

269/2018 Coll.

Time version of the Act in force after 1 November 2018

The contents of this law are indicative in nature.

269

ACT

of 11 September 2018

on Quality Assurance in Higher Education and on amendment of Act No. 343/2015 Coll. on Public Procurement and on amendment of certain acts, as amended

The National Council of the Slovak Republic adopted the following act:

Art. I

FIRST PART

BASIC PROVISIONS

§1

Subject of the act

This act stipulates the internal system of quality assurance in higher education (hereinafter “internal system”) and its verification, the establishment and the standing of the Slovak Accreditation Agency for Higher Education (hereinafter “agency”) and its activities, the accreditation of study programmes and the award of accreditation for habilitation proceedings and professorship appointment proceedings (hereinafter “inauguration proceedings”).

§2

Definition of terms

The following are defined for the purposes hereof

- a) standards for the internal system, a set of specification for the internal system and for the manner of its implementation,
- b) standards for study programmes, a set of requirements that must be met to award accreditation to a study programme,
- c) standards for habilitation proceedings and inauguration proceedings, a set of requirements that must be met to award accreditation for habilitation and inauguration proceedings,
- d) methodology for assessment of standards, a set of processes, criteria and indicators that the working group of the agency’s executive board (hereinafter “working group”) and the agency’s employees use to assess the fulfilment of standards and measures to ensure the compliance of the internal system or its implementation with the standards for the internal system (hereinafter “corrective action”),
- e) study programme accreditation, the authorisation to conduct a study programme and confer the relevant academic title on its graduates,

f) habilitation proceeding or inauguration proceeding accreditation, the authorisation to conduct a habilitation proceeding or inauguration proceeding in the given field of the habilitation proceeding and inauguration proceeding,

g) modification of a study programme, the addition or elimination of compulsory or compulsory elective subjects, a change in the conditions for proper completion of studies or modification of the information sheet for compulsory subjects or compulsory elective subjects, except for updating the teacher, the recommended reading list or the evaluation of the subject.

§3

Internal system

(1) A higher education institution ensures quality assurance for the higher education it provides by implementing an internal system and focusing on its continuous development.

(2) The internal system lays down the method by which the higher education institution fulfils its mission in the area of higher education through

a) a quality assurance strategy for the quality of higher education and the quality of research activity, development activity, artistic activity or other creative activity (“creative activity”) of the higher education institution,

b) processes for assuring the quality of higher education and the quality of creative activity,

c) the link between creative activity and higher education at the higher education institution in a given study field.

(3) The internal system lays down rules for

a) creating, approving, implementing and modifying every study programme, which

1. ensure the requisite areas of knowledge are taken into consideration in a given study field or combination of study fields in which graduates acquire higher education,

2. stipulate the scope of action of the bodies of the higher education institution or its faculties in relation to approving study programmes,

3. ensure the involvement of representatives of the student body, employers from relevant economic sectors and other stakeholders in the creation and modification of a study programme,

4. ensure the definition of the specific knowledge, competencies, and skills that graduates are to acquire within their studies (hereinafter “higher education learning outcomes”) corresponding to the given level of the national qualification framework,

5. ensure the fulfilment of applicable standards for the study programme,

b) selecting the teachers for the individual subjects in the study programme,

c) the admission process,

d) approval of thesis supervisors and thesis advisers,

e) the evaluation of students to ensure unjustifiable differences do not occur in similar cases,

f) monitoring and regular evaluation of study programmes involving students, employers from relevant economic sectors and other stakeholders; this monitoring and evaluation shall consider:

1. application of the latest knowledge in the content of study programmes,
2. the effectiveness of criteria and rules for the evaluation of students,
3. the achievement of higher education learning outcomes,
4. student questionnaires concerning the quality of teaching and questionnaires concerning teachers,
5. the employability of graduates,

g) a review of complaints via which

1. a student seeks to protect their rights or legally protected interests that they believe have been violated by the action or inaction of the higher education institution, a part of the higher education institution or a higher education institution employee, or

2. a student identifies specific deficiencies in the action or inaction of the higher education institution, a part of the higher education institution or a higher education institution employee, especially with regards to violations of legislation or the internal regulations of the higher education institution or its part,

h) the implementation of the higher education institution's creative activity and the involvement of students in them and requirements applicable to the level and scope of the higher education institution's creative activity with respect to its mission,

i) collaboration with specialised educational facilities for practical training and instruction and the method of verifying their performance,

j) collaboration with external educational institutions involved in providing a third-level study programme if the higher education institution provides a third-level study programme in collaboration with an external educational institution or is interested in providing such a programme in collaboration with an external educational institution,

k) definition of the requirements for selecting higher education teachers,

l) securing the professional development of higher education teachers, researchers and artistic staff at the higher education institution,

m) verification of sufficient spatial, material, technical, information and human resources for conducting study programmes,

n) collection, analysis and use of the information necessary for effective implementation of the study programme,

o) regular publication of current, adequate and high quality information regarding study programmes and their graduates,

p) per the needs of the higher education institution, except for the rules specified in points a) to o).

## SECOND PART

### AGENCY

#### §4

(1) The agency is established as an independent public institution conducting external quality assurance activities for higher education. The agency is a legal entity with registered office in Bratislava.

(2) The agency

a) decides on

1. the compliance of the internal system and its implementation with standards for the internal system,

2. award of study programme accreditation, or not,

3. award of habilitation proceeding or inauguration proceeding accreditation, or not, or its revocation,

4. imposition of corrective action,

5. discontinuance of a proceeding concerning an application for a permit to operate as a private higher education institution (hereinafter "state approval"),

6. objections concerning bias with respect to the proposed composition of the working group,

b) provides the Ministry of Education, Science, Research and Sport of the Slovak Republic (hereinafter "ministry of education") with

1. opinions on applications to grant state approval,

2. suggestions to modify standards,

3. opinions on proposals concerning higher education,

c) maintains lists

1. of assessors from which the agency's executive board (hereinafter "executive board") creates the working groups,

2. of legal entities registered as members of the European Association for Quality Assurance in Higher Education or registered in the European Quality Assurance Register for Higher Education and of their evaluation reports for the purposes of assessing the compliance of the internal system and its implementation with the standards for the internal system (hereinafter "internal system assessment") automatically recognised by the agency,

d) supervises the fulfilment of standards,

e) issues

1. standards,

2. methodology for the assessment of standards,

3. principles for registration on the list of assessors, which primarily stipulate the procedure for registration into the list of assessors and requirements for registration on the list of assessors,

f) performs registration in the register of study fields and the register of study programmes,

g) completes

1. the draft schedule of fees for the agency's activities (hereinafter "schedule of fees") and proposals for amendment thereof,
  2. analysis of developments in the higher education system in Slovakia, including analysis of internal evaluation reports concerning internal systems,
  3. the annual report on the agency's activities and management,
- h) publishes on its website
1. standards and methodology for the assessment of standards,
  2. the internal regulations of the agency,
  3. the schedule of fees,
  4. template applications pursuant to §21 (1)(a) and (b) and the internal evaluation report, including forms and the method of their delivery,
  5. information on the start of a proceeding pursuant to §21 (1),
  6. complete applications pursuant to §21 (1)(a) and (b),
  7. working group evaluation reports after discussion by the executive board,
  8. materials for decisions or opinions of the agency and for opinions of the agency's board for reviewing objections (hereinafter "board of appeals"),
  9. the agency's decisions and the agency's opinions on applications pursuant to §21 (1)(b),
  10. opinions of the board of appeals pursuant to §22 (2),
  11. resolutions of the agency's bodies,
- i) conducts business activity pursuant to §20 (7).

(3) The agency is obliged

- a) to request an assessment of its activities by the European Association for Quality Assurance in Higher Education at least once every five years,
- b) to ensure the demonstrable professional development of its employees, members of its bodies and assessors within the scope of the agency's purview,
- c) to publish a draft of the principles for registration on the list of assessors, removal from this list and the formation of the working group on its website for at least 30 days; all comments delivered during this period shall be evaluated and their evaluation published along with the approved text of the principles,
- d) to publish a draft schedule of fees and proposals for amendment thereof on its website for at least 30 days; all comments delivered during this period shall be evaluated and their evaluation together with the proposal shall be submitted to the ministry of education,
- e) to immediately inform the ministry of education and bodies representing higher education institutions of every proposal published on its website,
- f) to annually file the approved financial statements and annual report on the activities and management of the agency in the public section of the register of financial statements; the financial

statements shall be filed by the deadline specified in a separate regulation,<sup>1)</sup> and the annual report on the agency's activities and management by 30 June.

## §5

### Agency bodies

The agency's bodies are:

- a) chair of the executive board,
- b) deputy chair of the executive board,
- c) executive board,
- d) board of appeals,
- e) controller,
- f) head of office.

## §6

### Chair and deputy chair of the executive board

(1) The chair of the executive board is the statutory body of the agency. The chair of the executive board manages the agency, acts on its behalf and represents it externally. The deputy chair of the executive board deputises for the chair of the executive board during their absences.

(2) The chair and the deputy chair of the executive board are appointed and dismissed by the minister of education, science, research and sport of the Slovak Republic (hereinafter "minister of education"). The chair of the executive board is appointed by the minister of education based on the outcome of a selection procedure. The deputy chair of the executive board is appointed by the minister of education upon the recommendation of the chair of the executive board from among the members of the executive board. The minister of education appoints the chair of the executive board within 30 days of the publication of the outcome of the selection procedure.

(3) Candidates for the position of chair of the executive board must meet the requirements laid down in §7 (5).

(4) If the chair of the executive board is removed from their position before the end of their term as a member of the executive board, the deputy chair of the executive board assumes all of the chair of the executive board's tasks until a new chair of the executive board is appointed.

(5) If the deputy chair of the executive board is removed from their position before the end of their term as a member of the executive board and the position of chair of the executive board is unoccupied, the member of the executive board authorised by the minister of education assumes all of the chair of the executive board's tasks until the end of the original term of the deputy chair of the executive board.

(6) The deputy chair of the management board may resign from this position without resigning their membership in the executive board. Resignation as chair of the executive board is likewise considered resignation of membership in the executive board.

### Executive board

## §7

(1) The executive board has nine members including the chair and the deputy chair of the executive board. Members of the executive board are appointed and dismissed by the minister of education. The minister of education appoints two members proposed by the Higher Education Council and two members proposed by the Slovak Rectors' Conference from individuals who are internationally recognised experts in their fields, two members proposed by the Student Council for Higher Education and two members proposed by the representatives of employers; the ninth member is the chair of the executive board.

(2) The Higher Education Council, the Slovak Rectors' Conference and the Student Council for Higher Education shall each provide two proposals with justification. The ministry of education shall publish these justifications on its website.

(3) The minister of education may only reject a proposal submitted by the Higher Education Council or the Slovak Rectors' Conference and request the submission of a new proposal if a proposed candidate does not meet the conditions laid down in Subsection 5. The minister of education may only reject a proposal submitted by the Student Council for Higher Education and request the submission of a new proposal if a proposed candidate does not meet the conditions laid down in Subsection 6.

