

Law 1/2003, of 19 February, governing Catalan universities

The President of the Government of Catalonia

Let it hereby be made known to all citizens that the Parliament of Catalonia has approved, and that I, in the name of the King and in accordance with the provisions of Article 33.2 of the Catalan Statute of Autonomy, proclaim the following

LAW

Preamble

At the commencement of this new century, Catalan universities find themselves facing new realities, new challenges and new opportunities. Processes of internationalisation are having a significant impact on our university system and require policies and strategies that focus on areas such as quality in teaching and research, mobility of students and teaching staff, and convergence towards the creation of a European higher education area. Moreover, rapid evolution of the economic and social environment requires that course content and university operating methods be constantly adapted to effectively combine creativity and the transmission of scientific, technical and humanistic knowledge with an approach that prepares students to undertake professional careers, while also promoting critical thinking, pluralism and the values associated with a democratic society. The wider availability of higher education in Catalonia, together with a certain reduction in demographic pressures, has made it possible to pursue, with increasing determination, quality-oriented policies that aim to place Catalan universities in a leading position while also providing an excellent level of service to the population of Catalonia in the higher education field. Finally, the information and communication technologies have opened up previously unimaginable possibilities, and have the potential for becoming essential tools in pursuing ongoing improvement at universities.

In its approach to addressing new realities, this Law takes into account three basic premises. The first of these is the existence of a Catalan university reality that is heir to a distinctive intellectual, educational and scientific tradition. We refer to this as the Catalan university system. The second premise is a determination to fully integrate this system within the European higher education area, and to play a key role in the construction of that area. The final premise is that excellence is an indispensable prerequisite for progress in all areas of university life, particularly in teaching, research and the transfer of technology and knowledge.

The Catalan university system is the result of centuries of historical development. King James II, the Just, created the Lleida General Programme of Studies in the year 1300, based on the principles of university autonomy and the universality of knowledge. Between 1533 and 1645, general programmes of study or universities were also set up in Barcelona, Girona, Tarragona, Vic, Solsona and Tortosa. It is interesting to note that statutes closely regulated internal operations, including the process for selecting Vice Chancellors, a post that was alternately held by a Catalan citizen and a citizen of Aragon. Emphasis was also placed on attracting students from abroad.

The events of 1714 led to the disbanding of Catalan universities. During the 18th century in the city of Barcelona, the Board of Trade promoted a modern and practical approach to education. The reestablishment of the University of Barcelona in 1837, which had long been demanded, marked a major step forward in the rebuilding of the university system. Manuel Milà i Fontanals, Manuel Duran i Bas and other intellectuals active during this period of renewal served as professors at the university. In the medical sphere, the research carried out by Santiago Ramón i Cajal and by the school of physiology founded by August Pi i Sunyer, warrants particular mention. The restored university was, however, bureaucratic, highly centralised, provincial and subordinate (apart from a brief period during the 1930s, doctoral degrees could not be granted by the University of Barcelona until 1954). Numerous barriers existed to the expression of the Catalan reality, and the language of the region was entirely absent. These circumstances led to the adoption of two different lines of action. On the one hand, there was an external drive - from outside the official university structure - to invigorate higher education and research *in* Catalonia and that focused *on* Catalonia. This eventually led to the foundation of the Institute of Catalan Studies and the Catalan University Studies Programme. On the other hand, there was an internal push for university reform, driven, in the words of Pere Bosch i Gimpera, by a generation that was “passionately committed to a Catalan ideal, an ideal that was applied at the university in order to improve it, to transform it and make it an integral part of Catalan life”. This was a generation inspired by the words of Josep Torres i Bages: “The day that the University becomes truly Catalan is the day that the rebirth of Catalonia will commence”. This movement was expressed in a clear and innovative manner at the 1st and at the 2nd Catalan University Conferences, in 1903 and in 1918, respectively. These events focused on discussion and calls for change, addressing issues such as Catalan identity at the university, autonomy, academic freedom, and pedagogical and cultural renewal. Calls were made to transform the university and create the conditions that would make it possible to achieve a high level of quality.

All of these movements came to extraordinary fruition in the Autonomous University of Barcelona, at a time when the Board of Trustees for the new university was presided over by Pompeu Fabra, and after Pere Bosch i Gimpera succeeded Jaume Serra i Húnter as Vice Chancellor. The University of Barcelona's statute of autonomy - which was enacted in 1933 and remained in force, with some interruptions, until 1939 - introduced significant innovations in key areas such as the selection of teaching staff, the regulation of staff who were not members of state bodies, the incorporation of students in governing bodies, and the renewal of syllabuses.

Within the framework of resistance to Franco's regime, the university played a key role in peaceful democratic protests in favour of greater freedom, while also affirming its social functions. There were a number of episodes that highlighted the importance of the university in this regard. One was the foundation, at the Caputxins Convent in Barcelona's Sarrià district on 9 March 1966, of the Democratic Students Union of the University of Barcelona. The event, attended by intellectuals such as Jordi Rubió, Joan Oliver and Manuel Sacristán, witnessed the presentation of the *Manifesto for a Democratic University*. Another milestone was the *Bellaterra Manifesto* of 1975, which, at an early stage of Spain's transition to democracy, initiated a process of university renewal aimed at creating a third-level system that was Catalan, scientific and democratic.

Particularly important developments during this new stage included the creation of the Inter-University Council of Catalonia and the holding of the 3rd Catalan University Conference in 1978. The aim of the conference was “to implement an overall analysis that would lay the guidelines for drafting an alternative university policy adapted to the possibilities offered by a democratic political framework”.

More recently, with the reestablishment of the Government of Catalonia, progress has been made in consolidating a distinctively Catalan university system that is based on a scientific and democratic approach. The comprehensive system that has emerged, with centres distributed throughout the region, is modern and pluralistic. Catalan universities have also developed ties with universities in other Catalan-speaking regions by creating the Universities Network of the Joan Lluís Vives Institute. The Government of Catalonia has also set up suitable organisational structures for managing the university system, culminating in the creation of the Catalan Department of Universities, Research and the Information Society, in April 2000.

Just as this Law seeks to reflect and build on the long-standing Catalan university tradition while highlighting Catalan political identity as an inspiration for the creation of a distinctively Catalan framework for higher education, so too does it wish to promote contributions by Catalan universities to the progress of knowledge, science and the humanities, and to the university experience as a whole. This Law seeks to contribute to the construction of a university system that is truly universal in its orientation, as well as being particularly focused on the European context. It is worth recalling the words of Francesc Layret, who wrote, in regard to the proposed statutes for governing an autonomous university in Barcelona (drafted at the 2nd Catalan University Conference in 1918), that the university should be an institution that would act as “a driving force for Catalan culture”. Layret added that “this Catalan identity, rather than seeking to set the region apart, should be aimed at including the energy and spirit of the Catalan people in the spiritual heritage of humanity”.

In this light, it should be noted that a number of major projects have contributed to advancing the process of European integration in recent years. The creation of a European higher education area based on the principles contained in the Bologna Declaration of 1999 (which was underwritten by Europe’s education ministers) should contribute to overall convergence between European university systems, which, by definition, know no borders. Basic aspects of this European higher education area are a new cycle-based educational structure and the transferability of credits to make it possible to compare qualifications. The cycle-based structure that was proposed in the Bologna Declaration is intended to harmonise university cycles and to promote a more generalised approach to knowledge acquisition in the initial stage, followed by greater specialisation in the latter stages. The initial stage focuses on providing a general knowledge background in one or more areas, with emphasis on training students to deal with a complex world and develop problem-solving skills. This is followed by a second, more specialised stage, geared at research or the practice of a particular profession. The final stage in the system is aimed at developing in-depth professional knowledge and skills, generally in the form of doctoral studies. These new structures and orientation will need to be progressively introduced into the Catalan university system.

Europeanization and internationalisation are both promoted by increased mobility among students and teaching staff. Mobility fosters integration with Europe, while also

facilitating language learning and intercultural understanding and exchange. In terms of research and doctoral work, it should be added that mobility is a necessary consequence of the universality of knowledge and scientific research.

Internationalisation and mobility must be compatible with the continuing presence of distinctively Catalan cultural traits in its university system, and particularly with the use of the language of the region, which is also the rightful language of the Catalan universities. All languages that serve as vehicles for the transmission of culture must have a strong, living presence in higher education. This is a principle of which those who fostered the opening of universities to the Catalan reality during the 19th and 20th centuries were well aware. Nowadays, the situation in which we find ourselves is much improved, but maintaining what has been achieved requires, and will continue to require, constant effort and a sustained policy aimed at promoting the use of the Catalan language.

Finally, the Catalan university system must reflect an unwavering commitment to the pursuit of excellence and quality in all areas. A university will be able to perform its social function effectively only if higher education institutions constantly set new objectives and strive to maintain their position at the cutting edge of knowledge and in other facets of university activity. This implies a continuous effort aimed at improving teaching and learning processes, ensuring optimum quality research, transferring technology and knowledge effectively to society, and introducing modern management techniques within universities. In this regard, key areas for action include the incorporation of principles of good governance in the university sphere; policies for the selection, training, promotion and mobility of teaching staff; collaboration between research teams; and, finally, the development of appropriate formulae for exploiting the intellectual assets of universities (for example, by stimulating the creation of technology-based companies).

This Law is the outcome of a lengthy process of reflection concerning the new challenges facing universities in the 21st century. This process, which is not unique to Catalonia, has occurred, within Catalonia, against a background of ongoing dialogues involving the university community and society at large. The depth of this reflection is evident in reports such as *Higher Education in the Learning Society* (the Dearing Report, July 1997, Great Britain), or *Universidad 2000* (March 2000), commissioned by the Conference of Spanish University Vice Chancellors, and, in Catalonia, in *Per un Nou Model d'Universitat* [Towards a New Model for Universities], published in March 2001 by a committee set up to consider the future of Catalan universities (Comissió de Reflexió sobre el Futur de l'Àmbit Universitari Català). These documents, along with others, provide valuable and coherent insights into a new, more open and pluralistic approach to university learning.

As recognised in Articles 15 and 9.7 of the Catalan Statute of Autonomy, referring to teaching and research, respectively, this Law falls within the scope of the powers and responsibilities that correspond to the Government of Catalonia. It also strictly respects the fundamental right to university autonomy, by virtue of which universities may give concrete expression, in their own statutes and other internal regulations, to a considerable number of the points addressed here. This Law also corresponds within the basic framework established by Organic Law 6/2001, of 21 December, governing universities.

This is the first law concerning universities to be passed by the Parliament of Catalonia. However, it pays particular attention to other legislation regarding universities that has been passed in recent years, elements of which, subject to appropriate modifications, have been incorporated in the new Law. Such legislation includes Law 15/1998, of 28 December, governing the Inter-University Council of Catalonia, and Law 16/1998, of 28 December, governing the social councils of Catalonia's public universities.

The Law is laid out in the form of a Preliminary Title and eight Titles. The Preliminary Title defines the Catalan university system as composed of universities already established in Catalonia and listed by name, as also those which may be created or officially recognised in the future by the Parliament of Catalonia. This section also stipulates the objectives and principles on which the Catalan university system is based and which shape the rest of the provisions contained in the Law. Catalan is specifically named as the language of universities in Catalonia, and reference is made to the legislation in force in this area, specifically to Law 1/1998, of 7 January, governing language policies, which recognises the right of teaching staff and students to express themselves in the official language of their choice. Accordingly, teaching staff members are required to have the language skills necessary to fulfil their educational responsibilities.

Title I deals with university activity, encompassing study, teaching and research. In the area of study and teaching, particular emphasis is placed on the comprehensive training of students; the adaptation of syllabuses to the European higher education area; the promotion of cross-disciplinary qualifications that allow students to acquire a general education; the internationalisation of doctoral programmes; opportunities for lifelong post-secondary education; and teaching quality. In particular, and with a view to facilitating the process of European harmonisation, the Law authorises universities to issue in-house qualifications corresponding to European qualifications within the framework of existing official programmes of study.

The university emerges as a central institution within the research system. University research centres are defined, with particular mention made of university institutes, science and technology parks, and scientific-technical services. The stimulus and innovation associated with universities is seen as a driving force behind the economy. In this respect, emphasis must be placed on cooperation between universities and private sector organisations, so as to facilitate the transfer of knowledge and technology. Particular attention is given to promoting the mobility of teaching staff between the university and the world of business, and to research applications outside the university context. Universities must also foster the entrepreneurial talents of researchers and students, and promote innovative initiatives and the creation of businesses.

Title II is concerned with the university community, comprising students, teaching and research staff, researchers, and administration and services staff. The possibility of Catalan universities working together to create a common admissions procedure is provided for in this section. Such a procedure should take into account the number of places available, assess only merit and ability, be in all cases transparent and objective, and ensure anonymity in the marking of entrance examinations. Extensive and beneficial experience acquired in the coordination of Catalan university admission procedures is a guarantee of the effectiveness of this system. The minimal student rights and obligations that universities should take into account in their internal regulations are

specified, and a framework is set out for coordinated action between universities, through the Inter-University Council of Catalonia, in order to create mechanisms that guarantee these rights. The need to apply measures aimed at welcoming, supporting and integrating students in university life is also established. Such measures should be applied not only in relation to academic activities, but also in addressing social and shared-living issues. It is particularly important that universities contribute to developing the potential of each student. This goal highlights the importance of the university experience in students' lives, and its role in promoting involvement in organisations and associations.

One of the most innovative aspects of this Law is the regulation of contracted teaching staff. A new pathway to an academic career is opened up based on recruitment within the framework of the general employment model, which may complement or substitute recruitment within the framework of the civil service model, but which shall, nonetheless, be equally as demanding in terms of requirements. This measure follows on from historical demands for university reform (the Catalan terms *professorat lector* and *professorat agregat*, equivalent to full-time lecturer/researcher and reader, respectively, derive from this tradition). Thus, for example, the academic career of an individual who has completed a doctoral degree may commence with a contract as a post-doctoral researcher at a research centre or university, then continue in the form of a contract for a maximum of four years as a full-time lecturer/researcher (doctoral assistant), whether in the same or in another university or department. It should be pointed out that this is the first time since the period of the Catalan Republic (1931-1936) that teaching staff with permanent employment contracts have been regulated, i.e. professors and readers (both of which fall within the category of contracted lecturers holding doctoral degrees), as well as permanent assistant lecturers. These lecturers are selected directly by universities; readers and professors must have prior research accreditation, whilst permanent assistant lecturers must have a prior favourable report issued by the Catalan University System Quality Agency. The Law regulates various legal issues that apply to teaching staff, including, in particular, different types of leaves of absence. The aim is to facilitate the mobility of teaching staff and their involvement in the transfer of knowledge and technology and in the creation of technology-based companies.

