9. Issuing the data and statistics of the institution.
10. Providing the necessary funds within the framework of the State budget to cover the expenditures of the institution and scientific research in accordance with the policies of the council.
11. Equating and authenticating the education certificates and general secondary education certificate issued by non-Palestinian institutions.
12. Authentication of the certificates granted by the institution according to the instructions issued according to the provisions of this Decree Law.
13. Supervising the vocational guidance programs for the students to select their majors in the institution.
14. Coordinating with the Ministries and other relevant institutions to set the rules of license for the professions that require educational qualifications.
15. Following up the affairs of the Palestinian students abroad and those of foreign students in Palestine.
16. Forming committees to assist in solving the disputes which could arise between the universities and their staffs or students.
17. Coordinating between the institution and the general education institutions for the purpose of complementarity.

Article 6

Powers of the Higher Education Council

1. Pursuant to the provisions of this Decree Law, a Higher Education Council shall be established in Palestine with independent and legal personality.
2. The President of the State of Palestine name the members of the Council based on nomination by the Council of Ministers upon request by the Minister.
3. The Council shall be established with the Chairmanship of the Minister and membership of the following:
 - a. Six members of the heads of universities to be chosen by the Board of Universities' Heads on rotational basis, provided that one of them is Head of a governmental university.
 - b. Two members of the Heads of the Trustees Boards to be chosen by the Minister on rotational basis or who may represent them on the condition that their universities aren't represented at the Council.
 - c. A member with remarkable academic stature representing the Palestinians in exile to be nominated by the Council of the Heads of the Universities in consultation with the Minister.
 - d. A member with remarkable academic stature from 1948 Land to be nominated by the Council of the Heads of the Universities in consultation with the Minister.
 - e. Representative of the Scientific Research Council with professor degree to be nominated by the SRC.

- f. The Chairman of the Accreditation and Quality Assurance Commission of the Higher Education.
 - g. Three members with remarkable academic stature to be chosen by the Minister.
 - h. Four members – two from the civil society organizations and two from the private sector. They should be of experience and competence, chosen by the Minister in agreement with Universities' Heads Council and in consultation with the relevant organizations.
 - i. Deputy Minister.
 - j. Deputy Minister of Finance.
 - k. Deputy Assistant for Higher Education Affairs.
4. The membership of the council must take into consideration gender representation and diversity of specializations.
 5. The term of the Council's membership is two years, renewable for one time.
 6. The Council has the right to invite, whom it deems appropriate, to attend certain parts of its meetings to be consulted in certain matters on the agenda of the meeting without having the right to vote.

Article 7

The Powers of the Council

The Council shall exercise the following powers:

1. Setting and developing the general policies of higher education and scientific research in Palestine.
2. Issuing the institution's governance standards.
3. Setting the general rules of students' admission to the institution.
4. Monitoring institution's implementation of the decisions of the Council in relation to students' admission and their number according to the instructions of the Council's Chairman.
5. Proposing higher education draft laws or amending them in light of the general policies development in the State.
6. Coordination between the institution and the scientific research centers.
7. Providing recommendations for developing institution's performance.
8. Submitting annual report to the Council of Ministers on the conditions of higher education in Palestine.
9. Setting funding policies to support the different areas of the higher education sector. The areas and value of the government support for the institution shall be based on these policies.
10. Unifying the institution's academic, financial, administrative and research standards.
11. Preparing financial and administrative instructions necessary for the work of the Council and its committees.
12. Proposing regulations to be forwarded to the Council of Ministers for approval.

Article 8

Council's Sessions

1. The Council holds its ordinary meetings every two months upon invitation by its Chairman or his Deputy in the event of his absence. A quorum is present when two thirds of the members are present at the beginning of the meeting, provided that the Chairman or his Deputy is present.

2. Special meetings of the Council are held upon request by its Chairman or a request signed by two thirds of its members with clear agenda.
3. The Council issues its decisions by the majority of the attendants. If the votes are tied, the Chairman's vote shall be considered as a casting vote, except for the decision of cancelling approval of a program or admission to the institution. Such cases require the vote of three quarters of the present members.

Article 9

Powers of the Council's Chairman

1. Representing the Council before official and unofficial authorities at homeland and abroad.
2. Chairing and managing Council's meetings.
3. Inviting to ordinary and special meetings of the Council.
4. Suggesting priority issues on the agenda of the Council.
5. Signing and endorsing agreements inside and outside Palestine on behalf of the Council.
6. Proclaiming the decisions and recommendations of the Council.
7. Proclaiming the instructions necessary for the implementation of the provisions of this Decree Law.