(4) Proposals for members of the executive board on behalf of the representatives of employers are submitted by

a) representative associations of employers,<sup>2)</sup>

b) professional organisations established by law,

c) the Slovak Academy of Sciences,

d) legal entities to whom the ministry of education has issued a certificate of competence to conduct research and development<sup>3)</sup> except for higher education institutions and the Slovak Academy of Sciences,

e) state-recognised churches and religious societies.

(5) A member of the executive board appointed on the proposal of the Higher Education Council, the Slovak Rectors' Conference and the representatives of employers must be a natural person

a) in good standing,

b) with full capacity to take legal action,

c) with a third-level higher education, and

d) who has worked at the time of proposal for appointment or over the past 15 years at least

1. five years as a professor at a higher education institution with its registered office in Slovakia,

2. five years as a professor or in a similar position at a higher education institution with its registered office outside of Slovakia,

3. five years as a researcher with the scientific degree of “doctor of science”,

4. five years as a senior researcher in a professional, scientific or artistic institution abroad,

5. ten years as independent artistic staff in a professional, scientific or artistic institution abroad,
6. ten years as academic staff at a higher education institution with registered office outside of Slovakia, or
7. ten years in management at a legal entity.

(6) One member of the executive board appointed on the proposal of the Student Council for Higher Education must be a natural person who meets the conditions specified in Subsection 5. The other member appointed on the proposal of the Student Council for Higher Education must be a natural person

- a) in good standing,
- b) with full capacity to take legal action, and
- c) with a first-level higher education.

(7) Proposals for members of the executive board, except the chair of the executive board, are submitted to the ministry of education within the defined time limit of no less than 45 days from the publication of the call to submit proposals on the ministry of education's website. The minister of education shall appoint the members of the executive board within 30 days from the expiration of this time limit.

(8) If an insufficient number of proposals is received, or it is infeasible to appoint a member of the executive board for objective reasons, especially if the proposed candidate does not meet the conditions laid down in Subsections 5 or 6 herein, the minister of education shall call on the relevant entities to provide additional proposals within 10 days from the publication of such call on the ministry of education's website. If an insufficient number of proposals is received, or it is infeasible to appoint a member of the executive board after the expiration of this time limit, the minister of education shall nominate the corresponding number of members of the executive board from other persons meeting the conditions specified in Subsection 5, without proposals.

(9) Members of the executive board serve a six-year term. The same person may hold the position of a member of the executive board for a maximum of two terms. A member of the executive board may not be appointed as a member of the board of appeals for a period of four years following the end of their term. After the end of a term in the executive board, the minister of education shall appoint a new member upon the proposal of the party who originally proposed or should have proposed such now former member of the executive board; the above does not apply to the chair of the executive board.

(10) The executive board

- a) makes decisions pursuant to §4 (2)(a),
- b) receives opinions pursuant to §4 (2)(b),
- c) approves drafts/proposals of
  1. standards and proposals for amendment thereof submitted by the chair of the executive board,
  2. methodology for the assessment of standards and proposals for amendment thereof submitted by the chair of the executive board,

3. the schedule of fees and proposals for amendment thereof prior to submission to the ministry of education for approval,
  4. the agency's budget,
  5. the financial statements,
  6. the distribution or settlement of any profit or loss,
  7. the annual report on the activities and management of the agency,
- d) approves internal regulations of the agency and changes thereto, except for the rules of procedure of the board of appeals, including
1. the agency's statute on the proposal of the chair of the executive board,
  2. the organisational rules of the agency,
  3. the rules of procedure of the executive board,
  4. stipulations concerning conflicts of interest among members of the collective bodies of the agency, members of the working group and agency employees,
  5. the internal system of quality assurance for the agency's activities,
  6. principles for registration on the list of assessors, removal from this list and the creation of working groups,
  7. rules for the management of the agency and rules for conducting business activity,
- e) registers persons on the list of assessors and ensures their removal from the list,
- f) supervises compliance with the internal system of quality assurance for the agency's activities,
- g) methodically guides, manages and coordinates the activities of the working groups,
- h) may establish permanent or temporary advisory bodies,
- i) fulfils other tasks as laid down herein or in the agency's internal regulations.

## §8

(1) For the purposes of assessing a specific request or reviewing suggestions of the agency, the executive board forms working groups composed of persons included on the list of assessors, except in the instances specified in §24 (6); the chair and members of a working group are appointed and dismissed by the chair of the executive board contingent upon the prior approval of the executive board. The executive board may also create a working group to verify measures adopted by a higher education institution if their verification by agency employees is insufficient.

(2) The chair of the executive board shall appoint at least one student to every working group; the above provision does not apply to instances involving the award or revocation of accreditation for a habilitation proceeding or inauguration proceeding. If a member of a working group ceases to be a student and they were appointed as the only student member of the given working group, the chair of the executive board

- a) shall immediately appoint another student to the working group,

b) may dismiss the given member of the working group at the proposal of the chair of the given working group, including without the prior approval of the executive board, and

c) shall report changes in the composition of the working group pursuant to points a) and b) to the higher education institution.

(3) The type of proceeding involved is considered when a working group is formed. If the agency is assessing an internal system, the study fields in which the higher education institution provides study programmes are considered when forming the working group. If the agency is deciding on the accreditation of a study programme, the given study programme is considered when forming the working group. If the agency is deciding on the accreditation of a habilitation proceeding or inauguration proceeding, the study field specified in the application for accreditation of the habilitation proceeding or inauguration proceeding is considered when forming the working group. If the agency is deciding on the accreditation of a third-level study programme or the accreditation of a habilitation proceeding or inauguration proceeding, the executive board shall include at least one foreign assessor in the proceeding.

(4) The chair of the executive board shall notify the party to the proceeding as to the proposed composition of the working group. The party to the proceeding may file a reasoned objection within five business days from the date on which it was notified of the composition of the working group concerning bias involving a member of the working group; this does not apply to an additionally appointed member of the working group pursuant to Subsection 2 (a). If the executive board rules that an objection on the grounds of bias is justified, the chair of the executive board shall propose a new member of the working group to take the place of the disqualified member.

(5) Persons are registered on the list of assessors for a term of six years with their written consent, and successive terms are permitted. An assessor may be removed from the list of assessors before the expiration of the period for which they were registered upon their request or at the initiation of the agency.

(6) Members of the executive board or the board of appeals, the controller and head of office may not be registered on the list of assessors. The agency shall remove from the list of assessors an assessor who was appointed as a member of the executive board or the board of appeals, as controller or as head of office.

## §9

### Board of appeals

(1) The board of appeals shall review the procedures applied by the executive board and the working groups pursuant to objections filed by the party to the proceeding to decisions or responses issued by the executive board.

(2) The board of appeals has five members and two alternates, who are appointed and dismissed by the minister of education. Members of the board of appeals are appointed by the minister of education based on the outcome of a selection procedure; alternates are appointed based on the order of the first two unsuccessful candidates who meet the requirements and criteria for the position of member of the board of appeals pursuant to Subsection 6. The minister of education appoints the members of the board of appeals within 60 days from the publication of the outcome of the selection procedure.

(3) Members of the board of appeals serve a four-year term. A member of the board of appeals may serve a maximum of two terms.

(4) A member of the board of appeals must be a natural person in good standing and with full capacity to take legal action.

(5) With respect to three members of the board of appeals, the conditions laid down in Subsection 4 above are augmented as follows

a) second-level higher education in the study field of law; if higher education was first achieved in the first level and then the second level, both of these levels must be in the study field of law, and

b) at least five years of professional experience in the field of law.

(6) With respect to the additional two members of the board of appeals and the alternates, the conditions laid down in Subsection 4 above are augmented as follows to include a minimum of five years of experience

a) as a professor or associate professor at a higher education institution with registered office in Slovakia, or

b) as a professor or associate professor at a higher education institution with registered office outside of Slovakia or in a similar position.

(7) A member of the board of appeals shall be replaced by an alternate if disqualified from the matters at hand due to bias or for other reasons specified by the agency's statute; the alternate has standing as a full member of the board of appeals.

(8) The board of appeals approves the rules of procedure of the board of appeals after receiving a prior opinion from the executive board.

## §10

### Controller

(1) The controller is nominated based on the outcome of a selection procedure and is dismissed by the minister of education.

(2) A controller

a) oversees the financial management of the agency,

b) provides a statement on the annual report on the agency's activities and financial management prior to its submission to the executive board; if the controller does not provide this statement on the annual report on the agency's activities and the financial management within the time limit specified in the agency's statute, the executive board may approve it without such statement from the controller,

c) provides a statement on the financial statements prior to their submission to the executive board; if the controller does not provide this statement on the financial statements within the time limit specified in the agency's statute, the executive board may approve them without such statement from the controller,

d) submits proposals to the chair of the executive board to remedy identified deficiencies,

e) performs other tasks specified herein or in the agency's internal regulations.

(3) A controller must be a natural person

a) in good standing,

b) with full capacity to take legal action,

c) with at least second-level higher education, and

d) with a minimum of five years of experience in management in a legal entity.

(4) The controller serves a four-year term. The same person may be appointed as controller for a maximum of two consecutive terms.

(5) The controller has the right

a) to request information and explanations on all of the agency's affairs from members of the executive board, the head of office and agency employees, except for the agency's activities pursuant to §21 to 33 and

b) to review all of the agency's accounting records and other documents.

§11

Head of office

(1) The head of office is appointed or dismissed by the chair of the executive board. The head of office is appointed by the chair of the executive board based on the results of a selection procedure within 30 days of the publication of the results.

(2) The head of office

a) is responsible for the day-to-day operations of the agency, including administrative, technical, spatial and human resources,

b) manages the agency's office in the scope defined by the chair of the executive board,

c) submits proposals to the executive board

1. the agency's budget,

2. the distribution or settlement of any profit or loss,

d) submits the draft financial statements and the draft annual report on the agency's activities and financial management to the controller and the executive board; these are submitted to a meeting of the executive board together with the statement provided by the controller,

e) performs other tasks assigned by the agency's statute or the agency's other internal regulations.

(3) The head of office must be a natural person

a) in good standing,

b) with full capacity to take legal action,

c) with at least second-level higher education, and

d) with a minimum of five years of experience in management in a legal entity.

(4) If the agency does not have a head of office, their activities are performed by an agency employee authorised by the chair of the executive board to perform these duties until a new head of office is appointed.

Collective provisions concerning the agency's bodies and the working group

## §12

(1) The executive board and board of appeals shall only adopt decisions in the form of resolutions at their meetings; with respect to the formation of the working group, such a resolution may be adopted outside of their meetings. A resolution of the executive board is adopted when a minimum of seven members of the executive board vote in favour of the motion. A resolution of the board of appeals is adopted when a simple majority of all members of the board of appeals vote in favour of the motion.

(2) Members of the executive board, members of the board of appeals, the controller and members of the working group shall act independently within proceedings, and are not bound by orders from persons who proposed them or appointed them to their specific position.