One chapter of this Law is concerned with academic research staff, consisting of university lecturers and researchers holding doctoral degrees. Such researchers may belong to the university where they are working (particular attention is paid to the recruitment of post-doctoral research staff by universities), or may be associated with it under the terms of a cooperation agreements for a specific project (with no modification of their legal ties to the institution from which they are on loan). Doctoral research students and assistants are regarded as trainee researchers.

Title III, on the subject of public university governing and representation, makes specific reference to Vice Chancellors and Directors, regulates the operation of the Social Councils, and introduces the novel concept of the possible creation of a Council of University Alumni and Friends. In regard to the Social Councils, the new regulations reduce their composition to fifteen members. Nine of these shall be representatives of Catalan society, appointed by the Parliament of Catalonia, the Government of Catalonia and business and trade union organisations, and shall include a former student representative; the remaining six shall be members of the Governing Council of the

university. In this way, the balance of internal and external members is maintained as in previous regulations. Moreover, the operation of this very important university participative body is improved, as also its operations within the university context. The regulations in this Law, which replace the previous regulations described in Law 16/1998, of 28 December, list the functions, and describe the organisation and operation of the Social Councils. The Council of University Alumni and Friends, which is perceived as a body that will both maintain ties between a university and its alumni and permit the latter's participation in university life, represents an innovation that reflects the prominence given to this group in neighbouring countries.

Title IV refers to the legal regime governing universities and the organisation of courses and university structures. Title V describes the basic instruments for organising the Catalan university system, namely, the Catalan University Plan and the University Funding Programme. This Law for the first time accords the right to private universities to have their courses of study included, if they so wish, in the Catalan University Plan. In regard to financing the public universities, three kinds of funding mechanisms are envisaged: general, complementary (by means of programme contracts) and open competition. Infrastructures and equipment shall be financed in accordance with the University Investment Plan. In view of the proposed liberalisation of the third level sector in the framework of World Trade Organisation negotiations, special mention is made of the fact that the Government of Catalonia will only fund non-profitmaking initiatives.

Title VI regulates the Inter-University Council of Catalonia, which is the coordinating body for the Catalan university system as well as a consultative and advisory body for the Government of Catalonia on matters concerning universities. The regulations of this Law replace those of Law 15/1998, of 28 December, although the Council's functions are practically identical to those described in the latter. One new feature is the fact that the Board of the new Council is empowered to convene in plenary sessions or as a permanent board. For the former, the participation of up to three Vice Chancellors from non-profitmaking private universities who subscribe to the Catalan University Plan is permitted.

Title VII refers to guarantees of university quality. The Catalan University System Quality Agency, which is configured as a public body subject to private law, is defined as the primary instrument for promoting and evaluating university education quality. The existing Agency is the result of modifications to the original consortium created by Decree 355/1996, of 29 October, in which both the Government of Catalonia and the public universities participated. This modification was necessary to adapt to the new responsibilities assigned to the Agency by Organic Law 6/2001, of 21 December, governing universities, and ensured that the principles of independence, professionalism and freedom to operate would be adhered to, as in equivalent European agencies. The Management Committee of the new Agency will maintain the representation of the public universities, and will include the Vice Chancellor of the Open University of Catalonia and up to three Vice Chancellors from private universities that have adopted the legal structure of non-profitmaking bodies. Agency evaluation tasks will be carried out by a Quality Evaluation Committee, a Full-time Instructor/Researcher and Assistant Lecturer Committee, and a Research Evaluation Committee. These committees, which shall operate with technical independence, will issue evaluations for their respective fields for which they will be ultimately responsible.

Title VIII, on the subject of the financial and economic regime governing the public universities, regulates certain patrimonial aspects of the universities. Worthy of particular mention is the fact that, for the purposes of expropriation, construction works for the installation, extension and improvement of university structures to be used to provide services and facilities on university campuses and in science and technology parks may be declared as a utility of public interest. As for university budgets, of note are the provisions in relation both to the authorisation of staffing costs and to financial control over universities.

Finally, reference is made to the creation, within the framework of the Inter-University Council of Catalonia, of a bureau to act as an observatory for the European higher education area, to monitor trends and promote the adaptation of Catalan universities to the European system.

Preliminary Title

General provisions

Article 1

Purpose

1. The purpose of this Law is to regulate the Catalan university system within the framework of the European higher education area.
2. It is the responsibility of both the Government of Catalonia and the universities to promote the development of the Catalan university system.

Article 2

The Catalan university system

1. The Catalan university system is composed of universities established in Catalonia, as follows:
 - a) University of Barcelona
 - b) Autonomous University of Barcelona
 - c) Polytechnic University of Catalonia
 - d) Pompeu Fabra University
 - e) University of Lleida
 - f) University of Girona
 - g) Rovira i Virgili University
 - h) Ramon Llull University

i) Open University of Catalonia

j) University of Vic

k) International University of Catalonia

2. Universities that may be created or officially recognised by the Parliament of Catalonia in the future shall also be regarded as forming part of the Catalan university system.

Article 3

Objectives of the Catalan university system

1. The universities making up the Catalan university system shall have the following basic objectives:

a) To create, transmit and disseminate culture and scientific, humanistic, technical and professional knowledge, and to prepare students to exercise a profession.

b) To foster critical thinking and a culture based on the values of freedom, solidarity, equality and pluralism, and to transmit the civic and social values associated with a democratic society.

c) To enrich the intellectual, cultural and scientific patrimony of Catalonia in order to contribute to general social and economic progress and to sustainable development.

d) To incorporate the Catalan language in all areas of knowledge and to contribute to the process of standardising its use in scientific, cultural and social contexts.

2. University objectives shall be achieved primarily by means of study, teaching and research.

3. Public authorities shall collaborate with universities in working to achieve these objectives.

Article 4

Basic principles

Regulation of the Catalan university system is based on the following principles:

a) The constitutionally recognised principle of university autonomy, which means that each university is entrusted with the task of safeguarding the general interest in higher education, has full organisational and operational freedom, is self-regulating, and is accountable to society under the terms established by law.

b) The principle of equal opportunity for all citizens of Catalonia in terms of admission to university and continuation of studies undertaken.

- c) The principle of the universality of knowledge and scientific method as a means of extending the boundaries of knowledge.
- d) The concept of the university as an area of social commitment and participation, and as a driving force for processes aimed at improving society.
- e) Coordination between universities belonging to the Catalan university system, which, while respecting diversity and territorial balance, can contribute to ensuring effective and efficient administration of public resources.
- f) The promotion of scientific research, technological development and innovation.
- g) The pursuit and evaluation of quality in teaching and research and in the management and administration of university services, in accordance with internationally recognised standards and methods.
- h) The pursuit of improved teaching methods and the facilitation of lifelong learning, with a view to improving social cohesion, equality of opportunity and quality of life.
- i) Coordination of actions aimed at achieving full integration with universities in the European higher education area and at promoting Catalan universities within Europe and throughout the world.

Article 5

Student education in values

1. The department responsible for universities, and public universities, shall contribute to the development of students' capacities in third level learning environments and shall promote education in values as an integral part of the overall learning and training process.
2. Universities shall foster and support initiatives that complement official educational programmes and that contribute to transmitting values of freedom, responsibility, coexistence, solidarity, participation and full citizenship.

Article 6

Language

1. Catalan is the rightful language of Catalan universities and, consequently, shall be deemed the language of normal use in university activities.
2. Catalan is the official language of the universities of Catalonia, as is Spanish. The use of the official languages in university activities is governed by Law 1/1998, of 7 January, governing language policies.
3. Within the framework of Law 1/1998, of 7 January, governing language policies, the Government and the universities, in their respective areas of responsibility, shall foster

the knowledge and use of Catalan in all areas of university life and shall promote the learning of Catalan among members of the university community.

4. In accordance with the provisions of Law 1/1998, of 7 January, governing language policies, university teaching staff - with the exception of visiting lecturers and professors and others in similar situations - shall have sufficient knowledge of both official languages to be able to carry out their academic tasks. The Government of Catalonia, acting through the Inter-University Council of Catalonia, shall ensure that selection, admission and evaluation procedures shall be designed that take into account language requirements, in accordance with the legislation in force.

5. The Government, acting through the Inter-University Council of Catalonia, and in accordance with the legislation in force, shall endeavour to ensure that the admission and incorporation of new members in the university community does not alter normal language use in the teaching context or interfere with the process of language standardisation at universities.

6. The Government and universities, in their respective areas of responsibility, shall establish programmes to promote knowledge of third languages. Such programmes may include the use of these languages in university academic contexts or the teaching of specific subjects as part of a course of studies.

Title I

University activities

Chapter I

Studies and instruction

Section 1

Qualifications and syllabuses

Article 7

Purpose of studies

The purpose of university studies is the civic, cultural, scientific, humanistic, technical and professional education of students. University studies should also contribute to the development of each individual's personality, to the production of creative graduates committed to their professions, to scientific progress, and to the future of Catalan society.

Article 8

Approval and definition

1. Syllabuses, drafted and approved by each university, are planning and organisational instruments for university studies and should provide the basis for a quality education.

2. Universities, subject to the legislation in force, shall adopt measures that allow flexibility in syllabuses and enable them to be adapted to new needs.

Article 9

Skills and levels of competence

The content of syllabuses and courses shall ensure that students, by the time they complete their studies, shall have acquired the skills and levels of competence that will enable them, with a high degree of autonomy, to synthesise and interpret basic data and issue opinions, to develop standards for their own social, scientific and ethical conduct, to communicate information to any type of audience, and to be able to acquire the skills necessary to progress in their own education and development.

Article 10

Cross-disciplinary qualifications

The department responsible for universities, and public universities, together with private universities adhering to the Catalan University Plan, shall, through the Catalan University Plan, promote and offer courses leading to cross-disciplinary qualifications that allow holders to enter other areas of study.

Article 11

Transferability and mobility

1. Universities are responsible for the recognition of courses of study.
2. Universities, through the Inter-University Council of Catalonia, shall coordinate the system for recognising courses of study, and shall adopt, in accordance with the legislation in force, appropriate measures for facilitating the transferability of credits and student mobility, within both the framework of the Catalan university system and within the European higher education area.
3. Private universities may also participate in coordinating the system for recognising courses of study and adopt appropriate measures to facilitate the transferability of credits and student mobility.

Article 12

Doctoral studies

1. The purpose of doctoral studies is to train researchers to work in academic or private sector research contexts.
2. The department responsible for universities and public universities shall promote measures aimed at strengthening the quality and degree of specialisation in doctoral studies, while fostering inter-university cooperation and internationalisation. They shall

also implement measures to ensure that the best candidates are admitted to doctoral studies, regardless of nationality or origin.

3. Doctoral instruction, which may be given in university departments, centres or institutes, shall be provided by holders of doctoral degrees. Doctoral programmes approved by each university or group of universities shall have a director, who shall be a lecturer holding a doctoral degree from the university responsible for coordinating the programme.

Article 13

In-house qualifications

1. Universities, through the Inter-University Council of Catalonia, shall foster and coordinate suitable measures that will facilitate the progressive and full harmonisation of study cycles and in-house qualification titles with the European degree system.

2. Universities may also issue in-house qualifications to students who have successfully completed the first cycle of official university studies involving both a first and a second cycle.

3. The Catalan University System Quality Agency may accredit and certify in-house qualifications.

Article 14

Lifelong higher education

In line with the guidelines for the European higher education area, the department responsible for universities, and universities themselves, through the Inter-University Council of Catalonia, shall ensure that universities offer suitable higher education programmes that facilitate lifelong university training and updates to knowledge and skills.

Section 2

University qualifications in the European higher education area

Article 15

Information and transparency

1. In order to facilitate the development of a compatible university qualification system within the European higher education area, diplomas and degrees issued by universities shall be accompanied by a European degree supplement. This document shall, subject to the legislation in force, contain information aimed at guaranteeing transparency with regard to the level and content of completed courses of study.

2. The department responsible for universities and public universities may, subject to the legislation in force and acting through the Inter-University Council of Catalonia,

adapt the design of the European degree supplement to the specificities of the Catalan university system.

Article 16

Adaptation measures

1. The department responsible for universities, and universities adhering to the Catalan University Plan, shall, subject to the legislation in force, promote the curricular adaptations necessary for the introduction in Catalonia of degrees structured according to the cycles established for the European higher education system.

2. With a view to facilitating the mobility of students and holders of qualifications within the European higher education area, universities shall, in relation to their qualifications and subject to the legislation in force, adopt measures aimed at:

a) Adapting the cycle structure of programmes to the general lines of the European higher education area.

b) Adapting the titles of qualifications.

c) Applying the European credit system, or any other system adopted within the European higher education area, in academic evaluation purposes within the framework of the university syllabuses.

d) Facilitating the adaptation of the system of qualifications to the European framework.

e) Adapting any other qualifications that may be adopted within the framework of the European higher education area.

Article 17

Coordination

The Inter-University Council of Catalonia shall coordinate all procedures implemented by universities with a view to achieving European convergence for qualifications.

Section 3

Teaching

Article 18

Mission

University teaching staff, in fulfilling their instructional tasks, shall ensure that students receive a quality university education. This goal shall be achieved on the basis of recognised professional competence and the application of innovative and effective teaching methodologies.

Article 19

Teacher training and quality

1. In order to ensure the quality of instruction, the department responsible for universities, and public universities themselves, shall provide teaching staff with appropriate opportunities to update skills and knowledge over the course of their academic careers. Particular emphasis shall be placed on providing such training for lecturers in the early stages of their careers.
2. University teaching quality shall be subject to assessment. Accordingly, universities, in collaboration with the Catalan University System Quality Agency, shall develop methodologies and programmes for assessing different forms of instruction.
3. The department responsible for universities and public universities shall develop ongoing training programmes for teaching staff and provide incentives and recognition for quality teaching.

Chapter II

Research, technology transfer and the transmission of knowledge

Section 1

General provisions

Article 20

Mission

The department responsible for universities, and universities themselves, shall pursue the advancement of knowledge through research, technological innovation, and the training of researchers. They shall also endeavour to ensure that knowledge and new technologies are made available to society by establishing appropriate transfer mechanisms.

Article 21

Promotion of research

1. The Government of Catalonia and the universities shall promote the development of the European research area and the active participation of universities within this area as an essential element in the Catalan system for research, development and innovation.
2. The Government of Catalonia shall stimulate university research within the framework of multi-year research and development plans and through any other programmes and actions applicable in this context.

3. The department responsible for universities and public universities shall implement measures aimed at encouraging and supporting the participation of teaching and research staff in activities involving competitive public or private research funding.

Section 2

Research structures and support for university research

Article 22

Categories

1. Research and technological innovation at public universities shall take place mainly in research groups, university departments and research centres.