Article 10

1. The Council elects a Deputy Chairman from among its members for a certain duration in line with the provisions under Article (6\5) thereof.
2. Deputy Chairman takes over the powers of the Chairman in the event of his absence.

Article 11

Secretary General of the Council

The Council appoints the Secretary General from among the staff of the Ministry, upon nomination by the Minister. The Secretary General takes over the following responsibilities:

1. Setting up the agenda of the Council.
2. Following up the administrative affairs of the Council.
3. Following up the implementation of the decisions of the Council and presenting them to the Chairman of the Council to issue them.
4. Following up the work of the committees of the Council.
5. Reviewing the correspondences of the Council and presenting them at its meetings.
6. Attending the meetings of the Council and its committees and documenting the minutes of its meetings without having the right to vote.
7. Other tasks the Council assigns to him.

Article 12

Council's Committees

The Council has the right to form permanent or temporary committees and working groups, as it deems appropriate, to consider the issues it refers to them and presents recommendations thereat to the Council.

Article 13

Council's Units

The Council establishes its units to support and rationalize its decisions. The work of these units is organized according to the instructions issued by the Chair of the Council.

Article 14 **Remunerations**

Remunerations are paid for certain members of the Council under clauses (C,D,G,F,E) of Article 6(1). They are determined according to a regulation issued by the Council of Ministers upon nomination by the Chairman of the Council.

Article 15 **End of Membership**

1. The membership of the Council ends under any of the following cases:
 - a. Expiration of the term of membership or rotation.
 - b. Resignation.
 - c. Death.
 - d. Absence from three meetings annually without apology approved by the Council.
 - e. Replacement of the member by the institution he is representing.
 - f. If the member is convicted by court of an offence involving breach of honor or trust and hasn't been rehabilitated.
2. If a member term is expired, he must be replaced by another member according to the due procedures to complete the period left for the outgoing member.

Article 16 **Legal Personality**

The institution has a legal personality with financial and administrative independence that authorizes it to fulfill its duties and achieve its objectives.

Article 17 **Institution's Classification**

1. In terms of establishment, institutions of higher education are classified into:
 - a. Governmental higher education institutions**, shall be established by a decision of the Palestinian Council of Ministers and regulated as per the provisions of the law thereto.
 - b. Public higher education institutions** : non-profit institutions.
 - c. Private higher education institutions**: profit and non-profit institutions registered as per the Law of Companies.
2. In terms of the educational programs taught, higher education institutions shall be classified into:
 - a. The universities that include no less than three colleges and present the following:
 1. Intermediate diploma program from separate community colleges.
 2. BA educational programs "first university degree".
 3. Higher studies program (Higher Diploma, Master Degree, PHD).
 - b. University colleges which present:
 1. Educational academic or vocational and technical programs (BA).

2. A two or three-year vocational or technical programs (intermediate diploma).
- c. Community colleges which present vocational or technical program of not less than one studying year (intermediate diploma or vocational or technical diploma).

Article (18)

Institution's licensing

1. The institution must obtain a license before being established or before opening any branches upon the agreement of the Minister and nomination by the Commission.
2. Determining the conditions of the institution's establishment and the procedures and standards of its licensing according to a regulation issued by the Council of Ministers.

Article 19

Non-Palestinian Higher Education Institutions

Every non-Palestinian higher education institution has the right to apply for a license to open a branch or more for itself in Palestine on the condition that:

1. It goes through the licensing and accreditation procedures according to the provisions of this Decree Law and the regulations issued herewith.
2. It has a Palestinian partner with a share of not less than 51% of the capital.

Article 20

Licensing Procedures

1. Filing an application with the Commission for the establishment and license of the institution.
2. The Commission must respond to the application in writing in a period of not more than six months from the date of its submission. In the event that it decides to refuse application, the decision must be justifiable.

Article 21

Accreditation

1. Accreditation is divided into two types:
 - a. General accreditation: the Commission's acknowledgment that the institution is licensed and has the eligibility to apply for accreditation of its colleges and programs in accordance with the relevant conditions and the standards of the Commission.
 - b. Special accreditation refers to acknowledgement by the Commission of the eligibility of the program to be an educational program taught in the institutions of higher education.
2. The general accreditation starts with the Council's approval of establishing an institution based on the report of the Commission once the necessary conditions are in place.
3. The special accreditation starts with the approval of opening educational program in the institution when the conditions thereof are available. It is granted when the first batch of students graduate once all necessary requirements are available.