## §13

(1) The positions of member of the executive board, member of the board of appeals, controller and head of office are incompatible with the position of

a) rector and vice rector; this applies also if such person is authorised to perform the position of rector,

b) the statutory body of a private higher education institution,

c) a member of the governing board of a public higher education institution or member of the governing board of a private higher education institution,

d) a member of the scientific council of a higher education institution, the artistic council of a higher education institution or the scientific and artistic council of a higher education institution (hereinafter "scientific council of a higher education institution") or scientific council of a faculty, artistic council of a faculty or scientific and artistic council of a faculty (hereinafter "scientific council of a faculty"),

e) dean and vice dean; this applies also if such person is authorised to perform the position of dean,

f) head of a part of a higher education institution,

g) a faculty bursar or secretary,

h) a member of higher education institution management or faculty management,

i) the president of the Slovak Republic,

j) a member of the National Council of the Slovak Republic, a member of the European parliament, a representative in the assembly of a self-governing region, or a member of a local or city council,

k) a member of the government of the Slovak Republic (hereinafter "government"),

l) a state secretary,

m) the secretary-general of a service office,

- n) the chair of a self-governing region, the mayor of a municipality or a city borough,
- o) the chair, head or director of a central state authority or state body,
- p) a prosecutor, judge or judge in the Constitutional Court of the Slovak Republic, or
- q) the chair of the Slovak Academy of Sciences or a member of its board of directors.

(2) The positions of chair of the executive board, deputy chair of the executive board, member of the board of appeals pursuant to §9 (5) and head of office are incompatible with employment at a higher education institution with registered office in Slovakia or another labour law arrangement with a higher education institution with registered office in Slovakia.

(3) The position of member of the executive board is incompatible with the position of member of the board of appeals, controller or head of office. The position of member of the board of appeals is incompatible with the positions of controller or head of office. The position of head of office is incompatible with the position of controller.

(4) If a natural person is intended to become a member of the executive board, a member of the board of appeals or the head of office and performs a position or activities that are incompatible with this position, they shall terminate such specific position or activities on the date of their appointment at the latest. A member of the executive board, a member of the board of appeals, the controller and the head of office must report that they have met the conditions of incompatibility for their specific position within 30 days of their appointment. A member of the executive board, a member of the board of appeals and the controller shall provide such report in writing to the minister of education, the head of office and the chair of the executive board.

#### §14

(1) The selection procedure to fill the position of chair of the executive board, controller, head of office or member of the board of appeals is subject to a special regulation,<sup>4)</sup> unless Subsections 2 to 8 and §9 and 11 specify otherwise.

(2) The selection procedure to fill the position

a) of chair of the executive board is announced by the ministry of education at least 90 days prior to expiration of the term of the current chair of the executive board,

b) of a member of the board of appeals is announced by the ministry of education at least 90 days prior to expiration of the term of the current member of the board of appeals,

c) of controller is announced by the ministry of education at least 90 days prior to the expiration of the term of current controller,

d) of head of office is announced by the chair of the executive board within one month after the expiration of the term of the current head of office.

(3) If the term of chair of the board of director, controller or member of the board of appeals is terminated prior to the end of the defined term, the selection procedure is announced within 30 days after the termination of their term.

(4) The selection committee for the selection procedure to fill the position

a) of chair of the executive board is appointed by the minister of education; one member on the proposal of the Higher Education Council, one member on the proposal of the Slovak Rectors'

Conference, one member at the proposal of the Student Council for Higher Education, one member on the proposal of the representative associations of employers and one member without such proposal,

b) of member of the board of appeals is appointed by the minister of education; one member on the proposal of the Higher Education Council, one member on the proposal of the Slovak Rectors' Conference, and one member on the proposal of the Student Council for Higher Education.

c) of controller is appointed by the minister of education; one member on the proposal of the Higher Education Council, one member on the proposal of the Slovak Rectors' Conference, and one member on the proposal of Student Council for Higher Education,

(d) of head of office is appointed by the chair of the executive board.

(5) The proposal to appoint a natural person as a member of the executive board or member of the board of appeals may only be submitted with their prior written consent.

(6) Candidates shall provide the following along with the application for inclusion in the selection procedure to fill the position of chair of the executive board, controller, head of office or member of the board of appeals

a) a curriculum vitae,

b) proof of attainment of the required level of higher education,

c) a declaration on honour confirming the fulfilment of the conditions for professional experience with specification of the party where such experience was gained,

d) a declaration on honour concerning fulfilment of the conditions under §13 (1) to 3,

e) the project for management and development of the agency if the candidate is seeking the position of chair of the executive board,

f) other documents specified in the notice of the selection procedure.

(7) The selection procedure to fill the position of chair of the executive board includes a public hearing of candidates within which each candidate shall present their project for the management and development of the agency. A candidate who meets the conditions under §7 (5) and whose application contains the appendices required under Subsection 6 shall be invited to the public hearing by the minister of education at least seven days in advance of its commencement and with specification of the planned date, time and place of the public hearing.

(8) The outcome of the selection procedure shall be published on a website within ten days from its completion

a) by the ministry of education for the positions of chair of the executive board, controller and member of the board of appeals,

b) by the agency for the position of head of office.

## §15

(1) Members of the executive board and the head of office are employees of the agency; the chair of the executive board, deputy chair of the executive board and head of office have a set weekly working time; other members of the executive board may have a shorter working time agreed upon in their employment agreement.

(2) Employment of a member of the executive board and the head of office by the agency is established on the date specified as the date they assume their position, if they were not an agency employee at the time of their appointment.

#### §16

(1) Performance of the duties of member of the executive board, member of the board of appeals, controller and head of office terminates

a) upon expiration of their term; this does not apply with respect to the chair of the executive board who continues to perform such position after expiration of their term until the appointment of a new chair of the executive board or head of office,

b) upon expiration of the calendar month in which a written notice of resignation from such position is delivered to the minister of education, or, if the head of office or chair of the executive board is involved, if no specific earlier date of resignation is reported in such notice; the minister of education shall communicate that fact to the executive board without delay,

c) upon the date of dismissal,

d) upon appointment to a position that is incompatible with the given position,

e) upon loss of good standing,

f) upon a valid decision issued by a court on restricted competency to take legal actions necessary to perform the given position, or

g) upon death or declaration of death.

(2) The minister of education may dismiss a member of the executive board upon the proposal of the executive board or the controller if the competent body finds that the member of the executive board has violated the law or the agency's internal regulations in the performance of their duties in their assigned position. The executive board may dismiss the head of office if it is determined that the head of office has violated the law or the agency's internal regulations in the performance of their duties in their assigned position. The minister of education may dismiss a member of the board of appeals or the controller if it is determined that they have violated the law or the agency's internal regulations in the performance of their duties in their assigned position.

(3) If the term of a member of the executive board, a member of the board of appeals or the controller ends before its natural expiration, the term of the newly appointed member or controller ends on the date when the term of the previous member or controller was intended to expire; this does not apply to the chair of the executive board.

(4) A person in good standing for the purposes hereof is defined as a person who has not been lawfully convicted of an intentional crime and anyone whose conviction has been expunged.

(5) Good standing is demonstrated in the form of an extract from their criminal record. Anyone who has spent more than 90 days over any continuous six-month period within the past three years outside the member states of the European Union shall provide an extract from their criminal record in the country in which they spent this time. If the competent authorities in such third country do not issue such records, the extract from the criminal record from such country shall be replaced by a similar document issued by competent authorities no more than three-months-old.

(6) For the purposes of demonstrating good standing, a candidate for appointment as a member of the executive board, a candidate in the selection procedure for the position of the chair of the executive board, a candidate in the selection procedure for the position of a member of the board of appeals or a candidate in the selection for the position of a controller shall provide the details necessary for requesting such extract from their criminal record<sup>5)</sup> to the ministry of education; a candidate in the selection procedure for the position of the head of office shall provide these details to the agency. The details per the first sentence shall then be sent by the ministry of education or the agency in electronic form using electronic communication to the Public Prosecutor's Office of the Slovak Republic for the purposes of issuing such extract from their criminal record.

(7) A member of the executive board, a member of the board of appeals, the controller and the head of office shall report the circumstances specified pursuant to Subsection 1 (d) to (f) herein to the chair of the executive board; the chair of the executive board shall report them to the minister of education without delay.

#### §17

(1) The chair of the executive board is entitled to a monthly salary equal to 4-times the average monthly salary in the Slovak economy as identified by the Statistical Office of the Slovak Republic over the previous calendar year, the deputy chair of the executive board is entitled to 3-times the average salary and the head of office 2.5-times the average salary; these wages are rounded up to the nearest whole Euro. Salaries are modified once a year effective 1 April of the given calendar year.

(2) Members of the executive board are entitled to a monthly salary in the amount specified in the agency's internal regulations.

(3) Members of a working group are entitled to remuneration for the completion of the evaluation report for the purposes of the agency's activities. Members of the board of appeals are entitled to remuneration for reviewing objections from parties to proceedings. Remuneration of a member of a working group and of a member of a board of appeals is laid down in the agency's internal regulations.

(4) The controller is entitled to monthly remuneration in the amount of one half the average monthly salary of an employee in the Slovak economy as identified by the Statistical Office of the Slovak Republic over the previous calendar year.

(5) Performance of the duties of a member of the executive board, except for the chair and the deputy chair of the executive board, and the duties of member of a working group is classified as another activity in the general interest.

#### §18

(1) For the purposes of conducting its activities, the agency shall maintain, with respect to the members of the executive board, members of the board of appeals, the controller and assessors, the following

a) given name and surname,

b) academic title, scientific-pedagogical title, artistic-pedagogical title or scientific degree,

c) date of birth,

d) place of permanent residence or, in the case of a foreigner, place of residence in the Slovak Republic,

- e) phone number and email address,
- f) start and end of term or period of registration on the list of assessors,
- g) specification of on whose proposal they were appointed,
- h) name of the study field in which they are pedagogically, scientifically or artistically active,
- i) name of the study field in which they received their higher education; if they have completed a habilitation proceeding or an inauguration proceeding, then also the name of the habilitation or inauguration field in which the proceeding was conducted,
- j) the identification details of their employer,
- k) the identification data concerning the higher education institution they are attending if they are a student,
- l) the name of the study field in which the study programme in which the student is registered is being provided if they are a student,
- m) the information concerning membership in a working group if they are an assessor, with a reference to the published request for the assessment and the evaluation report they were involved in completing,
- n) information concerning education and training completed by the assessor within their professional development.

(2) The agency shall publish the detailed specified in Subsection 1(a), (b) and (f) to (m) on its website.

(3) For the purposes of performing the agency's activities, a member of the executive board, a member of the board of appeals, the chair of the executive board and specially authorised agency employees have the right to enter study areas to the extent necessary to familiarise themselves with the files of students, higher education teachers, researchers and artists, to be present at the higher education institution 's educational activities and to process the personal data contained in the decision-making materials.