2. Research centres may be of several kinds:

a) Centres associated with a particular university.

b) Shared centres involving the participation, on the basis of established agreements or other forms of cooperation, of one or more universities, whether operating alone or with other public or private institutions.

c) Centres that are associated with one or more universities on the basis of established agreements, but officially belonging to other public or private institutions.

3. Research centres may adopt any acceptable legal structure appropriate for the purposes for which they are established.

4. Universities shall be responsible for the promotion and creation of such centres, for establishing links to other institutions, and for their own participation on the basis of a suitable formula for collaboration.

Article 23

University research institutes

1. University research institutes, governed by Article 10 of Organic Law 6/2001, of 21 December, on universities, are research centres that, in addition to their own activities, may organise and implement doctoral programmes. Research institutes may belong to a particular university, be of an inter-university nature, or be associated with one or more public universities on the basis of an established agreement.

2. The creation, closure, modification, association and disassociation of university research institutes shall be effected by the department responsible for universities, at the behest of the Social Council of the university concerned or on its own initiative with the agreement of the Social Council. In any case, such actions shall require a prior report from the Governing Board of the university concerned.

Article 24

Science and technology parks

1. Universities may create science and technology parks, associated with a particular university or of an inter-university nature, that bring together research centres belonging to a university or universities, private sector organisations or other institutions.

2. Science and technology parks shall have the following main objectives:

a) To promote and facilitate research.

b) To facilitate contact and cooperation between universities and the private sector, and the public dissemination of the results of university research.

c) To create technologically innovative companies.

d) To stimulate a culture of quality, research and innovation among the institutions established in the park and the private sector organisations associated with it.

e) To make companies more competitive through innovation and the refinement of technology.

Article 25

Scientific-technical services

1. Universities shall provide the scientific-technical support services necessary to carry out research.

2. The department responsible for universities and public universities shall promote coordination among scientific-technical services - particularly libraries, high-performance infrastructures for carrying out calculations, and information and communications infrastructures - with a view to taking maximum advantage of university facilities. They shall also promote the development of new scientific-technical facilities for shared use by the entire university system.

Article 26

Transfer of technology and knowledge

1. The department responsible for universities, and public universities themselves, shall adopt suitable measures to promote technology transfer and the public transmission of knowledge. Universities may create bodies, centres and structures to pursue this objective.

2. The Government of Catalonia, within the framework of its policy on research and innovation, shall implement support mechanisms that provide incentives for cooperation among universities, as well as between universities, private sector organisations and society in general.

3. Within the framework of their own objectives and regulations, universities may establish cooperation and development programmes aimed at transferring technology and transmitting knowledge to countries and peoples that require such support, with a view to contributing to their progress and improvement.

Article 27

Contracts for studies

Contracts to carry out research, technical or artistic work, in accordance with Article 83 of Organic Law 6/2001, of 21 December, governing universities, shall adhere to the principle of reimbursement. Universities shall receive financial reimbursement for all costs, direct or indirect, that are attributable to each contract.

Article 28

Promotion of an entrepreneurial spirit

1. The Government of Catalonia and universities shall seek to develop the entrepreneurial spirit among research staff and students with a view to fostering the creation of innovative companies and the development of initiatives in their fields of action.

2. In the process of creating companies, the financial interests and rights of the university concerned shall be protected.

Title II

The university community

Chapter I

General provisions

Article 29

Composition

1. The university community of Catalonia is made up of students, teaching and research staff, university researchers, and administration and services personnel.

2. A research and teaching staff is composed of lecturers employed by university teaching bodies, contracted lecturers, and assistants.

3. For the purposes established in Article 48 of Organic Law 6/2001, of 21 December, governing universities, computation of teaching and research staff levels shall be based on equivalences to full-time contracts.

Article 30

Objectives

In relation to both strategies, planning and the determination of specific policies, the department responsible for universities, and universities themselves, shall adopt measures to ensure that specific guidelines and procedures are established to promote:

- a) Inter-university activity and communication between the members of Catalonia's university communities.
- b) The full consolidation of the Catalan university community as an integral part of both the European university community and the international scientific community, with the establishment of links based on inter-university academic cooperation, and the implementation of mechanisms that facilitate the mobility of members of these communities.

Article 31

University Community Ombudsman

1. Each public university shall include the position of University Community Ombudsman within its organisational structure. The role of the Ombudsman shall be to defend the rights of members of the university community.
2. The University Community Ombudsman shall act independently and autonomously with respect to other university authorities.

Chapter II

Students

Section 1

Access and mobility

Article 32

Access

1. Access to the Catalan public university system shall respect the principles of publicity, equality, merit and ability. Universities shall be responsible for the admission of students in accordance with the legislation in force.
2. The department responsible for universities shall adopt appropriate measures to enable universities to act in a coordinated manner with respect to university admission, with a view to ensuring that candidates compete on an equal opportunity basis. To this end, the Inter-University Council of Catalonia shall establish university admission procedures that, moreover, respect university autonomy.

3. Admission procedures shall take into account the number of places available and shall, moreover, be transparent and objective. As a general rule, selection processes shall involve examinations that are marked anonymously.

Article 33

Mobility

The department responsible for universities and public universities shall take the following steps in relation to mobility:

a) Adopt measures that permit students in Catalan universities to continue their studies at other European universities. To this end, and subject to the legislation in force, models for admission to, and continuation of, studies that are recognised and accepted by universities in the European higher education area shall be accorded preference.

b) Approve programmes to promote admission to universities within the Catalan university system, and particularly to advanced study courses, by students from outside Catalonia, within the framework established by the legislation in force in this area. In order to facilitate the full integration of such students, the Government of Catalonia, acting through the Inter-University Council of Catalonia, shall establish systems to promote sufficient knowledge of the Catalan language.

2. The department responsible for universities shall prepare welcoming programmes to facilitate and promote integration of students from outside Catalonia in Catalan life.

Article 34

Development cooperation

Universities shall promote cooperation programmes to allow students from developing countries to gain admission to Catalan public universities, within the cooperation framework established for this purpose. The aim of such programmes shall be to contribute to the progress and advancement of the countries of these students.

Article 35

The reception of new students

Universities shall establish welcoming and support mechanisms for newly admitted students, as well as social programmes and activities aimed at facilitating their integration in the university environment and increasing their knowledge of the region, its language and its culture.

Section 2

Student rights and obligations

Article 36

Regulation of student rights and obligations

Universities shall protect the rights and obligations of students. The Inter-University Council of Catalonia shall coordinate the adoption by universities of mechanisms to ensure the protection of student rights and the fulfilment of their obligations.

Article 37

Rights

1. In addition to the rights recognised in Organic Law 6/2001, of 21 December, governing universities, students shall be guaranteed the following minimum rights:

- a) The right to receive quality education and instruction.
- b) The right not to be discriminated against on the basis of birth, gender, sexual orientation, ethnic identity, opinion, religion or any other personal or social circumstance.
- c) The right to receive information regarding syllabuses and their objectives.
- d) The right to have their academic performance evaluated objectively.
- e) The right to freedom of association, information, expression and assembly on university campuses, subject to the terms of use established by each university.

2. Students shall exercise their rights in full recognition of the dignity of individuals, of democratic principles, and of the rights of other members of the university community, and shall do so in a manner that respects public property.

Article 38

Obligations

In relation to university activity, students shall be required to fulfil the following minimum obligations:

- a) To study with the necessary level of dedication and achievement, in accordance with their condition as university students.
- b) To comply with university statutes and other internal regulations.
- c) To cooperate with the rest of the university community in achieving the university's objectives and ensuring its optimal operation.
- d) To attend meetings of the university's governing and representative bodies to which they have been elected or appointed.

Article 39

Incorporation in the labour force

The department responsible for universities, and universities themselves, shall offer students guidance concerning their incorporation into the labour force by promoting contact and collaboration between students and graduates and economic actors and social institutions. To this end, and with the agreement of the Social Council of each university, effective measures shall be implemented to facilitate the incorporation of graduates into the labour force.

Article 40

Associations and volunteer activity

1. Universities shall promote civic-mindedness, solidarity and participation among students.
2. With a view to contributing to the consolidation and extension of the social fabric associated with university and community life, the department responsible for universities, and universities themselves, shall facilitate, foster and support the involvement of students in associations and volunteer organisations. Associations shall be provided with a dynamic framework for participation within the university environment.
3. Likewise, with a view to increasing solidarity and civic-mindedness, the department responsible for universities, and universities themselves, shall encourage student involvement in voluntary activities and cooperation projects.

Article 41

Grants and loans

1. The department responsible for universities shall, within the framework of the general system for promoting higher education established by Article 45 of Organic Law 6/2001, of 21 December, governing universities, define a policy regarding loans and grants to ensure that no candidate who meets the minimum requirements for undertaking and benefiting from university studies shall be excluded from the system for financial reasons. The policy defined shall also allow for the adaptation of the general system to the specific socioeconomic and territorial needs of Catalonia.
2. The department responsible for universities shall establish a specific policy regarding grants and other support for pre-doctoral research training.
3. The department responsible for universities, in coordination with universities, shall establish an effective and efficient system for administering loans, grants and other support for university-level studies and research, through the University and Research Grants Administration Agency, created by Law 7/2001, of 31 March.

Chapter III

Academic staff

Article 42

Academic staff categories

The academic staff of public universities is made up of lecturers belonging to university teaching bodies, contracted lecturers, and researchers belonging to the university or associated with it and contracted in accordance with the legislation in force.

Section 1

Teaching staff

Article 43

Composition

1. University teaching staff shall be composed of lecturers belonging to university teaching bodies as well as lecturers hired on a permanent or temporary basis under the terms of general employment contracts, in accordance with the categories established by this Law.
2. In exercising their powers, universities shall ensure that the rights of lecturers contracted on a permanent basis are equivalent to those of lecturers that belong to university teaching bodies, without prejudice to the provisions of basic Spanish State legislation.

Article 44

Contracted teaching staff

1. Instructors with permanent contracts are professors (*catedràtics*), readers (*professors agregats*) and, where applicable, permanent assistant lecturers (*professors col·laboradors permanents*).
2. Instructors with temporary contracts are full-time lecturers/researchers (*professors lectors*), assistant lecturers (*professors col·laboradors*), part-time lecturers (*professors associats*), visiting professors (*professors visitants*), and emeritus professors (*professors emèrits*).

Article 45

Selection of contracted teaching staff

1. The selection of contracted teaching staff for public universities shall be based on a competitive recruitment procedure open to candidates of any nationality who fulfil either the legal requirements with respect to ability established by this Law and by other legislation in force, or the requirements indicated in a specific publicly posted job description.

2. Decisions regarding the selection of candidates shall be based on academic criteria, and bodies responsible for carrying out the selection process, which may include members of any nationality, shall base their decisions strictly on the principles of specialisation, merit and objectivity.

3. The competent university bodies shall approve job posting processes for teaching staff and advertise such postings as necessary using telematic and other means. In particular, job postings for permanent teaching positions and the corresponding application guidelines shall be published in the Official Journal of the Government of Catalonia of Catalonia (OJGC). Job postings shall be communicated to the Inter-University Council of Catalonia and, in accordance with Organic Law 6/2001, of 21 December, governing universities, to the University Coordination Council.

Article 46

Contracted lecturers with doctoral degrees

Permanent recruitment of lecturers with doctoral degrees may apply to the following staff grades:

- a) Professor: candidates will be required to demonstrate having pursued a solid academic career combining teaching and research.
- b) Reader: candidates will be required to provide evidence of teaching and research ability.

Article 47

Requirements

1. In order to be admitted to selection processes corresponding to job postings for the position of professor or reader, candidates must meet the following requirements:

- a) Be holders of a doctoral degree.
- b) Demonstrate that they have at least three years of teaching and research activity, with preference given to post-doctoral research.
- c) Demonstrate that they have at least two years of pre-doctoral or post-doctoral teaching or research activity, or, alternatively, of work in the technology and knowledge transfer area, in a situation not academically linked to the university to which they are applying. This requirement shall be regarded as having been met if doctoral studies have been completed in their entirety at another university that is also the issuer of the candidate's doctoral degree.
- d) For employment as a reader or as a professor, to hold a research accreditation or an advanced research accreditation, respectively.

2. The accreditations referred to in Point 1 d) above shall be issued by the Catalan University System Quality Agency in accordance with the positive evaluation criteria

established in Article 52 of Organic Law 6/2001, of 21 December, governing universities.

3. Where applicable, candidates shall be required to provide a report on their teaching activity in accordance with the procedures and criteria defined by the Catalan University System Quality Agency, in accordance with the positive evaluation criteria established in Article 52 of Organic Law 6/2001, of 21 December, governing universities.

4. In the case of selection processes that require research accreditation, job posting processes shall allow sufficient time for the notification of interested parties and for completion of the corresponding accreditation processes.

Article 48

Assistant lecturers

1. As established in Article 51 of Organic Law 6/2001, of 21 December, governing universities, universities may hire assistant lecturers on a temporary or permanent basis, to carry out teaching tasks as required to meet the need for qualified lecturers in specific areas of knowledge.

2. In order to be admitted to selection processes corresponding to university job postings for the position of assistant lecturer, candidates must provide a favourable report issued by the Catalan University System Quality Agency. Such reports are valid indefinitely.

Article 49

Full-time lecturers/researchers

1. Full-time lecturers/researchers are hired by universities to carry out teaching and research tasks in the early stages of their academic careers.

2. This category is a full-time position. In no case may full-time lecturers/researchers be contracted for less than four years. The four-year minimum period of employment may or may not be consecutive.

3. In order to be admitted to selection processes corresponding to university job postings for full-time lecturer/researcher positions, candidates must:

a) Be holders of a doctoral degree.

b) Provide proof of at least two years of pre-doctoral or post-doctoral teaching or research activity in a situation not academically linked to the university to which they are applying. This requirement shall be regarded as having been met if doctoral studies have been completed in their entirety at another university that is also the issuer of the candidate's doctoral degree.

c) Provide a favourable report issued by the Catalan University System Quality Agency in accordance with the positive evaluation criteria established in Article 50 of Organic Law 6/2001, of 21 December, governing universities.

4. The report issued by the Agency shall indicate that the candidate holds a doctoral degree and that for a period of at least two years he/she has had no association, either on a contractual or statutory basis or as a grant recipient, with the university posting the position. The report may alternatively indicate that the candidate's doctoral studies were completed in their entirety at another university that is also the issuer of the candidate's doctoral degree.

Article 50

Part-time lecturers

These part-time temporary positions, which shall be based on general employment contracts, shall be filled by specialists of recognised professional competence who can demonstrate that they practise their profession outside the university environment. Such lecturers shall be employed to carry out teaching tasks at the university. Part-time lecturers shall have full instructional capacity in their area of competence.

Article 51

Visiting professors

Visiting professors may be contracted on a temporary basis under general employment contracts in order to carry out specific teaching and research activities. Such positions shall be filled by lecturers and researchers of recognised prestige from other universities and research centres.