Article 22

The Language of the Institution

Arabic Language is the official language of the institution. It has also the right to use foreign languages in teaching some courses and programs in some colleges.

Article 23

Study System

1. The study system of the institution is based on credit hours or the study year based on the nature of the program approved by the Commission.
2. The study system is divided into:
 - a. Regular education: This education system allows the student to join the education institution and attend the lectures directly and regularly.
 - b. Open education: Education system which allows learning opportunities for every person, regardless of their age, free time or ability to attend lectures. It provides educational materials through multimedia, radio, TV and phones with a certain rate of discussion panels and direct meetings according to the conditions and requirements determined by the Council of Ministers in line with international standards.
 - c. e-education: an education system that employs ICT to provide interactive multi-resources environment to present students with educational programs anytime and anywhere in synced or non-synced manner based on self-learning and teacher-learner interaction according to specific conditions and requirements and in line with the regulation of the Council of Ministers.

Article 24

Certificates and Educational Degrees

The institutions award the following educational certificates and degrees, each according to its sphere of specialization:

1. Intermediate Diploma: A degree is awarded upon completion of minimum (60) credit hours after attainment of the general secondary certificate or its equivalence.
2. BA: A degree awarded upon completion of (120) credit hours or its equivalence as a minimum after attainment of the general secondary certificate or its equivalence.
3. Higher Diploma: A degree awarded upon completion of (24) credit hours or its equivalence as a minimum after attainment of BA.
4. MA: A degree awarded upon completion of (36) credit hours or its equivalence as a minimum after attainment of BA.
5. Doctorate: A degree awarded upon completion of (48) credit hours, as a minimum, including a thesis or its equivalence after attainment of MA and during a period of not less than three years of study in the Palestinian universities.

Article 25

Recognition and Equation

The procedures of the Ministry's recognition of the non-Palestinian higher education institutions, propriety of the educational certificates and degrees issued by them or equating them to the educational degrees granted by the Palestinian higher education institutions, shall be subject to the provisions of this Decree Law and the regulations issued herewith.

Article 26

Institution's Impunity

Each institution has a campus that enjoys impunity according to the provisions of this Decree Law. There shall be no seizure of the property of any institution or closure of it or of its centers and branches unless there is a judicial order thereof.

Article 27
Institution's Bylaws

Each institution sets forth its bylaws that govern its academic, administrative and financial affairs with no prejudice to the provisions of this Decree Law.

Article 28
Reports

The institution shall present the following reports to the Council:

1. Annual reports on the final budgets and accounts of the institution.
2. The annual reports that the institution and the relevant government institutions issue about its performance.

Article 29
Disciplinary Measures

The institution must abide by this Decree Law and the regulations herewith. In the event of its contradiction to this Decree Law, the Council shall:

1. Warn the institution to correct its status within a period the Council determines.
2. Implementing the following disciplinary measures in the event that the institution continues or repeats contradictions. The measure shall be taken upon nomination by the Commission:
 - A. Cancelling the accreditation of one program or more.
 - B. Ceasing admission permanently or temporarily.
 - C. Ceasing financial support of the institution.

Article 30
Board of Trustees

1. Each public university must have a board of trustees that shall be established with its responsibilities determined according a bylaw issued by the institution.
2. The term of the Board of Trustees is (3) years, with the possibility of renewal for one time.
3. The Ministry shall be informed of the establishment of the Board of Trustees. The Minister shall have the right to form interim supervising committee in the event of the institution's failure to establish the Board of Trustees.

Article 31
Board of Directors

The private universities – profit or non-profit- shall have board of directors whose responsibilities are determined according to the effective Law of Companies.

Article 32
Council of Chairmen of Universities

A Council of the Chairmen of Universities shall be established by a decision of the Minister. Its membership must include the Chairmen of the governmental, public and private universities under the chairmanship of the Minister to help the Council develop the system of higher education and exercise its duties according to the bylaw it issues without contradiction to this Decree Law.

Article 33

Management of the Institution

1. The university shall be chaired by a professor who is fully appointed for the purpose of its management for a period of three years with the possibility of renewal for not more than one time.
2. Each university college shall be headed by a dean who has an education degree of not less than a doctorate. He shall fully be appointed for the purpose of its management.
3. Each community college shall be chaired by a manager who has an education degree of not less than MA. He shall fully be appointed for the purpose of its management.