(4) For the purpose of conducting surveillance over the fulfilment of standards, specially authorised agency employees are authorised to process data from the central register of students, the register of higher education employees, the central register of final, doctoral and habilitation theses, the central register of publication activities, the central records of artistic activities and the register of study programmes in their full scope and to provide access to them in the scope necessary to a member of the executive board, working group and the board of appeals.

## §19

### Agency financing

(1) The agency's funds are maintained on accounts in the State Treasury. The agency maintains funds for its business activity on a separate account.

(2) The agency shall keep accounts per a separate regulation.<sup>6)</sup>

(3) The agency's revenues are primarily

a) fees for the agency's activities pursuant to §21 (1)(a) and (b),

b) funds from the state budget from the ministry of education's heading under the state budget law for the given budgetary year to secure its activities,

c) revenues from business activity,

d) other revenues.

(4) The schedule of fees and amendment thereof is approved by the ministry of education with consideration given to the agency's expected costs related to the agency's activities. If the evaluation report is completed pursuant to §24 (6), the amount of this fee for such assessment includes the fact that the evaluation report was not completed by a working group.

(5) The ministry of education provides the agency with funds pursuant to Subsection 3 (b) based on a written agreement to provide funds. Such agreement shall contain the identification data of the parties and

a) the purpose for which the funds are provided and other conditions for their use,

b) the amount of such funds,

c) the time and manner in which the funds are provided,

d) the date by which the agency shall provide accounting of these funds to the ministry of education.

§20

Agency financial management

(1) The agency is managed financially based on its budget of revenues and expenditures, which is drafted and approved for each calendar year.

(2) The agency is obliged to use its assets to fulfil its obligations, maintain its assets in good condition, use all legal means to protect such assets and ensure they are not destroyed, damaged, lost or misused.

(3) The agency must not

a) provide credit or loans,

b) guarantee to pay any bills of exchange, issue, acquire or receive bills of exchange,

c) issue bonds,

d) enter into credit, loan or other arrangements as a guarantor,

e) make financial or non-financial contributions into other legal entities, apart from the State Treasury,

f) lease the agency's assets for longer than four years,

g) secure its liabilities by establishing liens, and

h) partake in the establishment of a commercial company or establish such commercial company on its own.

(4) Disposal of the agency's assets is stipulated in a separate regulation,<sup>7)</sup> unless Subsection 3 stipulates otherwise. The role of an independent body in the disposal of the agency's assets is performed by the executive board.

(5) The ministry of education is responsible for control of the agency's financial management pursuant to a separate regulation<sup>8)</sup> . The Ministry of Finance of the Slovak Republic and the Government Audit Office may also conduct a government audit within the agency.

(6) The chair of the executive board is responsible for the efficient and expeditious use of funds pursuant to §19 (3)(b) and their full accounting vis-a-vis the state budget along with the management of the agency's assets.

(7) The agency is only authorised to conduct business activities that are related to the quality assurance of higher education, especially in relation to higher education institutions with registered office outside of Slovakia. The agency must not provide public higher education institutions, state higher education institutions, private higher education institutions or other applicants seeking state approval, based on a direct or intermediated request, with consultancy or any other professional services or assistance for a compensation or any other considerations. Costs for its business activities must be covered by the revenues generated by its activities. The agency shall keep the revenues and costs associated with its business activity separate in its accounting from the revenues and costs generated within the agency's purview pursuant to §4.

(8) The annual report on the activities and financial management of the agency primarily contains

- a) an overview of the activities conducted over the previous calendar year within the agency's purview,
- b) changes to the agency's internal regulations and changes in the agency's bodies occurring during the previous calendar year,
- c) an assessment of the basic details contained in the financial statements,
- d) analysis of revenues and costs with the separation of revenues and costs from its business activity,
- e) the balance and transactions involving assets,
- f) cash flow analysis,
- g) a review of accounting vis-a-vis the state budget,
- h) a proposal for the distribution or settlement of any profit or loss,
- i) any other specific data and pertinent details specified by the executive board.

### THIRD PART

#### PERFORMANCE OF THE AGENCY'S ACTIVITIES

##### §21

(1) The agency initiates proceedings upon

- a) an application from a higher education institution concerning
  1. regular assessment of its internal system,
  2. award of study programme accreditation, or
  3. award of accreditation for a habilitation proceeding or inauguration proceeding,
- b) an application from an applicant seeking the grant of state approval,

c) at the agency's own initiative with respect to the extraordinary assessment of an internal system or a proceeding to revoke accreditation for a habilitation proceeding or inauguration proceeding.

(2) The party to a proceeding is

a) a public higher education institution,

b) a state higher education institution,

c) a private higher education institution, or

d) an applicant seeking the grant of state approval.

(3) The agency's proceedings initiated upon an application commence on the date of delivery of the complete application to the agency, including payment of the related fee. If the application is incomplete, the agency shall specify an additional term of at least 30 days to amend the application, after the expiration of which the agency shall issue a decision to reject the application. The agency's proceedings initiated at its own initiative commence on the date of the agency's first action involving the involved higher education institution.

(4) If the party to the proceeding does not pay the fee for the agency's activity with the submission of the application at the latest, the agency shall call on the party to the proceeding to complete such payment within 60 days from the delivery of the call. If the party to the proceeding does not pay this fee within this additional time limit, the agency shall issue a decision to reject the application.

(5) The working group shall complete an evaluation report on an application or suggestion and based on this report the executive board shall issue a decision or a response. The working group in completing the evaluation report shall rely on an expert assessment of all reference materials and information obtained by visiting the higher education institution and on available data and consultations with other stakeholders. The working group shall specify all circumstances and facts within the evaluation report that served as the basis for its conclusions, the process used to assess these materials, an assessment of the level of fulfilment of the individual standards, identified deficiencies, recommendations for the party to the proceeding, a draft of the agency's decision or response and the given names and surnames of the members of the working group.

(6) The party to the proceeding has a right to file a position statement concerning the evaluation report within a term specified by the agency of no less than 15 business days from the delivery of the evaluation report to the party to the proceeding.

(7) The agency shall decide or provide a response within 180 days from the start date of the proceeding; the agency may extend this time limit one time by up to 30 days and shall inform the party to the proceeding of this fact. This time limit is suspended for the time between the filing of an objection of bias against the composition of the working group and its assessment and during the period in which the party to the proceeding's position statement to the working group's evaluation report is under consideration.

(8) In its decision or response, the agency shall specify the reasons for why it adopted the specific decision or response and the identified deficiencies. Justification is not required if the agency decides fully in favour of the party to the proceeding.

## §22

(1) The party to the proceeding has the right to file objections against the agency's decision or response within 15 business days from the date on which such decision or response was delivered to

the party to the proceeding, about which the agency shall instruct the party to the proceeding in the specific decision or response. The board of appeals shall respond to the objections raised by the party to the proceeding within 90 days from their delivery to the agency.

(2) If in the process of reviewing the agency's decision or response the board of appeals finds that the agency's internal regulations on the procedure used by the executive board or its working group, or this law were not followed, it shall remand the decision or response back to the executive board for a new proceeding, otherwise the agency's decision or response is confirmed. If the board of appeals remands a decision or response to the executive board for a new proceeding, a new time limit as specified in §21 (7) begins.

(3) A member of the executive board, the chair of the given working group or their authorised member and one or two representatives of the party to the proceeding may be present, but not vote, at the review of these objections by the board of appeals at its session; the board of appeals shall report the place, date and time of this review of objections at least ten business days in advance. The board of appeals may invite other persons to its sessions as necessary. If a party authorised to attend the session of the board of appeals does not attend, the board of appeals reviews the matter without them in attendance.

(4) The agency's decisions become valid upon the expiration of the time limit for filing objections or the date on which the party to the proceeding delivers a written notification to the agency in which it waives its right to file objections. If the party to the proceeding files an objection against the agency's decision in a timely manner, the agency's decision enters into force on the date of delivery of the opinion of the board of appeals to the party to the proceeding in which it confirms the agency's decision. With respect to a decision in a proceeding to award study programme accreditation in which the party to the proceeding is an applicant for the grant of state approval, the decision to award study programme accreditation becomes valid at the earliest on the date on which the state approval is granted.

(5) The agency's response to an application for the grant of state approval is final upon the expiration of the time limit for filing objections or upon the date on which the party to the proceeding delivers written notification to the agency in which it waives its right to file objections. If the party to the proceeding files an objection against the agency's response in a timely manner, the agency's response becomes final on the date of delivery of the response from the board of appeals to the party to the proceeding in which it confirms the agency's response.

## §23

### Standards

(1) The agency shall publish draft standards and proposals for their amendment on its website for at least 30 days during which the public can send comments on the drafts to the agency. The agency shall immediately inform the bodies representing higher education institutions and the ministries of the publication of a draft or a proposal.

(2) The agency shall assess the received comments and publish this assessment. Before submitting the draft standards to the executive board for approval, the agency shall submit the modified draft to the ministry of education for an opinion; if no assessment of the comments pursuant to the first sentence has been published at the time of its submission, the agency shall provide it to the ministry of education together with the amended draft. If the ministry of education identifies deficiencies in the modified draft standards, they shall return them to the agency for reworking with specification of

the specific deficiencies; if the ministry of education finds that the modified draft standards do not have any deficiencies, it shall report such fact to the agency without any undue delay.

(3) Standards become valid on the date of their approval by the executive board and take effect on the date of their publication on the agency's website, if no earlier date is specified in the standards.

(4) Standards for the internal system focus, with respect to the mission of the individual higher education institution, primarily on the pertinent details of the internal system pursuant to §3 and its implementation by a higher education institution and its parts.

(5) Standards for study programmes focus, with respect to the mission of the individual higher education institution, primarily on the level of

- a) spatial, material, technical, information and human resources for providing study programmes,
- b) the higher education institution's creative activity in the given study field,
- c) consideration of the latest knowledge from the given study field,
- d) requirements for the successful completion of study in line with the given study programme,
- e) graduates, specifically through the achieved higher education learning outcomes and their conformity with the required level of the national qualification framework,
- f) requirements to fill the positions of higher education teachers.

(6) Standards for study programmes may also specify details for

- a) individual study fields,
- b) professionally oriented bachelor's study programmes,
- c) joint study programmes,
- d) teaching combination study programmes,
- e) translation combination study programmes,
- f) interdisciplinary studies.

(7) Standards for habilitation proceedings and inauguration proceedings, with potential specificities for individual study fields, primarily focus on the level of

- a) the content relatedness of the field of habilitation proceedings and inauguration proceedings and the study field to which the field of habilitation proceedings and inauguration proceedings should be assigned,
- b) the creative activity of the higher education institution in the study field to which the field of habilitation proceedings and inauguration proceedings is assigned,
- c) the criteria of the given higher education institution for assessment of the fulfilment of requirements to obtain the scientific-pedagogical title or the artistic-pedagogical title of "docent",
- d) the criteria of the given higher education institution for assessment of the fulfilment of requirements to obtain the scientific-pedagogical title or the artistic-pedagogical title of "profesor",
- e) requirements to select opponents,<sup>9)</sup> members of the habilitation committee, members of the inauguration committee and compliance with these requirements.