Article 52

Emeritus professors

1. Emeritus professors may be hired on a temporary basis under general employment contracts. Such positions shall be filled by retired civil service lecturers who have provided outstanding service while previously employed at the same or another university.

2. Emeritus professors may be allocated specific teaching or research activities at the university.

Article 53

Honorary academic activity

Instructors contracted after retirement, who have provided or may provide outstanding service to the Catalan university system, may collaborate, at the request of a university and on an honorary basis, in specific teaching or research activities, under terms as may be established and subject to the general social security legislation.

Article 54

Teaching and research ability

Contracted lecturers shall have accredited teaching ability and, in the case of holders of doctoral degrees, accredited research ability.

Article 55

Functional association

1. Contracted lecturers shall be attached to a specific university department or research centre and shall carry out teaching or research activities in relation to any subject matter within their general area of competence and in accordance with duties as determined by the university.
2. Each post shall be specifically listed, as attached to a particular department or research centre.

Article 56

Leaves of absence to encourage research and inter-university collaboration

1. Instructors contracted on a permanent basis, temporary lecturers who hold doctoral degrees, and full-time lecturer/researchers may apply for leaves of absence to carry out the following activities:
 - a) To participate in research programmes or activities carried out within the framework of public or private bodies. Such bodies, which shall have some bearing on the scientific or technical activities carried out at the university, may be created by the university or associated with it, or may be bodies in which the university has a shareholding.
 - b) To create companies directly related to the scientific and technical activities of the university.
 - c) To participate in teaching or research programmes or activities carried out at other universities, whether in public or private bodies created by the university or in which it has a shareholding, or in other public or private bodies with which the university has entered into a cooperation agreement.
2. Sabbatical leave of absence (*llicència*), for which an employee's right to return the same position is guaranteed, may be granted for a maximum period of two years. Universities shall determine the remuneration, where applicable, of the lecturer for the period of his/her leave of absence.
3. Unpaid leave of absence (*excedència*) may be granted for a period of up to four years. Instructors granted this type of leave of absence shall not receive remuneration from their university of origin, and their contracts shall be automatically suspended.

4. Return to the university shall occur automatically and definitively, at the request of the interested party, at the same employment grade and in the same department or research centre in which the lecturer was previously employed.

5. Leaves of absence shall be granted by university Vice Chancellors in accordance with the procedures and terms established by each university in its internal regulations.

6. Lecturers contracted on a permanent basis shall, subject to internal university regulations, be entitled to a maximum of one sabbatical year for every six years of academic activity, provided that this year is dedicated to activities involving training or cooperation at a university or research centre outside Catalonia.

Article 57

Special leaves of absence

1. Without prejudice to leaves of absence that may be recognised in employment regulations and, where applicable, in collective agreements, lecturers contracted on a permanent basis, temporary assistant lecturers with doctoral degrees and full-time lecturers/researchers who have at least one year of seniority shall be entitled to a single special leave of absence for a maximum period of four years.

2. Return to the university shall occur automatically and definitively, at the request of the interested party, at the same employment grade and in the same department or research centre in which the lecturer was previously employed.

3. Such leaves of absence shall be granted in accordance with the procedures and terms established by each university in its internal regulations.

Article 58

Contracted lecturers at private universities

As established in Organic Law 6/2001, of 21 December, governing universities, in order to meet external lecturer evaluation requirements, private universities shall enter into agreements with the Catalan University System Quality Agency to develop methods for such evaluation.

Section 2

Academic research staff

Article 59

Composition

Academic research staff shall consist of university lecturers and researchers who hold doctoral degrees.

Article 60

Research activity

The department responsible for universities, and universities themselves, shall foster individual research by research staff and, with a view to facilitating intra-disciplinary and inter-disciplinary cooperation, shall promote team research by supporting research groups.

Article 61

In-house researchers

1. Public universities may hire researchers who hold doctoral degrees, in accordance with the legislation in force.
2. Public universities may hire post-doctoral researchers for a maximum period of five years from among candidates who hold doctoral degrees that were awarded within the two-year period preceding recruitment. Such candidates must be from a university other than the recruiting university.

Article 62

Researchers associated with a university

1. Considered as researchers associated with a university are researchers who, on the basis of agreements or other forms of cooperation between universities, research centres, or other public or private bodies, carry out research tasks at a university in projects involving research, development and innovation, or projects involving the transfer of knowledge or technology.
2. Management and control over employment activities, responsibility for health and safety in the workplace where associated researchers are employed and, where appropriate, the establishment of conditions equivalent to those of other members of the university community shall be governed by such cooperation agreements as may be established. Researchers associated with a university in this manner maintain their employment contracts with their entities of origin and are subject to the legal regime that applies to their professional grade. Ties with the university with which researchers are associated shall be based on their express acceptance of specific projects.
3. Cooperation agreements may expressly require a university to enter into contract, for a definite term, with the researcher who will be temporarily associated with it in order to carry out a scientific or technical research project. Moreover, in order to ensure continuity of employment, the researcher's regular employer may issue the corresponding leave of absence, thereby guaranteeing the researcher's automatic return to a position at the same employment grade on completion of the project.

Article 63

Contracts for works or services

In accordance with the legislation in force, and in order to carry out specific projects involving scientific or technical research, universities may contract lecturers, research staff, technical staff, or other personnel for particular works or services.

Section 3

General provisions

Article 64

Teaching and research duties

1. Academic staff shall have their teaching and research duties assigned to them by the university, subject to the legislation in force. This assignment of duties shall reflect the university's needs with regard to teaching, research and the transfer of knowledge and technology. These considerations shall take into account the relative distribution of time between teaching and research, the distribution of teaching duties over the course of an academic year or longer period, and the distribution of duties between different subject areas and types of qualifications.

2. Teaching at the doctoral level, when included in a lecturer's responsibilities, shall count towards the fulfilment of teaching duties.

Article 65

Work schedules

1. Contracted academic staff, with the exception of part-time lecturers, shall exercise their functions preferably on a full-time basis.

2. Full-time employment shall be regarded as compatible with the performance of scientific, technical or artistic work as referred to in Article 83 of Organic Law 6/2001, of 21 December, governing universities.

3. Hours of work for contracted full-time academic staff shall be those generally established for civil service staff in university teaching bodies. Timetables shall be distributed between teaching, research and administrative duties. Part-time employment shall be defined as employment for hours equivalent or below fifty percent of those generally accepted as representing full-time employment.

4. Universities shall determine the timetables for academic personnel on the basis of their academic planning.

Article 66

Conditions of employment and mobility

1. Without prejudice to the provisions of Articles 56 and 57 above, contracted academic staff shall have equivalent annual leave and leave-of-absence rights as civil service

personnel employed by university teaching bodies, subject to the necessary adaptations to the scheduling of university activities.

2. Acting in a coordinated manner through the Inter-University Council of Catalonia, the department responsible for universities and public universities shall establish programmes to facilitate the mobility of regularly employed academic staff.

Article 67

Intellectual and industrial property

The department responsible for universities, and universities themselves, shall promote programmes aimed at protecting and exploiting the intellectual and industrial property rights of universities in all activities involving the transfer of technology and knowledge developed by university community members and centres.

Chapter IV

Grant-holder researchers

Article 68

Categories

Doctoral research students and assistants shall be regarded as grant-holder researchers.

Article 69

Doctoral research students

1. Doctoral research students are recipients of research grants employed in university departments or research centres.

2. Doctoral research students shall have the rights and duties established by each university in its internal regulations. In all cases, they shall have the right of access to and use of university facilities.

Article 70

Research assistants

1. Under exceptional circumstances, universities may contract full-time assistants for a definite term. Such assistants shall be selected from among doctoral students who have completed the studies required for the award of a doctoral degree. Such contracts must be entered into within four years of completion of doctoral studies. Subject to each university's internal regulations, assistants may collaborate in teaching tasks.

2. Contracts shall have a duration of not less than one year and not more than four years. Contracts entered into for a period of less than four years may be further extended for periods of at least one year, up to the maximum four-year period and subject to the

conditions determined by each university. In no case may assistants be contracted for more than four years, regardless of whether employment is consecutive or otherwise.

Chapter V

The remuneration system

Article 71

The remuneration of contracted teaching and research staff

1. The remuneration of contracted teaching and research staff shall be determined by the Government of Catalonia, and shall, moreover, be applied uniformly to all public universities.

2. Full-time contracted teaching and research staff shall be remunerated as follows:

a) Basic salary.

b) Extraordinary payments.

c) Work post bonuses.

d) Grade supplement, which may be structured according to different remuneration levels.

e) Functional bonus for additional academic, management or administration responsibilities, which shall, however, be restricted to the period during which these responsibilities are assumed.

f) Teaching/research merit supplement.

3. Contracted teaching and research staff may also exceptionally receive bonuses or payments for services rendered.

Article 72

Additional payments

The Government of Catalonia may establish, for both civil service and contracted teaching and research staff, additional payments to reward teaching, research or management merit, which shall be assigned by the Social Council at the behest of the Governing Board. These merits shall previously be evaluated by the Catalan University System Quality Agency.

Chapter VI

Public university administration and services staff

Article 73

Functions

The administration and services staff, which shall collaborate in fulfilling the aims of the university, shall perform the functions defined in Article 73 of Organic Law 6/2001, of 21 December, governing universities.

Article 74

Legal regime

1. Civil service administration and services staff employed by the public universities shall be governed by this Law, without prejudice to the basic Spanish State legislation described in Organic Law 6/2001, of 21 December, governing universities, and Law 30/1984, of 2 August, governing measures for the reform of the public function, as also by the regulations developing these laws, and by the statutes or other internal regulations of the universities. Contracted administration and services staff shall be further governed by labour legislation and by any applicable collective agreements.

2. Of application to the civil service administration and services staff employed by the public universities of Catalonia, with the necessary adaptation to the organisation and operation of particular universities, shall be the regulations governing the public function of the Administration of the Government of Catalonia, as approved by Legislative Decree 1/1997, of 31 October, and particularly those precepts governing access to and termination of civil servant status; the conditions and procedures for access, promotion and for filling vacancies; the conditions governing different kinds of service, leaves of absence and suspension; civil servant rights, obligations and responsibilities; and the remuneration system.

Article 75

Remuneration

1. Public universities shall establish a remuneration system for civil service administration and services staff in accordance with the provisions of this Law. Civil service administration and services staff shall be remunerated according to the precepts of Article 101 of Legislative Decree 1/1997, of 31 October.

2. The total amount of appropriations allocated to the remuneration of civil service administration and services staff for specific supplements, productivity bonuses, and extraordinary service payments, shall be the result of subtracting, from the total remuneration to staff members, the sum of basic remuneration plus work location bonus plus, where applicable, temporary personal supplements.

3. Civil service administration and services staff employed by the public universities of Catalonia shall receive payment for any special services rendered on behalf of the university, which, nonetheless, may not exceed equivalent amounts paid to civil service staff employed by the Administration of the Government of Catalonia.

Article 76

Training and mobility

1. Public universities shall promote the training of civil service administration and services staff by means of the provision of specific training programmes, particularly those that involve the learning of other languages and the acquisition of information and communications technology skills.

2. Public universities shall facilitate the mobility of administration and services staff between the different universities, for which purpose the Board of the Inter-University Council of Catalonia shall enter into the corresponding agreements.

3. The department responsible for universities and public universities shall foster, via the Inter-University Council of Catalonia, inter-university training and mobility programmes.

Title III

Public university government and representation

Chapter I

General provisions

Article 77

Governing bodies

In order to fulfil their functions, and in addition to those prescribed by Organic Law 6/2001, of 21 December, governing universities, as also by this Law, public universities may create governing, representative, consultative and coordination bodies that complement mandatory governing and representation structures and that are adapted to each university's own organisational requirements.

Article 78

Electoral procedures

Universities shall endeavour to incorporate a significant proportion of doctoral lecturers/researchers contracted on a permanent basis in election processes for their governing and representation bodies, within the context of the legislation in force. The representation of all university community sectors shall, furthermore, be guaranteed.

Chapter II

Unipersonal organs

Article 79

The Vice Chancellor

1. The Vice Chancellor shall represent the university and shall act as its maximum academic authority.

2. The Vice Chancellor shall be entrusted with the functions and responsibilities of governance, management and administration of the university, as established by Organic Law 6/2001, of 21 December, governing universities; by this Law; by the statutes and other internal regulations of the universities; and by any other legislation in force.

3. The Vice Chancellor, as ultimately responsible for the impetus of the university, for its governance and for the achievement of its aims, shall be assisted in the exercise of his/her functions by the governing and representation bodies of the university.

4. The Vice Chancellor shall be elected by the university in accordance with the procedure described in Article 20 of Organic Law 6/2001, of 21 December, governing universities.

5. The Government of Catalonia shall appoint the Vice Chancellors of Catalan public universities.

Article 80

The Director

1. The Director shall be proposed and appointed by the Vice Chancellor in agreement with the Social Council.

2. The Director shall be responsible, in agreement with the Vice Chancellor, for the management and administration of the university's resources, in accordance with the terms and conditions established by the university's internal regulations.

3. The Director may not perform any teaching tasks at the university.

Chapter III

The Social Council

Section 1

Definition, composition and appointment

Article 81

Definition and composition

1. The Social Council shall be the body by means of which society participates in the university.

2. Each public university based in Catalonia shall have a Social Council composed of fifteen members, as follows:

a) Nine individuals representing Catalan society, appointed as established in Article 82 below.

b) Six members of the Governing Board of the university, appointed as established in Article 83 below.

Article 82

Representative members of Catalan society

1. The nine members of the Social Council representing Catalan society shall be appointed as follows:

a) Two members appointed by the Parliament of Catalonia.

b) Three members appointed by the Government of Catalonia.

c) One individual selected by local bodies in the area in which a university centre is located. In the case of the city of Barcelona, this member shall be appointed by Barcelona City Council in accordance with its Municipal Charter.

d) One member appointed by the most representative trade union organisations in Catalonia.

e) One member appointed by the most important legally constituted business associations in the area of influence of each university.

f) One former student with a qualification from the university, who may not, however, be an active member of the university community.

2. Members appointed by the Parliament and by the Government of Catalonia shall be representative individuals in their own right, or shall represent civil, cultural, professional, economic, labour, social or territorial bodies in the university environment.

3. The appointment of the members described in Point 1 b) above shall be effected following consultation with the President of the Social Council, provided that this post is not vacant.

4. The member described in Point 1 f) above shall be appointed by the President of the Social Council, following consultation with the Vice Chancellor and, if there is such a body, based on nominations by the Council of University Alumni and Friends.

5. The appointment of the members referred to in this article shall be published, by agreement with the department responsible for universities, in the Official Journal of the Government of Catalonia (OJGC).

