

ORGANIC LAW 6/2001, of 21 December, on universities

(BOE issue. 307, 24th December 2001)

Introduction:

The Plenary Session of the Chamber of Deputies, in its session of 20 December 2001, passed, in conformity with that established in articles 81 and 90 of the Constitution, the Organic Law on Universities Bill (file number 121/000045) with the text below:

Publishing ordered in compliance with article 97 of the Chamber Regulations.

Palace of the Chamber of Deputies, 20 December 2001.—P. S. The Secretary General of the Chamber of Deputies, Piedad García-Escudero Márquez.

ORGANIC LAW ON UNIVERSITIES

Explanatory statement

I The Spanish university system has undergone profound changes in the last twenty-five years, changes which have been promoted by our Universities' acceptance of the challenges raised by the production and transmission of scientific and technological knowledge. Today more than ever our society entrusts their Universities to confront new challenges, those derived from the knowledge society at the dawn of this century.

During the last two decades, the old university establishment has been radically transformed. The Constitution established Universities autonomy and granted, with it, the freedom of university chairs, of study, and of research, as well as the independence in the management and administration of their own resources.

During this period, the number of Universities trebled, with new university centres created in nearly all towns with more than fifty thousand inhabitants, centres in which more than a hundred and thirty different degrees are studied today. Only just a few years ago also the university decentralisation process concluded, with competences in matters of higher education transferred to the autonomous education administrations. Of no less importance is the so positive transformation in the area of scientific and technical university research, whose main recipients are our university students themselves, who do not only receive adequate vocational training, but can also benefit from the critical atmosphere and cultural extension, both unavoidable functions of the university institution.

This effort shared by Universities, education administrations and society itself has been extraordinary, and that is why, now, aware of the progress we have made, we are also aware of the need for a new order in university activity. This, in a coherent and global manner, must systematize and update the multiple academic features, of teaching, research and management, allowing Universities to approach within the framework of the knowledge and information society, the challenges derived from the innovation in the production and transmission of knowledge.

If we acknowledge that Universities play an essential role in the cultural, economic and social development of a country, it will be necessary to strengthen their leadership capacity and to endow their structures with the greatest flexibility to confront distinguished strategies with the framework of a structured scenario. Such capacity will allow each one of them to develop specific plans according to their own characteristics, with their own teaching structure, their own study offer and with their management and innovation procedures. Only in this way will society be able to demand from its Universities the most valuable inheritance for its future: quality teaching; excellence of research.

From this perspective, the modern regulation architecture that the Spanish university system demands is designed to improve the quality of its teaching, research and management; to promote student and teacher mobility; to go deep into the creation and transmission of knowledge as the axis of academic activity; to respond to the challenges derived from both distance higher education through new information

technologies and from lifelong learning, and to join competitively along the best higher education institutions in the new European university area which is beginning to take shape.

We are all aware that the social changes wrought in our society are closely linked with those taking place in other fields activity. Thus, the modernisation of the economic system sets increasingly imperious demands on the sectors which promote this continuous modernisation; and we can not forget the University holds a privileged position in this continuous updating process, specifically in the sectors linked to cultural, scientific and technical development. For this reason, our Universities need to increase urgently their effectiveness, efficiency and responsibility, all of them essential principles of the university autonomy.

Training and knowledge are also key factors in this scenario typified by vertiginous transformations in the social and economic fields. The new society demands professionals with high cultural, scientific and technical levels that only university education can provide. Society demands, moreover, lifelong training, not only in the macroeconomic and structural orders but also as a means of self-realisation. A society that aims to attain massive access to information needs people capable of converting it into knowledge through its organisation, elaboration and interpretation.

These new scenarios and challenges demand new ways of approaching them and the Spanish university system is at its best moment in history to respond to a challenge of enormous importance: to articulate the knowledge society in our country; this Law seeks to endow the university system with a regulation framework that encourages university community dynamism, also seeking to attain a modern university that improves its quality, that serves to produce welfare and, according to higher excellence levels, that influences positively all fields of society.