Article 32

Governmental Institutions' Management

1. The President of the State appoints the Board of Trustees and Chairman of the governmental university for a period of three years, renewable for one time only, upon nomination by the Council of Minister and recommendation of the Minister.
2. The powers of the chairman of the governmental institution, its boards and other affairs shall be determined according to the provisions of the valid basic regulation of the governmental universities.
3. The Minister shall appoint the Manager of governmental community college and the Dean of the governmental university college.
4. The governmental institutions submit their final budgets and accounts for the Ministry.

Article 35

Scientific Research Council

1. The Scientific Research Council aims to encourage scientific research through:
 - a. Execution of the general policies of scientific research and determination of its priorities.
 - b. Promoting partnership between the institution and the scientific research centers.
 - c. Promoting cooperation with the private sector institutions to contribute to promoting creativity and innovation.
 - d. Assisting in providing external support resources for scientific researches.
2. The activity of the scientific research council shall be regulated according to this Decree Law and the statutes issued thereof.

Article 36

Scientific Research Centers

1. Scientific research centers conduct scientific researches and studies in different disciplines.
2. Scientific research centers shall be registered with the Ministry that gives them the official character to exercises their responsibilities according to instructions issued in this respect.
3. The scientific research centers of the institution shall be excluded from this Article.

Article 37

Higher Education Endowment

1. The Ministry shall establish higher education endowment of money, in-kind and cash assets that would be held and invested to improve the performance of the institution and

develop education and scientific research quality to achieve sustainable development and develop the society.

2. The money and returns of the endowment fund shall not be used except for the purposes it is allocated for.
3. The Endowment shall be subject to the Council.
4. The Council of Ministers shall issue a regulation that regulates the Endowment and its financial resources as well as its management.

Article 38 **Commission**

1. The Commission shall develop the quality and type of education through:
 - a. Regular assessment of the institution and its academic programs.
 - b. Accreditation of academic programs.
 - c. Implementation of general and special accreditation standards in the institution.
 - d. Development and implementation of the quality assurance system in the institution.
2. The Council of Ministers shall issue a regulation that organizes the work mechanism and responsibilities of the Commission.

Article 39 **Exemptions**

The non-profit public and private higher education institutions shall be exempted from direct and indirect taxes imposed on sources of revenues. They shall also be exempted from customs duties imposed on movable and immovable assets. In addition, they shall enjoy privileges and facilitations enjoyed by governmental institutions, charities and public commissions in accordance to the valid relevant laws.

Article 40 **Fees**

1. The Ministry shall earn the following fees:
 - a. The fees of licensing of the institution or any of its branches.
 - b. The fees of accreditation or re-accreditation of the programs of the institution.
 - c. The fees of equation, ratification and \ or recognition of certificates.
 - d. Certificates issuance fees.
 - e. Comprehensive applied exam fees.
 - f. Fees of accreditation or renewal of university services offices.
2. The value of the fees and the conditions of collection shall be determined according to a regulation that shall be issued by the Council of Ministers.

Article 41 **Status Rectification**

1. All the institutions that are registered with the Commission shall be considered licensed prior to the enforcement of this Decree Law.
2. The institutions shall have to rectify their status according to this Decree Law within a period of (12) months from the date of the entry into force of this Decree Law. The Minister has the right to extend this period for another (6) months.

Article 42

Transitional Rule

Without prejudice to the provisions of this Decree Law, the regulations and instructions issued pursuant to the Law No. (11) of 1998 on Higher Education shall continue to be in force until they are revoked or amended within a period of (12) months from the date of the entry into force of this Decree Law.

Article 43

Issuance of Regulations

1. The Council of Ministers shall issue the regulations necessary for the enforcement of the provisions of this Decree Law.
2. The Minister shall issue the instructions necessary for the enforcement of this Decree Law.

Article 44

Submission to the Palestinian Legislative Council

This Decree Law shall be submitted to the PLC in the first session it holds for approval.

Article 45

Revocation

1. Law No. (11) of 1998 on Higher Education shall be revoked.
2. All that might contradict with the provisions of this Decree Law shall be revoked.

Article 46

Validity & Enforcement

All competent authorities, each within the sphere of its jurisdiction, shall enforce this Decree Law that shall enter into force after (30) days from the date of being published in the Official Gazette

Issued in the city of Ramallah on 26\3\2018

Mahmoud Abbas

President of the State of Palestine

President of the Executive Committee of the PLO