Article 83

Representative members of the university Governing Board

1. Members of the Social Council that are also members of the Governing Board of the university shall include a student representative, a teaching and research staff representative, and an administration and services staff representative, elected for a maximum period of four years, by the Governing Board from among its members, in accordance with the statutes of each university. The Vice Chancellor, Director and Secretary or Secretary General for each university shall be automatically elected to the Governing Board.

2. The appointment of the members of the Social Council referred to in this article shall be published, by agreement with the universities, in the Official Journal of the Government of Catalonia (OJGC).

Article 84

Appointment of the President

The President of the Social Council shall be appointed or dismissed by agreement with the Government of Catalonia, at the behest of the minister responsible for universities. The President shall be selected from among the members of the Social Council representing Catalan society. His/her term of office shall be four years, renewable for a further single period of four years.

Article 85

Renewals and vacancies

1. Social Council members appointed from among individuals representing Catalan society shall hold their post for four years. Half the membership shall be renewed or re-elected every two years, at least two months prior to the termination of the term of office.

2. Should a vacancy arise in the Social Council, this shall be filled in accordance with the procedures described in Article 82 above. Any new member shall be appointed for the remaining term of office of the member he/she is replacing, with the exception of the President, who shall be appointed for the term established in Article 84 above.

3. Any member appointed on the basis of his/her profession shall be required to give up his/her seat on the Social Council should he/she cease to exercise his/her profession.

Article 86

Conflicts of interest

1. Membership of the Social Council shall be incompatible with the holding of management positions in companies or organisations whose services have been contracted by the university, whether directly or indirectly via an intermediary, as also with shareholdings of more than 10% of the share capital of such companies. This incompatibility rule does not affect contracts entered into in accordance with Article 83 of Organic Law 6/2001, of 21 December, governing universities.

2. Academic staff members in full-time active service, whether in the same or another university, may not be appointed to membership of the Social Council as one of the nine representatives of Catalan society.

Article 87

Participation forum

The Social Council may create a forum with a view to fostering participation and encouraging advisory contributions on the part of individuals, institutions or civil, cultural, professional, economic, labour, social and territorial bodies which, by reason of their responsibilities, skills, activities, knowledge or experience, may enhance the operation of the Social Council.

Section 2

Functions of the Social Council

Article 88

Planning, management and administrative functions

The following shall be the functions of the Social Council in regard to university planning, management and administration:

- a) To cooperate with the Governing Board in defining the criteria and aims of the strategic planning process for the university.
- b) To propose, following a report from the Governing Board, to the department responsible for universities, the creation or withdrawal of academic courses leading to officially recognised university qualifications, as also the creation, closure, association, disassociation or reorganisation of university teaching centres and university research institutions.
- c) To agree, at the behest of the department responsible for universities, and following a report from the Governing Board, to the creation, modification or withdrawal of academic courses leading to official university qualifications and of university teaching centres and university research institutions.
- d) To contribute to the supervision and evaluation of the quality, performance and economic and social viability of the university, in cooperation with the Catalan University System Quality Agency, and to participate in this process.
- e) To approve the constitution, modification and termination of legal bodies for the promotion and development of the aims of the university, and to approve participation of the university in other bodies.
- f) To approve agreements between the university and the health authorities.

g) To promote mutual cooperation, both between universities and with representative social bodies.

Article 89

Financial, budgetary and patrimonial management functions

The functions of the Social Council in regard to financial, budgetary and patrimonial management shall be as follows:

a) To promote the participation of society in the university's activities, particularly in terms of funding, and to foster ties between the university and its cultural, professional, economic, social and territorial environment.

b) To stimulate investment in research by businesses, along with their cooperation in university research projects.

c) To participate in the determination of the basic criteria for drawing up the university budget and, at the behest of the Governing Board, to approve said criteria.

d) To supervise activities of a financial-economic nature, to monitor and oversee the implementation of the budget, and to approve, at the behest of the Governing Board, university multi-year scheduling and expenditure programmes, and to take suitable steps to ensure the fulfilment of the criteria on the basis of which budgets are drawn up.

e) To approve the university Balance Sheet, Financial Report, Annual Accounts and Budget Settlement Report for the previous financial year, as also the Annual Accounts for dependent entities, in accordance with the legislation in force.

f) To agree to proposals for loan and bank guarantee operations to be presented to the department responsible for universities for authorisation by the Government of Catalonia in accordance with the legislation in force, as also to ensure the fulfilment of the conditions of said operations and of the legislation in force.

g) To approve transfers of funds from capital to current expenditure, having obtained the prior approval of the department responsible for universities.

h) To agree, at the behest of the competent university body, to extraordinary requests for appropriations or additional appropriations, provided that the request relates to an expenditure item that cannot be postponed to the following financial year and for which, if the item exists in the budget, the appropriation is insufficient or cannot be increased. The agreement shall establish how this is to be financed.

i) To approve the fees to be charged for in-house university courses and for specialist courses, including any possible exemptions and discounts, as also the prices to be charged for any other university services.

j) To monitor the patrimony of the university and to approve the declassification of assets as public domain assets, in accordance with the provisions of this Law and of the Catalan legislation on patrimonies.

k) To authorise the Vice Chancellor to enter into agreements for the acquisition, disposal or encumbrance of immovable assets, as also - within the limits approved by the Social Council - of the movable assets of the universities, and including any securities or shareholdings possessed by the university.

l) To ensure that it is kept fully informed, directly by the universities or indirectly through other entities, in relation to any contracts and agreements drawn up that involve expenditure or revenues for the university.

Article 90

Functions in relation to the university community

In regard to the different university community sectors, the following shall be the functions of the Social Council:

a) To appoint and dismiss, as members of the Governing Board of the university, three members of the Social Council, from among those nominated as representative of Catalan society.

b) To agree, where appropriate, and within the limits designated by the Government of Catalonia at the behest of the Social Council, individual one-off allocations of additional payments for teaching, research or management merit, whether to civil service or contracted teaching and research staff.

c) To approve the list of posts for the administration and services staff of the university, as also any modifications and any expenditure involved.

d) To determine work posts that shall be allocated specific supplements, as also the amount of these supplements; to establish the total amount to be allocated to productivity bonuses and extraordinary bonuses or payments, as also the criteria for their allocation and distribution; and to approve the quantities to be paid for special services rendered on behalf of the university.

e) To report on collective agreements for contracted university employees prior to these being drawn up.

f) To study and, as appropriate, to negotiate the Vice Chancellor's proposal for the appointment of the Director, and to approve, in agreement with the Vice Chancellor, the terms and conditions of the corresponding contract.

g) To promote, within all university community sectors, the participation of students in the governing bodies of the university, and to publicise the responsibilities of the governing bodies.

h) To agree, with a view to avoiding the exclusion of students for financial reasons, to a policy for study and research funding, grants and loans which, whenever necessary, the university shall fund from its own budget, and in accordance, moreover, with the principles of publicity, fair competition and objectivity.

i) To approve the regulations governing the progression and continuation of students at the university, bearing in mind the characteristics of the different courses, and in such a way as to avoid discrimination against students.

j) To promote cooperation between the university and other public or private entities, with a view to completing the training of both present and former students of the university and to facilitating access to the labour market.

k) To monitor and oversee the implementation of suitable labour market integration procedures for university graduates.

Article 91

Other functions and information provision

In addition to the functions prescribed by this Law, the Social Council shall perform any other function as may be assigned to it by the university's statutes or other internal regulations, as also by any other legislation in force.

Section 3

Organisation and operation

Article 92

The President

The President of the Social Council shall exercise the usual functions of a collegiate body president, specifically those which are vested in him/her under this Law; under the regulations governing the organisation and operation of the Social Council; and under any other legislation in force.

Article 93

The Secretariat

1. The Secretariat shall serve as the basic administrative structure providing support to the Social Council. The Secretary, who shall be appointed and dismissed by the President, shall exercise the usual functions of a collegiate body secretary, specifically those which are vested in him/her under this Law and under the regulations governing the organisation and operation of the Social Council.

2. University bodies shall provide the Secretary of the Social Council with the information necessary to properly fulfil his/her functions, as also with access to the necessary documentation.

Article 94

Operation

1. The Social Council may operate via plenary meetings or via specific committees by agreement with a plenary meeting of the Council. Its composition and functions shall, moreover, be those specifically determined by the regulations governing the organisation and operation of the Social Council or by explicit agreements as to the delegation of responsibilities.

2. A Financial Committee shall be created as part of the Social Council, whose composition and functions shall be those specifically determined by the regulations governing the organisation and operation of the Social Council.

3. Committees, whether ad hoc or standing committees, may be mixed, in other words, composed of members of the Social Council as well as members of other university governing, representative, consultative, coordinating or academic bodies, with a view to guaranteeing the necessary information, participation and coordination in regard to any matters which are submitted to the Social Council in the exercise of its functions.

4. Committees shall be accountable to the plenary of the Social Council for any agreements entered into, and for the fulfilment of the tasks with which they are entrusted.

5. The functions described in Article 88 a), b), and c), in Article 89 c) and f), and in Article 90 a) above, may not be delegated to committees.

Article 95

Attendance of third parties

The President of the Social Council may invite, depending on the nature of the matters to be discussed, experts and members of the university community to attend plenary or committee meetings. These shall have the right to speak but not to vote.

Article 96

Regulations

1. The Social Council shall draw up the regulations governing its own organisation and operation, which may provide for the dismissal of members as a consequence of reiterated absence at meetings.

2. In all matters not specifically regulated by this Law and by Social Council regulations governing its organisation and operation, the provisions governing collegiate bodies as established by Law 13/1989, of 14 December, governing the organisation, procedures and its legal regime of the Administration of the Government of Catalonia shall apply.

Article 97

Audits

1. The Social Council shall ensure, prior to the approval of the university Balance Sheet and Budget Settlement Report, that the corresponding audit has been conducted. This

audit may be requested from the Government of Catalonia General Audit Department or from external organisations. External auditors shall, nonetheless, act under the instructions of the Government of Catalonia General Audit Department.

2. Audit results shall be studied by the Social Council and shall, furthermore, be submitted to the department responsible for universities for release to the Public Audit Office.

Article 98

Budget

The Social Council, as an independent and specific cost centre within the overall budgetary system of the university, shall have its own budget. This budget shall be managed and its funds allocated in the manner agreed by the Social Council, within the framework of the regulations governing its internal organisation and operation.

Chapter IV

Council of University Alumni and Friends

Article 99

Definition

The public universities may create a Council of University Alumni and Friends, as a body to maintain ties between the university and its students, associations of former students, and friends of the university, as also to allow their participation in the life of the university.

Article 100

Composition and functions

Members of the Council of University Alumni and Friends shall include individuals who are members of associations of former students or of friends of the university recognised as such by the university, as also individuals directly linked to the university in the manner determined by the university.

2. The Council of University Alumni and Friends shall have the functions assigned to it by the internal regulations of the university.

Title IV

Organisation of university activities

Chapter I

The legal regime governing universities

Article 101

Creation and official recognition of universities

1. Universities in the Catalan university system shall be created or officially recognised by the Parliament of Catalonia, in accordance with Article 4 of Organic Law 6/2001, of 21 December, governing universities, on the basis of a report previously issued by the Board of the Inter-University Council of Catalonia. They shall have full legal personality, with full capacity to act, and their own resources.
2. For the creation or official recognition of the universities in accordance with Article 4.1.b of Organic Law 6/2001, of 21 December, governing universities, the decision of the Government of Catalonia shall require the approval of the Parliament of Catalonia.
3. Official recognition of private universities by Parliament shall require adequate guarantees of both academic quality and financial viability. To this end, and without prejudice to any fundamental requirements that may be specified, the Government of Catalonia may dictate the minimum relevant requirements and guarantees.

Article 102

Legal regime

1. Public and private universities in Catalonia shall be governed by this Law and by any regulations developing it, without prejudice to the Spanish State framework legislation described in Organic Law 6/2001, of 21 December, governing universities, and by any regulations developing from it; by Law 13/1986, of 14 April, governing the general promotion and coordination of scientific and technical research; by the laws governing the creation or official recognition of specific universities, and, in the case of the private universities, by the legislation governing the particular legal structure adopted by a university.
2. By virtue of their autonomy, universities shall, in the case of the public universities, be governed by their statutes, and in the case of the private universities, by the regulations governing their organisation and operation, as also by any other internal regulations.
3. In the absence of explicit regulation, and within the framework of Spanish State legislation, of supplementary application to the public universities of Catalonia are the following: Catalan legislation governing administrative procedure; Catalan legislation governing the Administration civil service staff regime, with the exception of the statutory regime applicable to civil servants in university teaching bodies; and Catalan legislation governing the patrimonial and financial regime and public procurement.
4. Public universities shall exercise the prerogatives established by the legislation in force for public authorities, with the exception of those that correspond exclusively to territorial entities.

Article 103

Statutes and regulations governing organisation and operation

1. The universities shall draw up, in the case of the public universities, their own statutes, or in the case of the private universities, their own regulations governing organisation and operation.

2. The Government of Catalonia shall approve, having previously ensured their legality, the statutes of the public universities and the regulations governing organisation and operation of the private universities.

Chapter II

Organisation of university structures and courses of study

Article 104

Creation, official recognition and implementation

The department responsible for universities shall be responsible for the following:

a) The creation, modification or closure, in public universities, of faculties, advanced technical or higher polytechnic schools, university schools, polytechnic university schools, university research institutes, and any other centres or organisations that offer officially recognised distance courses, at the behest of the Social Council or on its own initiative in agreement with the Social Council. In either of these circumstances, the Governing Board of the university shall previously be required to issue the corresponding report.

b) Official recognition, in private universities, of the creation, modification or closure of centres as described in sub-point a) above, at the behest of the university.

c) The introduction or withdrawal, in public universities, of virtual or on-site courses leading to officially recognised university qualifications, at the behest of the Social Council or on its own initiative in agreement with the Social Council. In either of these circumstances, the Governing Board of the university shall previously be required to issue the corresponding report.

d) The official recognition, in private universities, of the introduction or withdrawal of on-site or virtual courses leading to officially recognised university qualifications, at the behest of the university.

e) Approval for the creation or closure, by the Spanish Government, of centres dependent on non-national universities and providing on-site courses leading to officially recognised university qualifications.

Article 105

Association

The department responsible for universities, at the behest of the Social Council and following a report from the Governing Board of the university, shall be responsible for approving association or disassociation with a public university of private or public teaching centres offering courses leading to officially recognised university qualifications, as also the introduction and the withdrawal of officially recognised on-site or virtual courses in these centres.

Article 106

Integration

Third-level public or private teaching centres may be incorporated into a public or private university, respectively, within their organisational structures. Official recognition of the incorporation of the centre for the purpose of offering courses leading to officially recognised qualifications shall be agreed by the department responsible for universities, at the behest of the university.