This Law is born with the aim of promoting the action of the General Administration of the State in the structuring and the cohesion of the university system, of intensifying the competences of the Autonomous Communities regarding higher education, of increasing the degree of autonomy of the Universities, and of establishing the necessary channels to strengthen the reciprocal relations and bonds between University and society.

It is a Law from society to the University, in which both will have adequate available mechanisms to intensify their necessary and productive collaboration. Thus, it constitutes the adequate framework to link university autonomy to the account it must give to a society that promotes and finances it. And it is the suitable regulation scenario for the University to respond to society, promoting excellence of training and research so necessary in a Spanish and European area that entrusts its human capital as the engine of its cultural, political, economic and social development.

The Law brings together the different competent levels, those of the Universities, the Autonomous Communities and the General Administration of the State. It designs a greater self-government for the Universities and it means an increase in the commitment of Autonomous Communities, which involves greater efficiency in the use of public resources for the former and new coordination and management functions for the latter. This implies endowing the Universities and the Autonomous Communities with new competences in respect of previous legislation, with the objective of representing in the text, in a unequivocal manner, society's trust in its Universities and the responsibility of these before their respective Education Administrations.

Thus, Universities will have, in addition to their actual duties, others related to the hiring of teaching staff, the reinstatement of their teachers to active service, the creation of centres and structures for distance learning, the establishment of admission procedures for their students, the constitution of trusts and other legal figures for the development of its aims and the collaboration with other organisations for the mobility of their personnel.

And to the Autonomous Communities powers are added, among others, the regulation of the law and jurisdiction and the payment regime of teaching staff, the capacity to set additional payments for teaching personnel, the approval of financing multiannual programmes leading to policy programmes, and the evaluation of the quality of the Universities within their scope of responsibility.

Spanish society needs its university system to be in the best possible condition to face its integration into the European common higher education area and, as a basic principle, that qualified teachers train the students who will assume the increasingly complex social and professional responsibilities in the immediate future.

Hence the unrenounceable objective of the Law is the improvement of the quality of the university system as a whole and in every one of its aspects. Therefore, the assessment culture is studied in depth through the creation of the National Agency of Quality Assessment and Accreditation and new mechanisms are established for the promotion of excellence: to improve teaching and research quality by means of a new objective and clear system that guarantees the merit and capacity of teaching staff during their selection

and access, and to improve, also, management quality, through procedures which will allow University coordination and management matters to be solved with agility and efficiency.

Improving the quality of all areas of university activity is essential to train the professionals that society needs, to develop research, to preserve and transmit culture, enriching it with each generation's creative contribution and, finally, constituting a critical and scientific example, based on merit and rigour, being reference to Spanish society. Thus, the Law creates the appropriate conditions so that university activity agents, the genuine improvement and change main characters, students, teachers, administration and services personnel, can promote and develop those progress dynamics that promote a better coordinated, more competitive and higher quality university system.

Another of the essential objectives of the Law is the promotion of mobility, both of students and teachers and researchers within the Spanish system but also within the European and international ones. Mobility involves greater richness and the opening of a better quality education, so all actors involved in university activity must contribute to provide the greatest possible mobility benefiting the highest number of citizens.

Mobility policies are determinant in the students freely choosing the centres and degrees most appropriate to their personal and professional interests, real choice recognised as a right and within their reach through the open university district; they are also essential for University teachers since they introduce competitive elements with a positive effect on the improvement of the global quality of the university system.

II After having defined University functions and the dimensions of university autonomy in the preliminary chapter, the conditions and requisites for the creation, recognition, functioning and Universities law and jurisdiction are established, with some clarifications according to their public or private nature.

As far as private Universities are concerned, the Law regulates in a detailed manner, respecting the constitutionally recognised principle of freedom for the creation of centres, the main aspects of the requisites for the establishment and functioning of their centres, their quality evaluation, and the issuing and standardisation of the university degrees awarded. The Law seeks, in this way, to make the demands existing for public Universities for private Universities, taking into account that both pursue the same objectives and are involved in the improvement of the overall quality of the system.