(8) A higher education institution is obliged to align its internal system, all provided study programmes or rules for conducting habilitation proceedings or inauguration proceedings within 12 months from the date on which such changes in applicable standards take effect. Proceedings already in process prior to the effective date of such changes shall be completed pursuant to the standards in their form prior to such changes taking effect, if more favourable to the higher education institution.

(9) The procedure pursuant to Subsections 1 to 3 applies to amendment of the standards.

#### Internal system assessment

#### §24

(1) A higher education institution is obliged to request the agency to assess its internal system at least once every ten years. The higher education institution first requests an assessment of its internal system at the earliest six years and at the latest ten years after its establishment or obtaining state approval.

(2) The agency conducts continuous oversight of compliance with standards for the internal system at least once every two years based on the data from

a) the assessment of the higher education institution 's level in educational activities and in the areas of science, technology or the arts as discussed with the scientific council of the higher education institution,

b) the assessment of the level of individual faculties in educational activities and in the areas of science, technology or the arts as discussed with the scientific council of the faculty, and

c) the registers specified in §18 (4).

(3) Within the oversight of compliance with standards and at its own initiative, the agency may commence an extraordinary assessment of the internal system. Within such extraordinary internal system assessment, the executive board shall issue a decision to determine if such assessment may serve as a substitute for the internal system assessment pursuant to Subsection 1.

(4) Reference materials for internal assessment include:

a) the internal system; if the higher education institution has completed internal regulations laying down the internal systems of faculties, these are also used as reference materials,

b) an internal evaluation report on the implementation of the internal system completed by the higher education institution,

c) an evaluation report issued by the working group,

d) the higher education institution 's position statement regarding the evaluation report issued by the working group,

e) publicly accessible documents and data concerning the higher education institution.

(5) The higher education institution submits the reference materials specified in Subsection 4 (a), (b) and (d) above to the agency electronically. In an extraordinary internal system assessment, the higher education institution shall provide the reference materials pursuant to Subsection 4 (a), (b) and (d) within the time limit specified by the agency, which is a minimum of 30 days; in the case of an internal evaluation report, the agency shall define its scope and content. The procedure laid down in

Subsection 7 is applied if the higher education institution fails to provide the materials specified in Subsection 4 (a), (b) and (d) within the designated time limit.

(6) The higher education institution may request the completion of an evaluation report for the purposes of the internal system assessment by a legal entity from the list pursuant to §4 (2)(c)(2); this fact shall be specified in the application pursuant to Subsection 1. This completed evaluation report shall serve as a substitute for the evaluation report from the working group. The time limit for delivering this evaluation report shall be defined by the agency upon agreement with the higher education institution and the relevant legal entity; this time limit shall be a minimum of 120 days. The agency shall suspend the proceeding until the delivery of the evaluation report.

(7) If a higher education institution does not request the agency to perform the internal system assessment within the time limit specified in Subsection 1, the agency shall notify the higher education institution of this fact. The higher education institution is obliged to submit the application pursuant to Subsection 1 within a time limit of 60 days from the delivery of such notification; if not, the agency shall decide on the cancellation of all of the higher education institution 's study programmes.

(8) If a higher education institution requests the agency to perform the internal system assessment within the time limit specified in Subsection 1, the agency, under §21 (3) or (4) , issued a decision rejecting the higher education institution's application for the internal system assessment and the time limit specified in Subsection 1 expired prior to the decision to reject the higher education institution 's application becomes valid, the agency shall decide on the cancellation of all of the higher education institution's study programmes.

(9) Within the internal system assessment, the agency shall consider compliance with study programme standards.

## §25

(1) The agency shall issue its decision based on the outcomes of the internal system assessment as to if the internal system and its implementation are, or are not, in compliance with standards for the internal system. The agency shall specify in its decision the specific study fields and levels in which the higher education institution is authorised to create, implement and modify study programmes. If the internal system and its implementation are in compliance with standards for the internal system, the agency shall indicate the cancellation of restrictions to create, implement and modify study programmes in defined study fields and levels in the register of study fields if the higher education institution is subject to such restrictions. If the internal system and its implementation are not in compliance with standards for the internal system and the party to the proceeding is a higher education institution, the agency shall also order corrective actions in its decision.

(2) Corrective action includes:

- a) ordering the remedy of deficiencies resulting in the non-compliance of the internal system or its implementation with standards for the internal system,
- b) suspension of the implementation of a study programme,
- c) ordering the cancellation of a study programme,
- d) cancelling a study programme,
- e) restricting the creation and modification of study programmes.

(3) The agency may decide to order any number of the individual corrective actions concurrently.

(4) If the party to the proceeding is an applicant seeking the granting of state approval, the agency shall assess the proposed internal system of a private higher education institution using the same procedure for assessing the internal system of a higher education institution, with the exception of ordering corrective action.

(5) If a teaching combination study programme or translation combination study programme is involved, corrective action may be ordered separately in relation to instructional certification for a specific academic subject or instructional certification for a specific language. With respect to a corrective action ordered separately in relation to instructional certification for a specific academic subject or instructional certification for a specific language, it likewise applies to all study programmes covered by the relevant instructional certification.

## §26

### Ordering the remedy of deficiencies

(1) The agency shall order the remedy of deficiencies that result in the noncompliance of the internal system or its implementation with the standards for the internal system if it does not identify any negative impacts on higher education learning outcomes and if the remedy may be accomplished within a time limit of six months from the date on which the agency's decision becomes valid.

(2) The higher education institution is obliged to remedy the identified deficiencies and to take measures and notify the agency of their outcomes within a time limit of six months from the date on which the agency's decision becomes valid.

(3) If the higher education institution fails to notify the agency within the time limit specified in Subsection 2 of the adopted measures and their outcomes or the agency finds that the deficiency endures, the agency shall decide to impose other corrective action, even without meeting the conditions specified in §27 (1), §28 (1) or §29 (1).

## §27

### Suspension of the implementation of a study programme

(1) The agency shall suspend the implementation of a study programme if it identifies a deficiency in that

a) the higher education institution proceeded in violation of its internal system in the creation, approval, modification or implementation of a study programme,

b) a study programme does not comply with study programme standards, and

c) the identified deficiency may be remedied through a modification of the study programme.

(2) From the date of validity of the decision to suspend the implementation of a study programme, the higher education institution must not

a) hold state exams in the study programme concerned,

b) modify the relevant study programme in any way other than by the procedure laid down in Subsection 4, and

c) create a study programme in the given study field and level.

(3) If a higher education institution holds a state exam in the study programme concerned, such state exam is invalid; any diploma from the completion of studies issued to a person is also invalid.

(4) A higher education institution is obliged to provide the agency with a proposal of the modification of the study programme or notification of its cancellation within the time limit defined by the agency in the decision to suspend the implementation of the study programme, which is a minimum of three months from the date of validity of the given decision.

(5) If the higher education institution cancels the study programme concerned, the agency shall indicate the cancellation of restrictions pursuant to Subsection 2 in the register of study fields.

(6) The agency shall grant consent to the submitted proposal for the modification of the study programme if it provides a presumption of compliance with study programme standards. The higher education institution shall modify the study programme by the following academic year at the latest and inform the agency of this fact. The agency shall verify this fact in the register of study programmes within 30 days from the notification from the higher education institution. After confirmation that the modification has been made, the agency shall indicate the cancellation of restrictions pursuant to Subsection 2 in the register of study fields and in the register of study programmes.

(7) If the proposed modification of a study programme does not provide a presumption of compliance with study programme standards, the agency shall issue a decision requesting that the higher education institution submit a new proposal for the modification of the study programme. In this decision, the agency shall also specify those deficiencies that the proposed modification of the study programme does not resolve, or any new deficiencies, and specify a time limit for the higher education institution to provide this proposal, but not more than two times.

## §28

### Ordering the cancellation of a study programme and the cancellation of a study programme

(1) The agency shall order the cancellation of a study programme if after the suspension of the implementation of a study programme

a) the higher education institution within the defined time limit

1. does not propose a modification of the study programme or

2. does not provide information as to its cancellation,

b) the agency does not confirm the execution of the approved modification of the higher education institution's study programme pursuant to §27 (6) or

c) the proposed modification of the study programme pursuant to §27 (7) does not provide a presumption of compliance with the study programme standards for the third time.

(2) A higher education institution is obliged to cancel a suspended study programme within the time limit defined by the agency in the decision to order the cancellation of the study programme, which is a minimum of three months from the date of validity of the respective decision.

(3) The higher education institution is obliged to suspend the teaching of the subjects within this study programme on the date the agency's decision to order the cancellation of the study programme becomes valid.

(4) If the higher education institution does not cancel the study programme within this time limit, the agency shall decide on its cancellation and the cancellation of all study programmes conducted within the respective academic field at all levels and the cancellation of the higher education institution's authorisation to create, implement and modify study programmes in this academic field at all levels. The higher education institution is obliged to ensure that the students registered to study in the respective study programme are able to continue their studies in a study programme in the same study field at another higher education institution.

(5) The higher education institution may not hold any state exams in any study programme cancelled by the agency. If a higher education institution holds a state exam in this study programme, this state exam is invalid; any diploma from the completion of studies conferred to a person is also invalid.

## §29

### Restricting the creation and modification of study programmes

(1) The agency shall decide to restrict the creation and modification of study programmes in the respective study field and level if the identified deficiency involves

- a) noncompliance of the internal system with the standards for the internal system, or
- b) the fact that the method of implementation of the internal system results in misalignment of the higher education learning outcomes and the corresponding level of the national qualification framework, and

- 1. a study programme is not implemented in compliance with the study programme standards, or
- 2. the remedy of the deficiencies identified pursuant to §26 (1) cannot be reasonably accomplished within six months from the date on which the agency's decision became valid.

(2) A higher education institution must not, without the prior written consent of the agency, create and modify study programmes at the respective level implemented

- a) in the study field specified in the agency's decision,
- b) in a combination of two study fields, one of which is specified in this decision,
- c) as interdisciplinary studies, in which higher education may be obtained in a study field specified in such decision.

(3) A higher education institution is obliged to provide the agency with an action plan for approval within a time limit of 60 days from the date on which the decision pursuant to Subsection 1 became valid, in which it specifies the planned measures to remedy the deficiencies and their schedule, including the manner in which the necessary resources shall be secured. If the agency approves the action plan, it shall monitor its completion and then reassess the internal system after the expiration of the time limit specified in the action plan itself. If the agency does not approve the action plan, it shall order the higher education institution to rework the action plan and may do so repeatedly. The higher education institution shall submit the reworked action plan to the agency within 30 days from the delivery of the notification of the rejection of the action plan.

(4) If the agency in the monitoring of the completion of the action plan finds that the higher education institution is not conducting the measures to which it committed in the action plan or the implementation of such measures is not leading to the remedy of the identified deficiencies, the agency shall call on the higher education institution to amend the action plan in collaboration with

the agency within the time limit specified by the agency or within the time limit to implement the respective measures specified in the action plan.