Article 107

Syllabus Report

1. The department responsible for universities shall be responsible for issuing a Syllabus Report, at the request of the Vice Chancellor and prior to the recognition of a qualification, in accordance with the legislation in force.

2. The Syllabus Report referred to in Point 1 above shall certify the financial feasibility of the syllabus and its compliance with basic requirements and with the provisions of this Law, as also with any other legislation in force.

Article 108

Commencement of activities

The department responsible for universities shall authorise, at the request of the Vice Chancellor and once a qualification has been recognised, the commencement of studies in the university's own centres or in associated universities.

Article 109

Changes in authorised conditions

1. The department responsible for universities shall authorise any change in name, location, or use of public university teaching centres.

2. The approval of the department responsible for universities shall be required for the following:

a) Any legal acts or transactions that modify the legal personality or structure of a private university or that involve the transfer or assignment, *inter vivos*, wholly or partially, free of charge or for payment, of direct or indirect holdings by physical or

corporate bodies in private universities or private university centres associated with public universities.

b) Any change in the name or location of teaching centres corresponding to private universities, as also of associated teaching centres.

Article 110

Revocation

The official recognition of a private university, its university centres, and/or its courses, may only be revoked by the body which originally granted the official recognition and subsequent to a previous hearing of the corresponding university, in accordance with Additional Provision Nine of Organic Law 6/2001, of 21 December, governing universities. In any case, students shall be assured of being able to complete their studies, in accordance with the general regulations governing the termination of courses.

Article 111

University and inter-university campuses

1. Catalan public universities may be organised on university campuses, conceived as on-site or virtual areas for members of the university community to integrate and mix.

2. Universities may also create inter-university on-site or virtual campuses, with a view to sharing staff, centres, organisational structures, courses, research facilities and services. Each university shall be required to facilitate the mobility of its teaching and research staff and its students in inter-university campuses.

Article 112

Other organisational structures

Universities may create, without prejudice to the centres and basic organisational structures established in accordance with Article 7.1 of Organic Law 6/2001, of 21 December, governing universities, other structures to provide on-site or virtual courses that do not lead to an officially recognised qualification.

Article 113

Teaching centres issuing foreign qualifications

1. The department responsible for universities shall be responsible for authorisation, and for the revocation of any previously granted authorisation, of teaching centres that may wish to establish in Catalonia in order to offer, in whatever form, courses leading to advanced university qualifications that are not recognised as equivalent to officially recognised national qualifications.

2. The authorisations referred to in Point 1 above shall require a prior favourable report by the Catalan University System Quality Agency, in accordance with its quality standards for this kind of centre.

Article 114

Inspection functions and compliance with requirements

The department responsible for universities shall act as the inspection body that guarantees that universities and university centres fulfil the requirements established by the legislation in force in relation to the activities governed by this present Chapter and, as appropriate, in relation to the obligations undertaken by owners of private universities and university centres.

Title V

Basic organisational and regulatory instruments

Article 115

Categories

The basic organisational and regulatory instruments of the Catalan university system are listed as follows:

- a) The Catalan University Plan.
- b) The University Funding Programme.

Article 116

The Catalan University Plan

1. The Catalan University Plan shall serve as an instrument for planning, coordinating and adapting courses of studies offered by the Catalan public universities, which include, at least, those leading to an officially recognised university qualification.

2. The Catalan University Plan shall also take into account courses of studies offered by private universities that have requested inclusion in the Catalan University Plan.

3. The Catalan University Plan, which shall be drawn up on a multi-annual basis by the department responsible for universities, shall take into account the aspirations of the universities and shall be based on the criteria proposed by the Inter-University Council of Catalonia, which should take into account, at least, the following considerations:

- a) The level of demand for different courses of study and society's higher education needs.

b) Financial costs and funding, as also territorial balance, within a framework of the efficient use of the material and human resources available to the university system in Catalonia.

c) University specialisation and diversity in a context of university cooperation.

Article 117

The University Funding Programme

1. The financial regime of the Catalan public universities shall be regulated by Organic Law 6/2001, of 21 December, governing universities; by this Law; and by the financial and budgetary legislation of the Government of Catalonia.

2. Public universities shall enjoy economic and financial autonomy, in accordance with the legislation in force, and shall have sufficient resources made available to them to be able to carry out their functions.

3. The Government of Catalonia shall approve the fees to the public for courses of studies leading to officially recognised university qualifications, as also any other legally established charges.

4. The public system of third level education as funded by the Government of Catalonia shall not be considered to have the nature of a private enterprise.

5. The public universities and the department responsible for universities shall take measures to promote their services, as also to obtain sponsorship for these services, particularly by the sectors of society that are direct beneficiaries of these services.

6. The multi-year financial undertakings of charged to the budget of the Government of Catalonia and arising from the application of this Law shall be approved in accordance with Catalan legislation on public finance.

Article 118

University funding structures

1. The cost of operating the public university system, which shall be charged to the budget of the Government of Catalonia, shall be based, in accordance with budgetary availability, on three distinct types of funding mechanisms:

a) General, covering funds provided on the basis of objective, transparent and compatible criteria, with the same general parameters applied to all universities.

b) Complementary, covering funds linked to specific aims for improving the quality of the universities and attending to particular needs. Funding in this case shall be via programme contracts.

c) Open competition, covering funds to encourage quality improvements and to reward merit.

2. The department responsible for universities shall be responsible for establishing the structure of the university funding model. This funding model shall be transparent, and shall, moreover, assure public universities of stability in the provision of the financial resources necessary to fulfil their aims, as well as fostering efficiency, efficacy and quality improvements.

Article 119

Programme contracts

1. Programme contracts, which are considered to be a complementary funding instrument, as established in Article 118 b) above, shall serve as an instrument for supervision, diagnosis, and planning, as also for joint decision-making between the department responsible for universities and the universities themselves.

2. Programme contracts shall require the establishment of indicators that lend themselves to results evaluation for all activities aimed at achieving the stated aims of the programme contracts, as also at achieving aims relating to improving university quality. The results of evaluations by the Catalan University System Quality Agency may also be taken into account.

Article 120

The University Investment Plan

1. The University Investment Plan is the specific instrument by means of which public university infrastructures and equipment required for the execution of the Catalan University Plan are funded.

2. The University Investment Plan, which shall be multi-annual in nature, shall require the approval of the Government of Catalonia.

3. The University Investment Plan shall take into account sustainability criteria, as also measures that facilitate physical access to universities for individuals with mobility difficulties.

Title VI

Coordination of universities and the Inter-University Council of Catalonia

Chapter I

Definition, structure and operation

Article 121

Definition

The Inter-University Council of Catalonia shall act as the coordinating body for the Catalan university system and as a consultative and advisory body for the Government of Catalonia on matters concerning universities.

Article 122

Structure

1. The Inter-University Council of Catalonia shall be structured as follows:

a) Unipersonal organs: President, Vice-President, and Secretary or Secretary General.

b) Collegiate organs: General Assembly and Board.

2. The Inter-University Council of Catalonia may also be organised on the basis of standing committees, whose aim shall be to provide information and advice on matters concerning academic activity; and ad hoc committees, whose aim shall be to provide information and advice on matters concerning specific aspects of general interest within the university system.

3. The President, at the behest of the Vice-President or of any of the collegiate organs of the Council, shall be responsible for creating the committees referred to in Point 1) above and for determining their composition and operation.

4. The Inter-University Council of Catalonia shall promote, through the creation of specific advisory committees, the participation of individuals or entities representative of the social, professional, academic, or financial-economic interests and needs of the university, who by reason of their specific responsibilities, skills, activities, knowledge or experience, may assist the Inter-University Council of Catalonia in the exercise of its functions.

Article 123

Operation

1. The Inter-University Council of Catalonia shall be governed by this Law; by its own regulations governing organisation and operation; and in matters not specifically addressed therein, by the specific regulations governing collegiate bodies that are applicable to the Administration of the Government of Catalonia.

2. The General Assembly shall hold at least two ordinary meetings during the academic year. The decision of the President of the General Assembly or the agreement of at least one third of its members shall be necessary to call an extraordinary meeting.

Chapter II

Unipersonal organs

Article 124

The President

1. The post of President of the General Assembly and of the Board of the Inter-University Council of Catalonia shall be held by the minister responsible for universities, who shall also preside over any meetings of the committees when in attendance.

2. The President shall be entrusted with the particular functions attributable to any president of a collegiate body, which functions he/she may expressly delegate to the Vice-President.

Article 125

The Vice-President

The Vice-President of the Inter-University Council of Catalonia shall be appointed by the President. This appointee shall be selected from among the senior staff of the department responsible for universities. The Vice-President shall substitute for the President in the event of the latter's absence due to illness or to any other justifiable cause.

Article 126

The General Secretary

1. The functions of the General Secretary of the Inter-University Council of Catalonia shall be to provide support to the Council bodies and manage and administer the offices, structures and services associated with the Council, and the particular functions of secretaries of collegiate organs.

2. The General Secretary of the Inter-University Council of Catalonia, who shall also act as secretary to the General Assembly and the Board, shall be appointed and dismissed by the Government of Catalonia at the behest of the minister responsible for universities.

3. The department responsible for universities, and the public universities themselves, may, in accordance with the legislation in force, assign staff from the corresponding employment grades to the General Secretary of the Council.

4. The General Secretary of the Inter-University Council of Catalonia shall draw up an annual report describing the activities of the Board and of the committees, as also the conclusions of the General Assembly. This report shall be submitted to the department for universities and to the Catalan universities and shall, moreover, be submitted to the Parliament of Catalonia.

Chapter III

Collegiate bodies

Article 127

The General Assembly

1. The General Assembly of the Inter-University Council of Catalonia is the participative and coordinating body for the university community in terms of being kept fully informed of and evaluating the main aims of the Catalan university system.

2. The General Assembly of the Inter-University Council of Catalonia shall be composed as follows:

a) The President of the Council.

b) The Vice-President of the Council.

c) The Vice Chancellors of the universities.

d) The Presidents of the Social Councils of the public universities and of the equivalent bodies in the private universities.

e) Three representatives of the department for universities, designated by the minister.

f) For each university, three representatives of the university community, appointed in accordance with the terms and conditions laid down by the corresponding Governing Board or in accordance with the corresponding regulations governing organisation and operation, respectively, for public and private universities. These appointments shall, in any case, guarantee the representation of students.

g) A member representing each of the Social Councils of the public universities, appointed in accordance with the internal regulations of the corresponding Social Council.

h) The President and Director of the Catalan University System Quality Agency.

i) Four representatives elected by the most representative trade union organisations in Catalonia.

j) One representative of student associations, appointed by the National Youth Council of Catalonia.

k) The President of the Institute of Catalan Studies.

l) Representatives of particular bodies, or representative persons in their own right, appointed by the President of the Council, whose number shall not exceed the number represented by sub-point g) above. These individuals shall be of acknowledged prestige within professional, cultural, social, business or territorial organisations.

m) The General Secretary of the Council.

3. Members of the General Assembly who are not members on account of their profession shall be appointed for a period of four years, renewable for the same period. In the event that a vacancy occurs prior to the expiry of a member's term, a new

member shall be appointed for the remainder of the term of the member who has resigned.

Article 128

Functions of the General Assembly

The following shall be the functions of the General Assembly:

- a) To advise the department responsible for universities in regard to the criteria for drawing up the Catalan University Plan.
- b) To issue reports on matters which, at the behest of the President or the Board, are considered to be of general interest within the Catalan university system.
- c) To facilitate information exchange and reciprocal consultation among Catalan universities, particularly in regard to matters and circumstances that affect universities as a whole.
- d) To implement joint inter-university programmes and to advocate the production of documents of common interest concerning teaching, research, services, management and administration.
- e) To promote cooperation between universities and other public or private institutions, in relation to the implementation of programmes of general interest.
- f) To promote balance among the universities, avoiding unnecessary duplication and promoting territorial and environmental equilibrium whilst taking into account the overall aims of the Catalan University Plan.
- g) To promote the universities within the Catalan university system, particularly in relation to educational offer and the quality of university centres and services.
- h) To be aware of the contents of the report on the activities of the Council Board and Council committees.
- i) Other functions as assigned by this Law and by any other legislation in force.
- j) To propose grants policy criteria that guarantee genuine equal opportunities for all.

Article 129

The Board

1. The Board of the Inter-University Council of Catalonia is the management and administrative body of the Council exercising the functions vested in it by this Law. The Board shall act in plenary sessions or as a permanent board.

2. The presence of the following members shall constitute a plenary meeting of the Inter-University Council of Catalonia:

- a) The President of the Council
- b) The Vice-President of the Council
- c) The Vice Chancellors of the public universities and the Vice Chancellor of the Open University of Catalonia.
- d) Vice Chancellors, to a maximum of three, of private universities having the legal structure of non-profitmaking organisations and adhering to the Catalan University Plan, in accordance with the provisions of Article 116.2 above.
- e) The Presidents of the Social Councils of the public universities.
- f) Three representatives of the department for universities, appointed by the minister.
- g) The General Secretary of the Council.

3. The permanent board shall be composed of the President, the Vice-President, the Vice Chancellors of the public universities, the Vice Chancellor of the Open University of Catalonia, the Presidents of the Social Councils of the public universities, the three representatives of the department responsible for universities, and the General Secretary of the Council. The permanent board shall exercise the functions described in Article 131 below, which shall, however, only concern the public universities.

4. Members of the Board shall be appointed and dismissed as established in Article 127.3 above.

Article 130

Attendance

Attendance at permanent board or plenary meetings of the Board of the Inter-University Council of Catalonia may not be delegated.

Article 131

Functions of the Board

1. The following shall be the functions of the Board of the Inter-University Council of Catalonia:

- a) To propose the criteria for drawing up the Catalan University Plan to the department responsible for universities, following consultation with the General Assembly.
- b) To issue a report on the proposed Catalan University Plan, as also in relation to any modifications, prior to its approval by the department responsible for universities.
- c) To issue reports, following consultation with the General Assembly, on any proposals for the creation or official recognition of public and private universities.

d) To issue reports on any proposals for new places in public university teaching centres and in associated teaching centres.

e) To issue, following consultation with the General Assembly, reports on proposed fees and other charges to the public, as also on grants policy, as established by the legislation in force in regard to courses of study leading to officially recognised university qualifications.

f) To be aware of doctoral and other post-graduate studies and ongoing education, university extension, and knowledge/skills update programmes.

g) To propose relevant measures to ensure coordination between universities, in particular in relation to student admission and continuation of studies, as also in regard to the recognition of courses.

h) To implement measures for promoting flexibility in syllabuses, so that these may be adapted to the needs of the corresponding profession and of Catalan society in general.

i) To propose measures for adapting university syllabuses to the professional profiles of the European Union.

j) To be aware of, and where appropriate, to draw up proposals for coordinating inter-university databases.

k) To draw up proposals for rationalisation of the services provided by the universities, particularly in relation to the exchange and mobility of human resources and the creation of jointly run services of common interest.

l) To foster measures to ensure coordination between university courses of study and advanced vocational and special university-level vocational training programmes.

m) To appoint Catalan public university representatives as members of other organisations, should this representation refer to more than one university, whilst applying the criteria of balanced representation of the different sectors of the university community as reflected in the composition of the Inter-University Council of Catalonia.

n) Any other function that may be assigned to it by the legislation in force.