III The Law establishes a clear distinction between management functions, representation, control and consultancy, each belonging to a different organ in the University structure. Equally, executive decision taking processes on the part of the Vice-Chancellor and the Governing Council are reinforced, and schemes of co-participation and co-responsibility between society and University are established; to this end, respecting Universities' autonomy, the functions of the Social Council are completed so that it may assume the monitoring of all the University economic activities and the yield of its services.

The Governing Council is created as the highest university governing body, which, chaired by the Vice-Chancellor, will establish strategic and procedural lines in the fields of teaching organisation, research, human, and economic resources. In this design, the Vice-Chancellor, who will exercise the direction, government and management of the University, will be chosen directly by the university community by free and confidential universal suffrage,. Other regulation framework new features are the creation of the Management Board, which will assist the Vice-Chancellor in his activity as head of the University, and the creation of the Advisory Board, formed by highly prestigious members of the university community.

The Social Council is shaped as the organ for the University relations with society. This organ is responsible for monitoring the University economic activity and the yield of its services, as well as the budget approvals. Its regulation comes under the Autonomous Communities Law. It will be constituted by cultural, professional, economic and social personalities who cannot belong to the academic community, with the exception of the Vice-Chancellor, the Secretary General and the Manager.

IV The University Coordination Council will be the highest consulting and coordination organ of the university system, and it is shaped as a meeting and debate forum between the three converging administrations in the university system: state, autonomous and university. The existence of an increasing number of private Universities recommends their participation in this forum, although with certain restrictions when it comes to subjects that only affect public Universities.

V One of the main innovations of the Law is given by the introduction into the university system of external quality evaluation mechanisms, in conformity with objective criteria and clear procedures. To this end the National Agency of Quality Assessment and Accreditation is created, which, in an independent manner, will develop the assessment activity typical of advanced university systems and so necessary to assess

the efficiency of higher education public service and to reinforce its quality, transparency, cooperation and competitiveness. The Agency will evaluate both teaching and research, education and management activities, as well as the Universities programmes and services; its work will provide the adequate information for decision taking, both for the students when choosing centres or university degrees and for the teachers and Public Administrations when preparing their corresponding education policies. The National Agency of Quality Assessment and Accreditation will promote and guarantee the quality of the Universities, the essential objective of the university policy.

VI Teaching and university qualifications are regulated through the establishment of guarantees regarding the quality of official degrees and syllabus, with different control levels for their adequacy to the legality in force and to minimum quality parameters. From the entry into force of the Law, syllabus will be evaluated after an initial introductory period.

VII The boom of the information society, the globalisation phenomenon and the processes derived from scientific research and technological development are transforming the ways we organize learning and the generating and transmission of knowledge. Within this context, University must lead this process of change and, in consequence, reinforce its research activity to set up a model centred on knowledge. The Law confers, by full title, a green card to research activity in University. The above is in accordance with public authority's clear commitment to promote and encourage basic and applied research in Universities for the benefit of public interest and as an essential function of these, so that scientific and technical innovation can be transferred with all possible celerity and efficiency to the whole of society and continue to be its main driving force of development.

The main fields of research, the importance of the training of researchers and their mobility, and the contemplation of different types of structures, including the creation of technology based companies to spread and exploit their results in society, are established in the Law. The Law highlights the present and above all future importance of research as a differentiating and quality factor in the competitive development of the University; and at the same time it acknowledges the positive impact of scientific research in society, in the improvement of the citizens' quality of life and in the creation of wealth.

VIII The students, active protagonists of university activity, are an essential part of this rule, which establishes their basic rights without detriment to what can be later established by the Statutes of each University. Meanwhile, to favour mobility and equality in the conditions of access to university studies regulated by this rule, an active and diversified grant and aid to study policy is envisaged, in accordance with the introduction of the university open district.