(5) If the higher education institution does not submit the action plan within the defined time limit, make modifications thereto after a request from the agency or begin completing the specific measures when so called upon by the agency, the agency shall notify the higher education institution of this fact and extend the time limit for its submission, to perform such modifications or begin the completion of the relevant measures by additional 30 days. If the higher education institution fails to submit the action plan, make such modifications or begin the completion of relevant measures after prior notification and extension of the time limit, the agency shall decide on the cancellation of all of the higher education institution's study programmes.

(6) If the deficiencies identified in Subsection 1 endure in any study field after the reassessment of the internal system pursuant to Subsection 3, the agency shall decide on the cancellation of all of the study programmes in the respective study field at all levels.

(7) If the agency does not identify the deficiencies identified in Subsection 1 after the reassessment of the internal system pursuant to Subsection 3, it shall indicate the cancellation of restrictions to create and modify study programmes in the register of study fields.

## §30

### Study programme accreditation

(1) A higher education institution may request study programme accreditation in a study field and level in which it is not currently permitted to implement study programmes. An applicant for state approval shall submit the application for the award of study programme accreditation in the study fields and levels in which it seeks to begin providing higher education.

(2) The application for the award of study programme accreditation contains

a) the name of the party to the proceeding, its registered office and organisational identification number; the faculty must also be specified if the study programme that is the subject of the application shall be implemented by a faculty,

b) the name of the study programme, the form of study and the language or languages in which it will be implemented,

c) the name of the study field from the system of study fields,

d) the level of higher education,

e) the code of the level of education and the code of the educational field pursuant to the internal standard classification of education,

f) the level of the national qualification framework,

g) the conferred academic title,

h) documentation for the study programme that is the subject of the application

1. spatial, material, technical, information and human resources for providing higher education,

2. admissions requirements for prospective students, the manner of their selection and recommended personal prerequisites,

3. requirements for the completion of studies,

4. the creative activity of the higher education institution's employees involved in implementing the study programme,

i) a consenting statement from the legal entity specified in the description of the study field if so required by the description of the study field,<sup>10)</sup>

j) a consenting statement from the competent ministry to implement the proposed study programme if a state higher education institution is involved,

k) additional documentation necessary to assess the fulfilment of the individual study programme standards,

l) the internal evaluation report.

(3) The higher education institution files the reference materials specified in Subsection 2 above with the agency electronically.

(4) If a teaching combination study programme or a translation combination study programme is involved, for the purposes of the application for the award of study programme accreditation, the higher education institution shall specify at least two instructional certifications, together with pertinent details for the specific subjects in the pedagogical and psychological fundamentals, socio-scientific fundamentals, the didactics of teaching subjects or translation science fundamentals, in its application. Such submitted application is considered an application for the award of study programme accreditation.

(5) The agency shall decide to reject an application for the award of study programme accreditation if

a) the party to the proceeding already has an authorisation to create, implement and modify a study programme in the given study field and level,

b) the agency has previously issued a valid decision regarding another application for the award of study programme accreditation to the respective higher education institution in the same study field and level over the previous two years immediately preceding the submission of the application at hand, or

c) the party to the proceeding has submitted an application for the award of study programme accreditation for a joint study programme, a study programme implemented as interdisciplinary studies or a study programme implemented in a combination of two study fields.

(6) The agency shall issue a decision to reject an application for the award of study programme accreditation in the respective study field if the higher education institution submits such application less than five years from the date on which the agency's decision ordering the cancellation of a study programme in the same study field became valid.

(7) The agency shall reject an application if in reviewing the application it finds that

a) the party to the proceeding did not meet the study programme standards, or

b) there is no expectation that a private higher education institution will meet the study programme standards and the party to the proceeding is an applicant for the award of a state approval.

(8) The agency shall decide to award study programme accreditation if in reviewing the application it finds that

a) the party to the proceeding meets the study programme standards, or

b) there is an expectation that a private higher education institution will meet the study programme standards and the party to the proceeding is an applicant for the award of a state approval.

(9) A higher education institution is not authorised to modify a given study programme without prior consent from the agency and is not authorised to create a new study programme in the respective study field and level; the agency shall indicate this fact in the register of study fields and the register of study programmes.

(10) The agency shall continuously monitor compliance of the implementation of a given study programme with the submitted application for the award of study programme accreditation and the standards for the study programme.

(11) The agency shall assess the compliance of the implementation of a given study programme with the standards for the study programme after two years have passed from the date of full completion of studies by the first student in the given study programme, or at the earliest after the expiration of the standard length of study in this study programme after the decision to award study programme accreditation becomes valid.

(12) In its assessment pursuant to Subsection 11, the agency shall focus on the compliance of the higher education learning outcomes for the graduates of a given study programme with the higher education learning outcomes specified in the application for the award of study programme accreditation.

(13) The agency shall indicate the cancellation of restrictions on creating study programmes in the given study field and level in the register of study fields and the cancellation of restrictions on modifying the relevant study programme in the register of study programmes once compliance pursuant to Subsection 11 is confirmed. If the party to the proceeding requests study programme accreditation for multiple study programmes in the same study field and level simultaneously, such cancellation of restrictions shall be indicated after the confirmation of the compliance of all these study programmes.

(14) If in the assessment pursuant to Subsection 11 the agency finds that the implementation of the given study programme is not in compliance with the standards for the study programme, it shall commence an extraordinary internal system assessment proceeding.

(15) If in an extraordinary internal system assessment the agency does not order the cancellation of the study programme subject to assessment pursuant to Subsection 11, it shall define a time limit in which it shall reassess the compliance of the implementation of the given study programme with the standards for the study programme.

### §31

#### Proceedings to award habilitation proceeding or inauguration proceeding accreditation

(1) A higher education institution authorised to create study programmes may request the award of habilitation proceeding and inauguration proceeding accreditation in the field of the habilitation proceeding and inauguration proceeding. The application may be submitted if, in the study field or study fields specified in Subsection 2 (c), the higher education institution is implementing a third-level study programme, second-level study programme, or a study programme combining the first and the second levels.

(2) The application for habilitation proceeding or inauguration proceeding accreditation contains

a) the name of the higher education institution, its registered office and organisation identification number; if the habilitation proceeding and inauguration proceeding shall be conducted by a faculty, then the specific faculty shall also be identified,

b) the name of the field of the habilitation proceeding and inauguration proceeding proposed by the higher education institution and the definition of its content,

c) the name of up to two study fields to which the field of the habilitation proceeding and inauguration proceeding shall be assigned; this is required so that the definition of the content of such field of the habilitation proceeding and inauguration proceeding approximates these study fields as much as possible,

d) the criteria of the given higher education institution for the assessment of the fulfilment of requirements to obtain the scientific-pedagogical title or the artistic-pedagogical title of “docent”,

d) the criteria of the given higher education institution for the assessment of the fulfilment of requirements to obtain the scientific-pedagogical title or the artistic-pedagogical title of “profesor”,

f) the outcomes from the periodic evaluation of the academic level’s creative activity pursuant to a special regulation,<sup>11)</sup>

g) other documentation necessary to assess the fulfilment of individual standards for habilitation proceedings and inauguration proceedings.

(3) The name of the field of the habilitation proceeding and inauguration proceeding may be the same as the name of the study field from the system of study fields. A study field in which only first-level study programmes may be implemented may not be used.

(4) The higher education institution shall submit the reference materials specified in Subsection 2 above to the agency electronically.

(5) The agency shall decide to reject a higher education institution’s application if

a) the conditions specified in Subsection 1 are not met, or

b) the higher education institution submits an application within

1. one year from the date of validity of a decision to reject an application for habilitation proceeding and inauguration proceeding accreditation in the field of the habilitation proceeding and inauguration proceeding in which the same study field is presented in the application pursuant to Subsection 2 (c) as in the rejected application, or

2. five years from the date of validity of a decision to revoke habilitation proceeding and inauguration proceeding accreditation in the given field of the habilitation proceeding and inauguration proceeding and the application contains the same faculty as the application related to the revocation of accreditation.

(6) The agency shall decide to award habilitation proceeding and inauguration proceeding accreditation if in reviewing the application it finds that the higher education institution meets the standards for habilitation proceedings and inauguration proceedings; otherwise, it shall reject the application.

### Revocation of habilitation proceeding or inauguration proceeding accreditation

(1) The agency shall commence a proceeding to revoke habilitation proceeding and inauguration proceeding accreditation if it finds facts indicating that the higher education institution is not complying with the standards for habilitation proceedings and inauguration proceedings.

(2) The agency shall decide to revoke habilitation proceeding and inauguration proceeding accreditation within the given field of the habilitation proceeding and inauguration proceeding if the circumstances and facts specified in Subsection 1 are proven.

(3) Upon the date of validity of a decision to revoke habilitation proceeding and inauguration proceeding accreditation, all incomplete habilitation proceedings and inauguration proceedings at the given higher education institution in the given field of the habilitation proceeding and inauguration proceeding are discontinued.

### §33

#### Grant of state approval

(1) The application for the grant of state approval shall be submitted to the agency by a legal entity seeking to operate as a private higher education institution.

(2) The application for the grant of state approval contains

a) the identification details of the applicant seeking state approval, including their name, registered office, organisation identification number and the given name and surname of its statutory body or a member of its statutory body,

b) the name of the private higher education institution,

c) the long-term strategy of the private higher education institution,

d) an application for the award of study programme accreditation,

e) the draft statute, proposal of the internal system, draft academic rules and proposed principles for selection procedures to fill the positions of higher education teachers, researchers and the positions of professors and assistant professors,

f) the manner in which the private higher education institution finances its activities,

g) the human, spatial, material, technical and information resources used to provide higher education,

h) documentation certifying the scientific qualifications and pedagogical qualifications of higher education institution teachers and researchers or artistic staff who will work at the private higher education institution

i) documents demonstrating the facts specified under points a), f) and g) above.

(3) In addition to the reasons specified in the Code of Administrative Procedure, the agency shall discontinue the proceeding if

a) its decision that the proposed internal system of the private higher education institution does not comply with the standards for the internal system becomes valid,

b) its decision to reject all applications for the award of study programme accreditation included in the application for the grant of state approval becomes valid, or

c) the time limit specified in Subsection 9 has not yet expired.

(4) No appeal can be filed against a decision to discontinue a proceeding pursuant to Subsection 3 (a) or (b).

(5) If the agency decides on all applications for the award of study programme accreditation, the decisions to withhold accreditation for such study programmes become valid and the agency does not discontinue the proceeding, the application for the grant of state approval is submitted to the ministry of education with a response as to its recommendation to grant or withhold state approval. The agency shall provide its response as to its recommendation to grant or withhold state approval based on a comprehensive assessment of the application.

(6) If the draft internal regulations do not comply with legislation or if the name of the higher education institution does not comply with a specific regulation,<sup>12)</sup> the ministry of education shall call on the applicant to correct the discrepancy within a reasonable time limit; it shall also instruct the applicant that the proceeding will be otherwise discontinued if no such correction occurs.