2. Without prejudice to Article 116.2 above, the Inter-University Council of Catalonia shall be kept fully informed of the university plans of the private universities, for the purposes of issuing the report referred to in Point 1.b) above. Private universities shall also submit their university plans to the department responsible for universities.

Article 132

Delegation and vacancies

1. The Board of the Council may expressly delegate, to any standing committees of its creation, the functions vested in it by Article 131 above.

2. The Board shall approve the reports and the proposals of the committees of the Inter-University Council of Catalonia, and may articulate the institutional position of the Council on matters that are submitted to it by the President of the Council.

3. The reports of the Inter-University Council of Catalonia are preceptive, but shall only be binding if so dictated by a regulatory provision.

Article 133

Hearings

Without prejudice to any possible hearings that may take place within the universities themselves, the Inter-University Council of Catalonia shall, through its Board, be accorded the consideration of an entity representing the interests of its university members in regard to the hearings procedure established by the regulations governing the Administration of the Government of Catalonia and common administrative procedure.

Chapter IV

Coordination and cooperation

Article 134

Assignment of management and administration responsibilities

1. Public universities and the department responsible for universities may, for the purposes of inter-university coordination, entrust the Inter-University Council of Catalonia with the management and administration of activities of a technical nature or of services falling within its area of responsibility, in accordance with Article 15 of Law 30/1992, of 26 November, governing the legal regime for public authorities and common administrative procedure.

2. The department responsible for universities, and universities themselves, shall equip the Inter-University Council of Catalonia with the material means necessary to enable it to exercise its functions.

Article 135

Attendance of experts

The President of the Inter-University Council of Catalonia and the heads of its committees may invite, depending on the nature of the matters to be discussed, experts and members of the university community to attend meetings. These experts shall have the right to speak but not to vote.

Article 136

Cooperation

1. The department responsible for universities, and the universities themselves, may come to an agreement as to the strategies necessary to ensure a level of coordination that promotes the full development of the Catalan university system.
2. The Inter-University Council of Catalonia and the Catalan University System Quality Agency shall cooperate in all matters that facilitate the exercise of their respective responsibilities.
3. Within a framework of mutual support and cooperation between institutions, universities shall provide the Inter-University Council of Catalonia with any information, and in particular, statistical data, that the latter may request, at all times however, respecting the legislation in force on the personal data protection.

Title VII

Quality guarantees and evaluation, accreditation and certification

Chapter I

Quality

Article 137

Quality

1. The responsibility for promoting and guaranteeing quality in the Catalan university system lies with the universities themselves and with the department responsible for universities.
2. The main instrument for promoting and evaluating quality is the Catalan University System Quality Agency.

Chapter II

The Catalan University System Quality Agency

Article 138

Mission

The evaluation of quality, certification of processes, and accreditation of knowledge acquired in courses of study in the Catalan university system, shall focus on ongoing adaptation to social requirements, to the quality requirements of university education, and to ongoing procedural improvements, all within the framework of the European higher education area.

Article 139

Nature

1. The legal structure of the Consortium-Agency for University System Quality in Catalonia, created by Decree 355/1996, of 29 October, was modified to adopt the legal form of a public law body of the Government of Catalonia whose activity is adapted to private law. Attached to the department responsible for universities, it has, in order to be able to fulfil its functions, a legal personality, full legal capacity and its own resources.

2. The Consortium-Agency for University System Quality in Catalonia was subsequently renamed the Catalan University System Quality Agency.

Article 140

Aims and functions

1. The Catalan University System Quality Agency shall have as its aim the evaluation, accreditation and certification of the quality of Catalan universities and higher education centres.

2. The following shall be the functions of the Agency:

a) The evaluation of courses of study leading to officially recognised and in-house qualifications and offered by universities and higher education centres.

b) The certification of the quality of courses of study, of the management and administration of universities, and of the activities of universities.

c) The accreditation of courses of study within the quality framework of the European higher education area.

d) The evaluation of educational centres established in Catalonia that offer courses of study leading to foreign university higher education qualifications.

e) The accreditation of systems and procedures for the evaluation of university quality, including the teaching function of academic staff.

f) The issue of the relevant reports in relation to contracting full-time lecturers/researchers and assistant lecturers.

g) The issue of research accreditations and advanced research accreditations.

h) The evaluation of the activities of researchers and the assessment of the individual merits of civil service and contracted teaching staff for the purposes of the allocation of remuneration supplements, in accordance Articles 55 and 69 of Organic Law 6/2001, of 21 December, governing universities.

i) The evaluation of the research activities of teaching and research staff employed by private universities.

j) The evaluation of individual teaching and management merit among civil service and contracted teaching and research staff for the purpose of allocating remuneration supplements, in accordance with Articles 55 and 69 of Organic Law 6/2001, of 21

December, governing universities, and the evaluation of the teaching activities of teaching and research staff employed by private universities.

k) The evaluation of the activities, programmes, services, and management and administration of universities and higher education centres.

l) The promotion of quality evaluations and quality criteria comparisons within the European and international frameworks.

m) The performance of analyses in relation to improvement and innovation in existing evaluation, certification and accreditation models.

n) The preparation and publication of evaluation reports addressed to universities, educational authorities, social agents and society in general.

o) The provision of advice to educational authorities, universities and other institutions whose functions fall within its area of responsibility.

p) The establishment of cooperation links with other Spanish State, Autonomous Community and international agencies vested with similar evaluation, accreditation and certification functions.

q) Other tasks as may be assigned to it, via formal agreements, by the department responsible for universities and by the universities themselves.

r) Other functions as assigned by this Law, its own statutes, and by any other legislation in force.

3. For the purposes described in Point 2 i) above, private universities shall enter into the corresponding agreements with the Catalan University System Quality Agency.

Article 141

Governing bodies

The Catalan University System Quality Agency shall be organised in terms of the following governing bodies:

a) The President, who shall be appointed by the Government of Catalonia at the behest of the minister responsible for universities, from among figures of acknowledged prestige in the field of university education, for a renewable period of four years.

b) The Management Committee.

c) The Director.

Article 142

The Management Committee

1. The Management Committee shall be the highest governing body of the Agency, and its functions shall be those established by the Agency's statutes.

2. The Management Committee shall be composed of the following members:

a) The President of the Agency, who shall also act as President of the Management Committee.

b) The Vice Chancellors of the public universities and the Vice Chancellor of the Open University of Catalonia.

c) Vice Chancellors, to a maximum of three, selected by the Inter-University Council of Catalonia, of private universities having the legal structure of non-profitmaking organisations and adhering to the Catalan University Plan, in accordance with the provisions of Article 116.2 above.

d) The Presidents of the Social Councils of the public universities.

e) Three outstanding members of the academic community, appointed by the minister responsible for universities.

f) Two staff members from the department for universities, appointed by the minister.

g) The President of the Research Evaluation Committee.

h) The President of the Full-time Lecturer/Researcher and Assistant Lecturer Committee.

i) The Director of the Agency.

3. Members of the Management Committee shall be appointed for a period of four years, renewable for two further terms of the same duration. Half the membership shall be renewed every two years, except for any individual who is a member on account of the profession he/she exercises, who shall cease to be a member when he/she no longer exercises his/her profession.

4. The Presidents of the Full-time Lecturer/Researcher and Assistant Lecturer Committee and of the Research Evaluation Committee shall each be appointed for a renewable period of four years.

5. The Management Committee shall hold at least two ordinary meetings in the course of the year. The decision of the President of the Management Committee or the agreement of at least one third of its members shall be necessary to call an extraordinary meeting.

Article 143

The Director

1. The Director shall assume full responsibility for managing the Catalan University System Quality Agency and for representing the Management Committee in relation to the implementation of any agreements adopted by the Agency.

2. The Director shall be nominated by the minister responsible for universities, following consultation with the Management Committee, for a period of four years, renewable for two further terms of the same duration.

Article 144

The Quality Evaluation Committee

1. A Quality Evaluation Committee, of a permanent nature, shall be created in order to exercise the functions described in Article 140.2 above, with the exception of those indicated in sub-points f), g) h) and i).

2. The composition of the Quality Evaluation Committee shall comply with any international regulations, criteria and recommendations governing bodies that issue certificates and credentials. Members shall be appointed by the Director of the Agency, following consultation with the Management Committee. Said membership shall be composed of individuals external to the Catalan university system.

Article 145

The Full-time Lecturer/Researcher and Assistant Lecturer Committee

1. A Full-time Lecturer/Researcher and Assistant Lecturer Committee, of a permanent nature, shall be created, to exercise the functions described in Article 140.2. f) above, as also any other functions that may be assigned to it by the legislation in force or by the department responsible for universities.

2. The Full-time Lecturer/Researcher and Assistant Lecturer Committee shall be composed of the following members:

e) The President, who shall be appointed, from among outstanding members of the academic community, by the minister responsible for universities.

b) Two members appointed by the department responsible for universities.

c) Five members proposed by the President of the Full-time Lecturer/Researcher and Assistant Lecturer Committee and appointed by the Management Committee.

Article 146

The Research Evaluation Committee

1. A Research Evaluation Committee, of a permanent nature, shall be created to exercise the functions described in Article 140.2. g), h) and i) above, as also any other functions that may be assigned to it by the legislation in force or by the department responsible for universities.

2. The Research Evaluation Committee shall be composed of the following members:
 - a) The President, who shall be appointed, from among outstanding members of the academic community, by the minister responsible for universities.
 - b) Four members appointed by the department responsible for universities.
 - c) Sixteen members proposed by the President of the Research Evaluation Committee and appointed by the Management Committee.
3. The members appointed according to Points 2 b) and c) above shall be selected from among civil service or contracted professors active in Catalonia, who shall comply with at least one of the following conditions:
 - a) Have obtained four positive evaluations for their research activity, in accordance with the regulations applicable to civil service and contracted lecturers/researchers.
 - b) Have been awarded the Narcís Monturiol Medal for scientific-technological merit, or the Distinction of the Government of Catalonia for the Promotion of University Research, or any equivalent or higher award in the view of the Management Committee.
4. In choosing members for the Research Evaluation Committee, it shall be endeavoured to obtain a balance among different knowledge areas.

Article 147

Operation

1. The Research Evaluation Committee shall exercise its functions by means of committees, which may be standing committees, and which shall exercise the functions of providing information and making proposals and recommendations.
2. Standing committee members shall be appointed in accordance with the requirements and procedures established by the Research Evaluation Committee. Committees shall, in any case, be composed of individuals external to the Catalan university and research system.
3. One or more standing committees of the following nature shall be created:
 - a) Research accreditation committees covering different areas of knowledge.
 - b) Advanced research accreditation committees covering different areas of knowledge.

Article 148

Technical independence and evaluations issued by other bodies

1. Evaluation committees, which shall act with technical independence, shall approve the evaluations of the Agency for their respective areas and shall ultimately be responsible for these evaluations.

2. Evaluations and accreditations issued by other evaluation agencies or bodies in matters falling within the area of responsibility of the Catalan University System Quality Agency may be taken into consideration by the latter for the purposes established by this Law.

Chapter III

General provisions

Article 149

Legal regime

1. The Catalan University System Quality Agency shall be governed by this Law; by Law 4/1985, of 29 March, on Catalan public enterprise statutes; by its own statutes; and by any other relevant legislation in force.

2. In its external relations, the Agency shall, in general, submit to the relevant civil, commercial and labour laws, except for evaluation, accreditation and certification acts and those acts that imply the exercise of public authority, which shall be subject to public law.

3. Public law shall apply to Agency internal relations with the Administration of the Government of Catalonia, with the public universities and with other public authorities.

4. The procedures for adopting agreements and for the operation of its collegiate organs shall be subject to Catalan regulations applicable to organs of this nature.

Article 150

Statutes

1. The statutes of the Agency shall be approved by a decree issued by the Government of Catalonia, at the behest of the minister responsible for universities and on the initiative of the Management Committee.

2. The Agency statutes shall determine, at the very least, the functions of its governing bodies, its organisational structure, its rules of operation and the system for contesting or challenging actions.

Article 151

Human resources

The Agency shall be composed of the following staff:

a) Its own staff, contracted via general employment contracts in accordance with the principles of merit and ability.

b) The Administration of the Government of Catalonia and public university staff assigned to it in accordance with the legislation in force.

Article 152

Patrimony

1. The patrimony of the Agency shall consist of assets of any nature assigned to it, as also its own assets. These assets, irrespective of the title under which they have been acquired or received, shall be recorded in the corresponding inventory.
2. Agency patrimony apportioned to the exercise of its functions shall be considered as corresponding to the public domain and hence shall be covered by the particular legal regime governing this asset classification.
3. Public use is implied by any expropriations of immovable assets for the purposes of any works or services to be performed by the Agency.
4. Agency patrimony shall be managed and administered according to the provisions of Law 4/1985, of 29 March, on Catalan public enterprise statutes, as also by Catalan legislation governing patrimonies.

Article 153

Financial resources

The financial resources of the Agency shall be composed of the following:

- a) Funds transferred to it and charged to the budget of the Government of Catalonia.
- b) Revenues from its own assets, as also from any assets assigned to it.
- c) Revenues arising from the exercise of its functions.
- d) Subsidies and donations from public or private organisations or from private individuals.
- e) Loans and credits which are granted to it in accordance with the legislation in force.
- f) Any other revenues that may correspond to it.

Article 154

Winding-up and modification

1. The Agency shall only be wound up by specific legislation, which shall establish the liquidation procedure and, until liquidation is complete, the manner in which the Agency bodies shall continue to exercise their functions provisionally.

2. Modification of the legal structure of the Agency shall require legislation approved by the Parliament of Catalonia.

Title VIII

The financial and economic regime of the public universities

Chapter I

Patrimony and procurement

Article 155

Legal regime

The patrimony of the Catalan public universities shall be governed by this Law, without prejudice to the Spanish State legal framework described in Organic Law 6/2001, of 21 December, governing universities, and by the regulations developing this law; by Catalan legislation governing patrimony, as adapted to each university's own organisation and operation; and by the statutes or other internal regulations of the universities.