IX In regard to teachers, University's cornerstone, the Law adopts measures unanimously considered priority for the university community, guaranteeing principles of equality, merit and capacity in the selection of teaching staff both civil servants and hired. Different mechanisms are drawn up that guarantee quality education within the frame of higher education.

Thus, the Law establishes a more open, competitive and transparent selection system, which will improve quality by means of a qualification process that gives priority to the academic and research merits of the candidates, granting objectivity in the selection tests for teaching staff and respecting Universities' autonomy, since it is they who, according to their programmes and needs, establish the access procedures of the qualifying teachers to the teaching body.

Also, the development of a balanced and coherent academic career is designed with the creation of new contractual positions and the introduction of incentives according to quality parameters on the part of the General Administration of the State, the Autonomous Communities and the Universities themselves.

The Law promotes the basic mobility principle, as well as the measures it contains both for civil servant and hired teaching staff.

Maximum flexibility is given for the Universities to develop their teaching policy and to appropriately plan their academic and research needs; in this respect, the taking on of up to forty nine per cent of the total of the employed teachers is made possible, and whose regulations and law and jurisdiction will be the competence of the Autonomous Communities, thus the financial instruments for which they are responsible will correspond with the regulation instruments they are now assuming.

And, finally, new figures like the assistant lecturer with a doctorate and the contracted lecturer with a doctorate are created, and quality criteria introduced for the hiring of these staff on the part of the

Universities, endowing the selection process with high transparency and rigour through the requisite of the external evaluation of the candidates' previous activity.

X The Law specifically recognizes the economic and financial autonomy of the Universities, an essential aspect of university autonomy. Each University, according to its specific characteristics, will establish its economic regime in compliance with the principles established by the Law. New flexibility mechanisms are introduced providing, in accordance with the corresponding autonomic regulation, for the creation of trusts or legal organisations that enable the characteristic objectives of the University to be pursued with greater agility.

Likewise, the State will exercise its university system structuring responsibility through the financing of programmes directed to fulfil the objectives foreseen in the Law, such as the improvement of the university system, the fostering of mobility and the promotion of the University integration into the European area of higher education.

XI With the object of adapting itself to the above-mentioned European area of higher education, the Law contemplates a series of measures to permit the due modifications in the structure of the courses and in accordance with the general lines originating from this area. Equally, provisions are made for the access of nationals of European Union Member States, for the development of teaching and research activity in Spanish Universities, as civil servants or employed personnel, thus facilitating for the mobility of teaching staff.

In short, this Law is the result of constructive work in a common project which expresses society's commitment to the Spanish university system. It seeks to be the innovative, open and flexible framework that provides Universities with the most appropriate regulation solutions and that responds, taking into account their different characteristics, to their present and future needs, always with the objective and perspective of improving quality and excellence, of developing university activity as the dynamic factor of the society it serves and of the generating confidence amongst the citizens in higher education institutions.

PRELIMINARY TITLE

On the functions and autonomy of Universities

Article 1. University Functions.

1. The University carries out the public service of higher education through research, teaching and study.
2. Functions of the University at the service of society are:
 - a) The creation, development, transmission and criticism of science, technology and culture.
 - b) The training for the exercise of professional activities that demand the application of knowledge and scientific methods and for artistic creation.
 - c) The dissemination, the valorisation and the transfer of knowledge at the service of culture, of quality of life, and of economic development.
 - d) The dissemination of knowledge and culture through university extensions and lifelong learning.

Article 2. University autonomy.

1. Universities are endowed with legal personality and carry out their functions autonomously in coordination with each other. Private Universities will have their own legal personality, adopting some of the forms admitted in Law.
Its exclusive social objective will be higher education through the accomplishment of the functions referred to in paragraph 2 of article 1.
2. Within the terms of this Law, the autonomy of the Universities comprises:
 - a) The development of their Statutes and, in the case of private Universities, of their own organisation and operation rules, as well as of the remaining domestic rules.
 - b) The election, designation and removal of the corresponding governing and representative bodies.
 - c) The creation of specific structures acting as research and teaching support.
 - d) The development and approval of research and specific lifelong learning syllabuses.
 - e) The selection, training and promotion of teaching, research, administration and services staff, as well as the establishment of the conditions in which they must carry out their activities.
 - f) The admission, permanence rules and students' verification of knowledge.