(7) In addition to the reasons specified in the Code of Administrative Procedure, the ministry of education shall suspend the proceeding if the applicant

a) does not correct the discrepancies between the draft internal regulations and legislation within the time limit set by the ministry of education or

b) does not correct the discrepancies between the name of the higher education institution and a specific regulation<sup>12)</sup> within the time limit set by the ministry of education.

(8) The ministry of education shall submit its proposal to grant or withhold state approval to the government within five months from the delivery of the agency's response to the ministry of education. If the agency does not recommend granting state approval in its response, the ministry of education shall submit a proposal to the government to withhold state approval. The ministry of education shall submit a proposal to the government to withhold state approval if the agency recommends granting state approval in its response but the ministry of education reaches the conclusion that granting state approval is not in the public interest and shall justify this proposal.

(9) A legal entity may file another application for the grant of state approval only after one year has passed from the date on which the agency's decision to discontinue the proceeding or the ministry of education's decision to discontinue the proceeding became valid or after one year has passed from the date of the government's decision to withhold state approval.

(10) If the government grants state approval, the ministry of education shall then decide on the registration of the private higher education institution's statute. Once state approval is granted, the applicant shall immediately align its name with the name under which it is intended to operate as a private higher education institution.

(11) The provisions of this specific paragraph shall also apply to the branches of higher education institutions with registered offices outside of Slovakia that are not active in Slovakia based on any approval issued under a specific regulation.<sup>13)</sup>

#### FOURTH PART

#### COMMON AND TRANSITIONAL PROVISIONS

## §34

### Common provisions

- (1) Proceedings under this act are not subject to the Code of Administrative Procedure, unless otherwise specified in Subsection 2 and 3 herein.
- (2) The Code of Administrative Procedure is applicable to decisions concerning
  - a) suspension of a proceeding to grant state approval pursuant to §33 and
  - b) discontinuance of a proceeding to grant state approval pursuant to §33.
- (3) Proceedings under this act, except in the case of a proceeding to grant state approval pursuant to §33, are governed by the provisions of the Code of Administrative Procedure concerning
  - a) exclusion of employees or members of an administrative authority pursuant to §9 to 13 of the Code of Administrative Procedure,
  - b) delivery to a specific person pursuant to §24 and 25 of the Code of Administrative Procedure and
  - c) time lines pursuant to §27 and 28 of the Code of Administrative Procedure.
- (4) The ministry of education fulfils the tasks of the appellate body with respect to the agency's decision issued in a proceeding pursuant to Subsection 2.
- (5) The ministry of education is responsible for monitoring the agency's overall compliance with legislation; the above does not apply to the agency's proceedings pursuant to §21 to 33.

### Transitional provisions

## §35

- (1) The right to confer the corresponding academic title on the graduates of a study programme under the legislation in effect until 31 October 2018 shall be considered study programme accreditation from 1 November 2018 under this act; if it was granted based on a decision pursuant to §37 (2), then it is considered as such from its date of issue. With respect to a right without time limitation, it shall be considered study programme accreditation after confirmation of compliance pursuant to §30 (11); this does not affect the provision of §36 (1).
- (2) The right of a higher education institution to create a teaching study programme composed of a combination of two subjects and to confer the corresponding academic title on its graduates under the legislation in effect until 31 October 2018 shall be considered accreditation of a teaching combination study programme from 1 November 2018 under the legislation taking effect on 1 November 2018; if it was granted based on a decision pursuant to §37 (2), then it shall be considered as such from its date of issue. With respect to a right without time limitation, it is considered accreditation of a teaching combination study programme after confirmation of compliance pursuant to §30 (11); this does not affect the provision of §36 (1).
- (3) The right of a higher education institution to create a study programme in the study field of translation and interpreting composed of a combination of two languages and to confer the corresponding academic title on its graduates under the legislation in effect until 31 October 2018 is considered accreditation of a translation combination study programme from 1 November 2018 under the legislation taking effect on 1 November 2018; if it was granted based on a decision pursuant to §37 (2), then it is considered as such from its date of issue. With respect to a right

without time limitation, it is considered accreditation of a translation combination study programme after confirmation of compliance pursuant to §30 (11); this does not affect the provision of §36 (1).

(4) The right to conduct habilitation proceedings and professorship appointment proceedings in a study field under the legislation in effect until 31 October 2018 shall be considered habilitation proceeding and inauguration proceeding accreditation for the field of the habilitation proceeding and inauguration proceeding from 1 November 2018 under this act; if it was granted based on a decision pursuant to §37 (2), then it shall be considered as such from its date of issue.

(5) If a higher education institution is granted any of the rights under Subsections 1 to 3 above with a time limitation on the ground that it was a new study programme, the time limitation restrictions on this right are cancelled effective 1 November 2018 and the ministry of education shall indicate this fact in the register of study programmes by 30 November 2018. If the procedure under §37 (2) is involved and the right is subject to a time limitation given that it is a new study programme, it shall be granted as a right without time limitation and be considered study programme accreditation from the date of issue of the respective decision prior to confirmation of compliance pursuant to §30 (11)

(6) Any obligation of a higher education institution to submit a report to the ministry of education on the outcome of measures adopted to resolve discrepancies identified in a statement from the Accreditation Commission within an assessment of the competency of the higher education institution to implement a specific study programme or habilitation proceeding and inauguration proceeding in the given study field under the legislation in effect until 31 October 2018 endures after such date. If the higher education institution does not submit the report specified in the first sentence within the time limit specified in the decision to recognise an awarded right or within one year from the delivery of a decision to suspend the validity of a previously awarded right, the minister of education shall revoke such awarded right. If the higher education institution submits the report specified in the first sentence in a timely manner, the ministry of education shall request verification of the outcome of such adopted measures to be completed by the Accreditation Commission until 31 December 2019 or by the agency after 1 January 2020; if the Accreditation Commission does not respond by 31 December 2019, the agency shall perform the tasks previously assigned to the Accreditation Commission, the ministry of education and the minister of education. The outcome of such adopted measures is verified using the criteria issued under the legislation in effect until 31 October 2018.

(7) If the Accreditation Commission responds to the outcome of the measures adopted pursuant to Subsection 6 by 31 December 2019, it shall proceed in accordance with the legislation in effect until 31 October 2018. If the minister of education decides per the first sentence to award a right of a fixed duration, to restore a right of a fixed duration or to suspend an awarded right, the higher education institution shall not submit a report on the outcome of measures taken to remedy deficiencies to the ministry of education; instead of such report, the higher education institution shall submit a draft of the modifications to the study programme by the date specified as the fixed duration in the minister of education's decision or give notification of its cancellation pursuant to §27 (4) and the agency shall proceed pursuant to §27 (5) to (7).

(8) If the outcome of the measures taken pursuant to Subsection 6 is verified by the agency and it finds that the higher education institution after taking such measures

a) complies with the criteria and the obligation to submit a report on the outcome of the measures adopted to remedy deficiencies resulting from

1. a time restriction, the agency shall indicate the cancellation of such time restriction in the register of study programmes, if a study programme is involved, or in the register of study fields, if habilitation proceedings or inauguration proceedings are involved,

2. suspension of an awarded right, the agency shall renew the validity of an awarded right,

b) fails to meet the criteria, the agency shall suspend the implementation of the study programme pursuant to §27, if it involves a study programme, or revoke an awarded right, if it involves a habilitation proceeding or inauguration proceeding.

(9) If a higher education institution's right to confer a corresponding academic title on graduates of a study programme under the legislation in effect until 31 October 2018 is suspended and the validity of such right was not renewed pursuant to Subsection 7 or 8 (a)(2), the higher education institution is obliged to cancel such study programme for a term equal to the standard duration of its studies extended by an additional academic year; this term begins on 1 September 2020.

(10) If a higher education institution's right to confer a corresponding academic title on graduates of a study programme under the legislation in effect until 31 October 2018 is suspended and a study programme is involved that the higher education institution had accredited based on an application submitted before 31 December 2012 and the suspension of such right was only indicated in the register of study programmes, the time limit for the cancellation of such study programme pursuant to the regulations in effect until 31 October 2018 remains preserved.

(11) If a higher education institution's right to conduct habilitation proceedings and professorship proceedings in a study field under the legislation in effect until 31 October 2018 is suspended, the higher education institution must not accept a new application to commence such habilitation proceedings or a new application to commence inauguration proceedings in the given field of the habilitation proceeding and inauguration proceeding until the decision to award habilitation proceeding and inauguration proceeding accreditation takes effect in the field of the given habilitation proceeding and inauguration proceeding, the name of which is identical to the name of the relevant study field or in a field other than the habilitation proceeding and inauguration proceeding with the prior written consent of the agency.

(12) The decision to revoke the right to conduct habilitation proceedings and professorship proceedings in a study field under the legislation in effect until 31 October 2018 is considered a decision to revoke habilitation proceeding and inauguration proceeding accreditation as of 1 November 2018 under this act; if this involves the procedure pursuant to §37 (2), then it is considered as a decision to revoke habilitation proceeding and inauguration proceeding accreditation from the date it is issued.

(13) All rights of non-higher education institutions to participate in the implementation of doctoral-level study programmes for a relevant study field are rendered null and void effective 1 November 2018. Contracts between higher education institutions and external educational institutions that govern their involvement in the implementation of third-level study programmes remain intact.

## §36

(1) As of 1 November 2018, no higher education institution has the right to independently create study programmes in any study field or level until a decision from the agency pursuant to §25 (1) becomes valid; the above does not apply to applications to award study programme accreditation pursuant to §30. The ministry of education shall indicate the restrictions provided in the first sentence in the register of study fields by 31 December 2018.

(2) As of 1 November 2018 and until a decision issued pursuant to §25 (1) becomes valid, a higher education institution is authorised to create a study programme in a study field and at a level in which it is authorised to implement study programmes as at 31 October 2018, including prior to internal system assessment using the procedure laid down in §30. The agency will not reject an application to award study programme accreditation for the reason specified under §30 (5)(a) until 31 December 2020; this has no prejudice against the provisions of §38 (6) .

### §37

(1) A higher education institution is obliged to align its internal system with this act and the internal system standards within 24 months from the date on which they take effect; the agency shall provide prompt information when they take effect. A higher education institution is obliged to request its initial internal system assessment from the agency by 31 December 2024 at the latest and its second internal system assessment by 31 December 2030; if a higher education institution fails to request such internal system assessment by such deadlines, the procedure specified in §24 (7) shall be implemented. A higher education institution may request an initial internal system assessment after it is fully aligned with the legislation taking effect after 1 November 2018 and the internal system standards at the earliest.