Article 156

Public domain assets

1. The assets corresponding to each Catalan public university and apportioned to public service shall be considered as classified public domain assets. The university shall assume ownership of the classified public domain assets apportioned to the exercise of their functions, in accordance with the provisions of Article 80 of Organic Law 6/2001, of 21 December, governing universities.

j) In exercising their patrimonial powers in regard to the declassification as public domain assets of chattels, the Social Councils of the Catalan public universities shall require subsequent ratification of such decisions by the Government of Catalonia.

Article 157

Patrimonial assets

1. The assets acquired by each of the public universities of Catalonia and apportioned to public use shall be considered as classified public domain assets.

2. The sale or transfer of shareholdings in organisations that operate or manage public services or in any other organisations, as also any sale or transfer of shares that directly or indirectly implies the termination of the university shareholding or the loss of its majority shareholder status, shall be approved by the Social Council.

Article 158

Preservation, management and administration of patrimony

The public universities shall be responsible for the preservation, management and administration of their assets.

Article 159

Expropriation

1. Universities established in Catalonia shall be recognised as beneficiaries of any mandatory expropriation, performed by public authorities holding this statutory right, for the purposes of the installation, extension and improvement of services and facilities that are considered fundamental to the universities fulfilling their mission.

2. Construction works for the installation, extension and improvement of structures to be used to provide services and facilities on university campuses and in science and technology parks are declared as a utility of public interest for the purposes of the mandatory expropriation of any assets necessary for said works to proceed.

3. Approval of a project, which shall be processed by means of the emergency procedures established in Article 52 of the Mandatory Expropriation Law of 16 December 1954, shall imply the automatic declaration of public utility or interest in relation to an expropriation.

Article 160

Procurement

Public university procurement shall be subject to the legislation regulating public authority procurement, without prejudice to any particularities that may arise from contracts for the performance of works of a scientific, technical or artistic nature and for the development of specialist courses of studies or specific training activities, as defined in Article 83 of Organic Law 6/2001, of 21 December, governing universities.

Chapter II

The budget

Article 161

Legal regime

The budget for public universities shall be governed by this Law, without prejudice to the Spanish State legislative framework described in Organic Law 6/2001, of 21 December, governing universities, and in the regulations developing this law, and without prejudice to the statutes or other internal regulations of the universities.

Article 162

Budget development and implementation

The minister responsible for universities, having previously consulted the Social Councils and obtained the report of the department responsible for economics and finance, shall approve the regulations and procedures for the development and implementation of the budget, as also for control of university investment, expenditure and revenues, such controls shall be enforced via the relevant auditing procedures.

Article 163

Authorisation of staffing costs

1. The budget's Statement of Current Expenditure shall have attached to it a list of posts for all staff grades in the university, specifying total costs for each category and indicating whether these are teaching, research, or administration and services staff and indicating, moreover, which are civil service or contracted staff.

2. At least two months prior to the commencement of the financial year, universities shall provide the department responsible for universities with a summary forecast of vacancies to be posted during the following year for both university teaching and research body staff and for contracted teaching and research staff.

3. Expenditure on teaching and research staff and on administration and services staff, as also the summary forecast for civil service and contract staff vacancies, shall be authorised by the Government of Catalonia.

Article 164

Financial and economic supervision and controls

1. Each university shall submit to the department responsible for universities, within the time period determined by the latter, the audited Budget Settlement Report and the documentation constituting the Annual Accounts of any bodies that form part of the university share capital or equivalent patrimonial fund or in which the university has a majority shareholding, so that these may be referred to the General Audit Department of the Government of Catalonia and subsequently to the Public Audit Office.

2. The Social Council shall supervise the university's own auditing procedures.

Article 165

Accounting procedures

Public universities shall apply the Special Chart of Accounts in drawing up their accounts, which shall be approved, once the universities have been consulted, by the General Audit Department of the Government of Catalonia. In all matters not covered by the Special Chart of Accounts, the General Chart of Accounts of the Government of Catalonia shall apply.

Additional Provisions

One

Material responsibilities and powers

Joint references in this Law to the department responsible for universities and to the universities shall be understood to be made in relation to the respective powers and responsibilities of each, while respecting university autonomy.

Two

Labour relations

1. Public universities that are the responsibility of the Government of Catalonia shall constitute a single work establishment.

2. Notwithstanding Point 1 above, for representational purposes each public university shall be considered a distinct work location in regard to labour relations for contracted academic staff and assistant lecturers and for administration and services staff contracted under the general employment regime.

3. The department responsible for universities, and public universities themselves, shall promote the creation of specialist structures for the purpose of representing the public interest in collective agreements. They shall also assist the public universities in collective agreement implementation and administration.

Three

Names and publicity

The use of names and titles reserved, by Organic Law 6/2001, of 21 December, governing universities, as also by this Law, for universities, university centres, courses of studies, officially recognised qualifications and unipersonal governing organs created and recognised in accordance with the provisions of said laws, as also the use of other names and titles whose meaning may induce or lead to confusion, shall be subject to penalisation in accordance with the provisions of Law 1/1990, of 8 January, on market discipline and the defence of consumer and user rights.

Four

A European Higher Education Area Bureau

1. Within the framework of the Inter-University Council of Catalonia, a European Higher Education Area Bureau shall be created, with the aim of promoting the full integration of Catalan universities in the European higher education area.

2. The Bureau referred to in Point 1 above shall have the following functions:

a) To act as an observatory, from a Catalan perspective, of European and international trends and tendencies in higher education matters.

b) To propose measures for adapting different areas of university activity to the European higher education area.

c) To present proposals for adapting syllabuses to the European and international cyclical model.

d) To develop ties between Catalan and European universities.

e) To provide support to universities in relation to participation in European mobility and cooperation programmes.

f) Any other functions assigned to it by the Board of the Inter-University Council of Catalonia.

Five

Administrative silence

1. The maximum time period for the express notification of resolutions in regard to procedures for creating and officially recognising universities, and in regard to procedures for the organisation and regulation of university activities, as established in Articles 104, 105, 106, 110 and 113 of Title IV, Chapter II above, shall be twelve months and six months, respectively. Should the prescribed period elapse without notification of a resolution, the petition shall be considered as rejected, in accordance with the provisions of Law 30/1992, of 26 November, governing the legal regime for public authorities and common administrative procedure, and Law 13/1989, of 14 December, governing the organisation, procedures and legal regime of the Administration of the Government of Catalonia.

2. The statutes of the Catalan University System Quality Agency regulated by this Law shall set the time limit for the resolution of procedures falling within its own area of responsibility. In any case, reports on full-time lecturers/researchers and assistant lecturers shall be issued within three months, failing which a report shall be considered positive; and research credentials shall be issued within six months, failing which an accreditation shall be considered granted.

Six

The Open University of Catalonia

1. In regard to Law 3/1995, of 6 April, which recognised the Open University of Catalonia and its status as a university supported by the Government of Catalonia, and without prejudice to the provisions of this Law, the regulations governing organisation and operation of the Open University of Catalonia, which, moreover, must be approved by the Government of Catalonia, shall, for the purpose of developing its network of educational and support centres, establish its teaching, research, management and administration structures; participative systems; teaching staff conditions; the specific legal regime governing assistant lecturers; and the regime governing cooperation agreements with public and private bodies.

2. Funding mechanisms, procedures and regulations for the Open University of Catalonia, as dictated by the department responsible for universities, may be subject to

special provisions to take account of the particular nature of said university, as acknowledged by the legislation which accorded it official recognition.

3. Within a period of six months of the entry into force of this Law, the Open University of Catalonia shall adapt the regulations governing its organisation and operation to the provisions of this Law, and shall, moreover, submit its new regulations for approval by the Government of Catalonia.

Seven

Relationship between the universities and public health authorities

The departments responsible for universities and for public health shall regulate the unique legal regime governing hospitals and university primary care centres, in accordance with both the legislation in force and with the aims and principles of this Law.

Eight

Gender equality

The department responsible for universities, and public universities themselves, shall implement measures that ensure equal opportunities for men and women in all areas of university life.

Nine

The promotion of research, development and business innovation

The Government of Catalonia shall encourage private sector businesses to increase their contribution of resources to research, development and innovation, both in terms of resources allocated within businesses and those allocated to cooperation with universities and research centres. Likewise, the Government of Catalonia shall foster active private sector participation in university research and in research carried out under the auspices of the European Research Area.

Ten

The Catalan Research and Advanced Studies Institute (ICREA)

1. Universities may enter into agreements with the Catalan Research and Advanced Studies Institute (ICREA) in order to associate researchers with particular research programmes or projects, in accordance with the terms and conditions described in Article 62 above.

2. Universities may contract researchers associated with the ICREA or with other bodies, as assistant, part-time or visiting lecturers, in accordance with the relevant legislation.

Eleven

The reconciliation of family life and work

Universities shall, in their internal regulations, implement measures that enable members of the university to reconcile family life and work.

Twelve

Full-time lecturer/researcher parenthood

The twelve-month period subsequent to the birth of a child to full-time lecturers/researchers during their employment contract, shall not be counted for the purposes of calculating the term of legally constituted employment contracts.

Transitional Provisions

One

Adaptation of the Social Councils

1. Within a period of six months as of the day after the publication of the corresponding university statutes in the Official Journal of the Government of Catalonia of Catalonia (OJGC), the Social Councils shall adapt their composition and nominate and appoint a membership that reflects the provisions of Title III, Chapter III above. Until this procedure is implemented, the term of office of members of the Social Councils prior to the entry into force of this law shall be regarded as extended.

2. Membership of the Social Councils shall be renewed within four years as of the day after constitution of the Council.

Two

Adaptation of the Inter-University Council of Catalonia

The collegiate bodies of the Inter-University Council of Catalonia shall be constituted within six months calculated from the day after the entry into force of this Law. Until the new collegiate bodies are constituted, the corresponding functions shall be exercised by the existing bodies.

Three

The Catalan University System Quality Agency

1. Until the statutes of the Catalan University System Quality Agency enter into force, the functions listed in Article 140 above shall be temporarily exercised by the Consortium-Agency for University System Quality in Catalonia, created by Decree 355/1996, of 29 October.

2. The assets and material resources assigned to the Consortium-Agency, which are the property of the Government of Catalonia, shall be transferred to the new Agency in accordance with the legal nature of their origin. The public law body shall also be

subrogated to the legal position of the Consortium-Agency in terms of any acquired rights and/or contractual obligations.

3. Staff contracted under the general employment regime who are employed by the Consortium-Agency shall, as of the moment that this Law enters into force, be integrated into the new Agency, which expressly subrogates the contractual relationships with this staff.

4. The Management Committee of the Consortium-Agency shall enter into any agreements necessary to comply with the provisions hereof.

5. Membership of the Management Committee of the Catalan University System Quality Agency shall be renewed within four years calculated from the day after constitution.

Four

Grants and loans

The provisions of Article 41 above shall not take full effect until such time as loan and grant functions and services are transferred from the Spanish State to the Government of Catalonia.

Five

Adaptation of statutes and regulations governing organisation and operation

Public and private universities shall adapt their statutes and regulations governing organisation and operation to the provisions of this Law, in accordance with the conditions established by Transitional Provisions Two and Three, respectively of Organic Law 6/2001, of 21 December, governing universities.

Six

Curricular adaptation to the European higher education area

The department responsible for universities, and public universities themselves, through the European Higher Education Area Bureau created within the framework of the Inter-University Council of Catalonia, shall cooperate in adapting curricula for different programmes of study to the new European cyclical structure. The Catalan University System Quality Agency may accredit university in-house qualifications that correspond to qualifications recognised within the framework of the European higher education area.

Seven

Academic disassociation

The provisions of Article 47.1.c) above regarding the two-year period of academic disassociation from a university that has posted an academic post shall not apply in the following cases:

- a) To individuals who had been contracted as research assistants prior to the entry into force of Organic Law 6/2001, of 21 December, governing universities.
- b) To individuals who had been contracted as part-time lecturers prior to the entry into force of Organic Law 6/2001, of 21 December, governing universities.
- c) To lecturers belonging to university teaching bodies and researchers who had acquired this status prior to the entry into force of Organic Law 6/2001, of 21 December, governing universities.

Sole Revoking Provision

The following are expressly revoked as of the moment of entry into force of this Law:

- a) Law 26/1984, of 19 December, governing university coordination and the creation of university social councils.
- b) Article 3 of Law 2/1992, of 7 July, modifying Law 13/1989, governing the Administration of the Government of Catalonia, and Law 26/1984, of 19 December, governing universities.
- c) Law 15/1998, of 28 December, governing the Inter-University Council of Catalonia.
- d) Law 16/1998, of 28 December, governing Catalan public university social councils.
- e) Article 2 and Additional Provision Five of Law 25/1998, of 31 December, governing administrative and fiscal measures and adaptation to the euro.
- f) Law 3/1999, of 26 April, modifying Law 16/1998, of 28 December, governing Catalan public university social councils.
- g) Law 23/2000, of 2 December, modifying Law 15/1998, of 28 December, governing the Inter-University Council of Catalonia.

Final Provisions

One

Regulation development and implementation

It is incumbent upon the Government of Catalonia and the department responsible for universities, each operating within their corresponding area of responsibility, to develop and apply this Law, whilst respecting university autonomy.

Two

Resources allocated to public universities

1. With a view to the effective implementation of this law, and within the framework of the Inter-University Council of Catalonia, the Government of Catalonia shall monitor data and indicators pertaining to the Catalan university system and compare these with equivalent data for the European higher education area, and shall, moreover, by implementing all the legal, economic, financial and scientific policy measures necessary, work towards achieving the aim of full convergence with Europe by 2010.

2. The budget of the Government of Catalonia shall, in any case, gradually increase the amount of the funds allocated to public universities in the period 2003-2010, to the point where these will have been increased in real terms by an amount corresponding to 30% of the allocation for 2002.

3. In order to promote the new contracted permanent lecturer grades, the Government of Catalonia shall draw up a plan and provide funding corresponding to 50% of the value of each contract, for the creation of 400 professorship and 800 readership posts within twelve years, at the rate of approximately 100 professor or reader contracts per annum. This funding, which shall supplement the increments described in Point 2 above, shall be included in the annual budget of the Government of Catalonia from 2003.

4. The Government of Catalonia is hereby authorised to adopt the regulatory measures necessary to implement the undertakings given in Points 1, 2 and 3 above.

Three

Entry into force

This Law shall enter into force on the twentieth day following publication in the Official Journal of the Government of Catalonia of Catalonia (OJGC), with the exception of Title VII, which shall enter into force on the day following publication of the Law.

I hereby command all citizens to whom this legislation applies and the courts and the relevant authorities, respectively, to observe and to enforce this Law.

Palau de la Generalitat, 19 February 2003

Jordi Pujol

President of the Government of Catalonia (Generalitat)

Andreu Mas-Colell

Catalan Minister for Universities, Research and the Information Society

(03.049.128)