- g) The issuing of university qualifications of an official and legal nature throughout the national territory and their own diplomas and degrees.
- h) The preparation, approval and management of their budgets and the administration of their capital.
- i) The establishment and modification of their job lists.
- j) The establishment of relations with other organisations for the promotion and development of their institutional ends.
- k) Any other functions necessary for the appropriate fulfilment of the functions indicated in paragraph 2 of article 1.

3. The activity of the University, as well as its autonomy, are based on the principle of academic freedom, which is apparent in the freedom of university chairs, of research and study.

4. University autonomy demands and makes possible that teaching staff, researchers and students fulfil their respective responsibilities, in order to meet the education, scientific, and professional needs of society, and that Universities be accountable to society for the use of their means and resources.

5. Without detriment to the functions conferred on the University Coordination Council, each Autonomous Community is responsible for coordinating the Universities within their area of competence.

TITLE I

On the nature, creation, recognition and law and jurisdiction of University

Article 3. Nature.

1. Public Universities are the institutions created by the legislative bodies referred to in paragraph 1 of article 4 and which carry out all the functions established in paragraph 2 of article 1.

2. Private Universities are the institutions not comprised in the preceding paragraph, recognized as such within the terms of this Law and which carry out the functions established in paragraph 2 of article 1.

Article 4. Creation and recognition.

1. The creation of public Universities and the recognition of private Universities will be carried out:

- a) By Law of the Legislative Assembly of the Autonomous Community in whose territory they are to be established.
- b) By Law of the Parliament, on the proposal of the Government, in accordance with the Governing Council of the Autonomous Community in whose territory they are to be established.

2. For the creation of public Universities the prior report from the University Coordination Council will be preceptive, within the framework of the higher education general programme.

3. To guarantee quality of teaching and research and, in general, of the whole of the university system, the Government, on reception of a suitable report from the University Coordination Council, will determine, on a general basis, the basic requisites for the creation and recognition of Universities. The aforementioned requisites will contemplate the means and the resources suitable for the fulfilment by the Universities of the functions referred to in paragraph 2 of article 1.

Universities will be able to give courses that lead to official university qualifications valid throughout the national territory in both distance and classroom learning modes; in the case of the latter, full time or part time. In the case of distance learning, and within the frame of that established in the preceding paragraph, the provisions of this Law will be adapted to the characteristics of this teaching mode.

4. Commencement of activity in the Universities will be authorised by the competent body of the Autonomous Community, once the fulfilment of the requirements indicated in the preceding paragraph and of the provisions of the creation Law has been confirmed.

Universities will have to maintain their centres and their teaching in operation for a minimum period resulting from the application of the general rules issued in the development of articles 34 and 35.

5. For the recognition of private Universities, which will be of a constitutive nature, the report from the University Coordination Council within the framework of the higher education general programme will be preceptive. The provisions of paragraphs 3 and 4 above will likewise apply for private Universities.

Article 5. Creation of private Universities and private university centres.

1. By virtue of that established in paragraph 6 of article 27 of the Constitution, natural persons or bodies corporate may create private Universities or private University centres, respecting the constitutional principles and in compliance with the provisions of this Law and in the rules issued in its development by the State and the Autonomous Communities within the scope of their respective competences.

2. Those who render services in a teaching Administration; who have penal records for wilful offence or who have been firmly sanctioned for serious offence in education or professional matters may not create the aforementioned Universities or university centres.

The body corporate whose administrators, representatives or governing posts, their representation or designation in force, or whose founding members, promoters or holders of 20 per 100 or more of their capital, themselves or through others, find themselves in any of the circumstances provided in the preceding paragraph will be considered included in this prohibition.