(2) Any proceeding to determine the competence of a higher education institution to implement a study programme and to confer the relevant academic title on its graduates or proceeding to determine the competency of a higher education institution to conduct habilitation proceedings and professorship proceedings not completed prior to 31 October 2018 shall be completed beginning on or after 1 November 2018 under the legislation in effect until 31 October 2018 and based on the criteria issued under the legislation in effect until 31 October 2018; the above does not apply if such application is submitted within the comprehensive accreditation of the higher education institution's activities, which was not completed by 31 October 2018. The provisions of the first sentence likewise apply to proceedings commenced based on an application submitted to the Accreditation Commission from 1 November 2018 to 15 June 2019. If such proceeding is not concluded by 31 December 2019, the agency shall perform the tasks of the Accreditation Commission, ministry of education and the minister of education.

(3) If the ministry of education requests a response from the Accreditation Commission regarding an application for the grant of state approval by 31 October 2018 and the Accreditation Commission does not respond by 31 December 2019, the ministry of education shall forward such application to the agency. Proposed study programmes contained in an application pursuant to the first sentence shall be assessed by the agency pursuant to the criteria issued under the legislation in effect until 31 October 2018; the agency shall respond to such application or suspend the proceeding without assessing the proposed internal system of a private higher education institution.

(4) The Accreditation Commission shall respond under the legislation in effect until 31 October 2018 to a proposal to classify a new study field into the system of study fields or a proposal to make another change to the system of study fields to take effect by 30 April 2019.

(5) All proceedings under Subsections 2 and 3 that are commenced but not validly concluded by 31 December 2019 shall be interrupted effective 1 January 2020 until 31 January 2020 at the latest.

(6) Any proceedings that are not validly concluded and concerning the competency of a non-higher education institution to participate in the implementation of a doctoral study programme are suspended effective 1 November 2018.

(7) If a higher education institution's right to confer a corresponding academic title on graduates of a study programme was revoked or its application to award such right under the legislation in effect until 31 October 2018 is rejected, the restrictions concerning the ability to submit an application to the Accreditation Commission concerning the relevant study field pursuant to the legislation in effect until 31 October 2018 remains intact; if such study programme is implemented at the faculty level, such restrictions only apply to applications concerning study programmes implemented by the relevant faculty.

(8) Applications may no longer be submitted to the Accreditation Commission after 16 June 2019 and any applications submitted after 15 June 2019 shall be rejected by the Accreditation Commission. The Accreditation Commission shall treat all applications submitted to the Accreditation Commission from 1 November 2018 to 15 June 2019 pursuant to Subsection 2.

(9) If the Accreditation Commission proposes in a response to award the right to confer a corresponding academic title on graduates of a study programme or the right to conduct habilitation proceedings and professorship proceedings in a given study field with respect to a military higher education institution, police higher education institution or medical higher education institution by 31 December 2019 at the latest, the respective departmental minister shall notify the minister of education of consent to award such right within 30 days from the response provided by the Accreditation Commission.

#### §38

(1) The Accreditation Commission established under the legislation in effect until 31 October 2018 is considered the Accreditation Commission under this act and shall conduct its activities until 31 December 2019 under the legislation in effect until 31 October 2018. A member of the Accreditation Commission established under the legislation in effect until 2018 is considered a member of the Accreditation Commission under this act. The Accreditation Commission is dissolved effective 1 January 2020. If the membership of any member of the Accreditation Commission ends prior to 31 December 2019, the ministry of education and the government shall ensure the total number of members of Accreditation Commission under the legislation in effect until 31 October 2018 remains the same; anyone who has been a member for two consecutive terms may be appointed as a member of the Accreditation Commission after 1 November 2018.

(2) The ministry of education shall provide material resources and funding to ensure the activities of the Accreditation Commission from 1 November 2018 to 31 December 2019 in the scope laid down in the legislation in effect until 31 October 2018. Higher education institutions are obliged to provide the Accreditation Commission with cooperation after 1 November 2018 in the scope laid down in the legislation in effect until 31 October 2018. The Accreditation Commission is authorised to use data from the register of higher education institution employees until 31 December 2019 in the scope laid down in the legislation in effect until 31 October 2018.

(3) The ministry of education shall provide material resources to ensure the agency's activities from 1 November 2018 until 31 March 2019. For the purposes of placing employees and ensuring the agency's activities, the ministry of education is authorised to entrust state property to the agency based on a rental agreement until 31 March 2019; for such purposes, the agency is authorised to administer state property until 31 March 2019.<sup>14)</sup> Movable state property used as material resources to ensure the agency's activities per the first sentence and defined in the protocol between the ministry of education and the agency shall transfer to the ownership of the agency on 1 April 2019.

(4) The following transfer to the agency effective 1 January 2020

- a) the rights and duties assigned to the Accreditation Commission as of 31 December 2019,
- b) the registry records of the Accreditation Commission and administration of its registry,
- c) ownership and administration of the Accreditation Commission's website and the departmental information system of the Accreditation Commission; the agency shall maintain this website and the departmental information system for a minimum of seven years.

(5) The agency shall publish the draft standards on its website by 31 October 2019. The agency shall report the approval of such standards to all public higher education institutions, state higher education institutions and private higher education institutions immediately after their publication on its website.

(6) Applications under this act may not be submitted to the agency from 1 November 2018 until the standards take effect; the agency shall reject all such applications received prior to the standards taking effect.

(7) From 1 November 2018 until the end of the first periodic evaluation of research, development, artistic and other creative activity of a higher education institution pursuant to a specific regulation<sup>11)</sup> the agency shall consider the evaluation of the research, development, artistic and other creative activity of a higher education institution within the most recent comprehensive accreditation of the higher education institution's activities completed under the legislation in effect until 31 October 2018 instead of this evaluation for the purposes of proceedings to award habilitation proceeding and inauguration proceeding accreditation.

(8) The ministry of education shall announce the initial selection process to fill the position of chair of the executive board by 31 December 2018. The minister of education shall appoint the first chair of the executive board within 14 days from the publication of the outcome of the selection process in which the selection committee selected a candidate for the position of chair of the executive board; members of the executive board may be appointed after the chair of the executive board is appointed.

(9) The Higher Education Council, the Slovak Rectors Conference, the Student Council for Higher Education and representatives of employers pursuant to §7 (4) shall propose their members of the executive board to the ministry of education by 1 February 2019. The minister of education shall appoint the first members of the executive board, except for the chair of the executive board, by 28 February 2019. The chair of the executive board shall propose a deputy chair of the executive board to the minister of education from among its members by 31 March 2019 and the minister of education shall appoint them by 15 April 2019. The chair of the executive board and the deputy chair of the executive board serve 6-year terms. After the initial appointment of the members of the executive board, another two members from the remaining members of the executive board are selected by drawing lots to serve 2-year terms and another two members are selected in the same manner to serve 4-year terms; the remaining members of the executive board serve 6-year terms.

(10) The minister of education shall name a natural person by 1 December 2018 to operate as the statutory body of the agency and to perform the activities in the purview of the chair of the executive board until the appointment of the first chair of the executive board and, until the appointment of the first head of office, to perform the activities in the purview of the head of office; anyone who fulfils the requirements for membership in the executive board or to serve as the head of office may be appointed.

(11) The first selection procedure to fill the position of head of office, the first selection procedure to fill the positions of members of the board of appeals and the first selection procedure to fill the position of controller shall be announced by the competent authority by 15 June 2019.

(12) The first rules of procedure for the board of appeals shall be proposed and approved by the executive board.

(13) By 31 December 2018 and for the purposes of demonstrating good personal standing, a candidate in the selection procedure to fill the position of chair of the executive board, a candidate in the selection procedure to fill the position of member of the board of appeals or a candidate in the selection procedure to fill the position of controller shall provide the ministry of education with an extract from their criminal record that is no more than three months old together with the application for the selection procedure instead of the data specified to request such excerpt from their criminal record; a candidate in the selection procedure to fill the position of head of office shall provide it to the agency. In the case of a candidate appointed as a member of the executive board, the excerpt from their criminal record is submitted to the ministry of education together with the proposal for their appointment.

(14) By 31 December 2022, the agency shall apply for

- a) membership in the European Association for Quality Assurance in Higher Education, and
- b) registration in the European Quality Assurance Register for Higher Education.

## Art. II

Act No. 343/2015 Coll. on Public Procurement and on amendment of certain acts, as amended by Act No. 438/2015 Coll., Act No. 315/2016 Coll., Act No. 93/2017 Coll., Act No. 248/2017 Coll., Act No. 264/2017 Coll. and Act No. 112/2018 Coll. is amended as follows:

1. Subsections 2 and 4 are deleted from §8.

Existing subsections 3 and 5 are relabelled as Subsections 2 and 3.

2. The words "Subsections 1 and 2" in §8 (2) are replaced with the words "Subsection 1".

3. §187d is inserted after §187c and reads, with a title, as follows:

"§187d

Transitional provisions to amendments taking effect on the date of declaration

(1) A party defined under §8 (2) pursuant to the legislation in effect prior to the date on which this act takes effect is authorised to cancel an award procedure for a contract in which the invitation to tender was sent for publication prior to the effective date of this act or an award procedure for a contract that provably began prior to the effective date of this act; the above does not apply if the successful tenderer or tenderers have been sent notification that their tender or tenders were accepted. This has no prejudice against the provisions of §57.

(2) The authority shall suspend any such proceedings involving the party and public procurement pursuant to Subsection 1."

## Art. III

This Act shall enter into force on the day of its promulgation, except for Article I, which takes effect on 1 November 2018.

Andrej Danko  
Peter Pellegrini

- 1) §23a of Act No. 431/2002 Coll. on Accounting as amended.
- 2) §3 (2) of Act No. 103/2007 Coll. on Tripartite Consultations at the National Level and on amendment of certain acts (tripartite act).
- 3) §26a of Act No. 172/2005 Coll. on the Organisation of State Aid for Research and Development and on amendment of Act No. 575/2001 Coll. on the Organisation of Government Activities and the Organisation of Central State Authorities as amended as amended.
- 4) §5 of Act No. 552/2003 Coll. on the Performance of Work in the Public Interest as amended.
- 5) §10 (4)(a) of Act No. 330/2007 Coll. on the Criminal Register and on amendment of certain acts as amended by Act No. 91/2016 Coll.
- 6) Act No. 431/2002 Coll. as amended.
- 7) Act No. 176/2004 Coll. on the Disposal of the Property of Public Institutions and on amendment of National Council of the Slovak Republic Act No. 259/1993 Coll. on the Slovak Forestry Chamber as amended by Act No. 464/2002 Coll. as amended.
- 8) Act No. 357/2015 Coll. on Financial Control and Audit and on amendment of certain acts.
- 9) §76 (10) of Act No. 131/2002 Coll. on Higher Education Institutions and on amendment of certain acts as amended.
- 10) §50 (4)(g) of Act No. 131/2002 Coll. as amended by Act No. 270/2018 Coll.
- 11) §88a of Act No. 131/2002 Coll. as amended by Act No. 270/2018 Coll.
- 12) §47 (9) of Act No. 131/2002 Coll. as amended by Act No. 270/2018 Coll.
- 13) §49a of Act No. 131/2002 Coll. as amended.
- 14) §1 (1)(c) of National Council of the Slovak Republic Act No. 278/1993 Coll. on the Administration of State Property as amended.