3. The carrying out of judicial acts and businesses that modify the legal status or the structure of the private University, or that imply the transmission or surrender, inter vivos, total or partial, free of charge, of the direct or indirect ownership that natural persons or bodies corporate possess of private Universities or university centres attached to public Universities, must be previously reported to the Autonomous Community. Within the period of general nature it determines, the latter will be able to refuse its conformity. The refusal must be based on the non-compliance with the provisions of the preceding paragraphs of this article or on insufficient guarantees for the fulfilment of the acquired commitments when applying for the University recognition, or on the attachment agreement of the private centre to a public University.

In the cases of changes of name, the new holder will be subrogated to the rights and obligations of the previous holder.

The infringement of the provisions of the preceding paragraphs will imply a modification of the essential conditions recognition or of approval of the attachment. The same effects will be produced by the transmission, disposition or taxation of the titles representative of the social capital of private organisations promoting private Universities or university centres attached to public Universities, as well as the issuing of bonds or similar titles carried out without the authorisation referred to in the preceding paragraphs, with the requirements established therein.

4. Private University centres must be integrated in a private University, as its own centres, or attached to a public one.

Article 6. Law and jurisdiction.

1. Universities will be ruled by this Law and by the rules issued by the State and the Autonomous Communities in the exercise of their respective competences.

2. Public Universities will be ruled, also, by the Law of their creation and by their Statutes, which will be developed by these and, upon review of legality, passed by the Governing Council of the Autonomous Community. In the case of reservations concerning legality, Universities will have to rectify them in compliance with the provisions of their Statutes and submit them again for approval by the Government of the Autonomous Community.

Failing a different term established by the Autonomous Community, the Statutes project will be considered approved if three months after the dated submission to the quoted Governing Council there is no specific resolution.

Once passed, the Statutes will enter into force following their publication in the Autonomous Community Official Gazette. Likewise, they will be published in the State Official Gazette.

3. Public Universities will organise themselves in a way that, within the terms of this Law, the representation of the different sectors of the university community in the governing and representative bodies is granted.

4. In Public Universities, the resolutions of the Vice-Chancellor and the agreements of the Social Council, of the Governing Council and of the University Senate, exhaust administrative procedures and will be directly contestable before the jurisdiction for suits under administrative law, in compliance with that established by Law 30/1992, of 26 November, on the juridical regime of public administrations and on the common administrative procedure.

5. Private Universities will be ruled by the rules referred to in the above paragraph 1, by the Law of their recognition and by their own rules of organisation and operation. These will include the provisions derived from that stipulated in paragraph 2 of article 2, and by the particular character of the University, if applicable. Rules will also be applicable to private Universities according to the type of legal personality adopted.

The rules of organisation and operation of private Universities will be developed and approved by themselves, subject, in every case, to the constitutional principles and with the effective guarantee of the principle of academic freedom shown in the freedom of university chairs, of research and of study. Their approval will be that provided in paragraph 2 above.

Private Universities will organise themselves in a way that guarantees the effective validity of the principles and freedoms referred to in the paragraph above.

TITLE II

On the structure of University

CHAPTER I

On public Universities

Article 7. Centres and structures.

1. Public Universities will be integrated by Faculties, Technical Schools or Higher Polytechnic Schools, University Schools or Polytechnic University Schools, Departments, University Research Centres and by any other centres or structures who organise distance learning studies.

2. Universities will be able to create other centres or structures whose activities for the development of their institutional ends do not lead to obtaining university degrees included in the Catalogue of Official University Qualifications.

Article 8. Faculties, Technical Schools or Higher Polytechnic Schools, University Schools or Polytechnic University Schools.

1. Faculties, Technical Schools or Higher Polytechnic Schools, University Schools or Polytechnic University Schools, are the centres charged with the organisation of teaching, academic, administrative and managerial procedures leading to official university qualifications valid throughout the national territory, as well as any other functions determined by the Statutes.

2. The creation, modification and suppression of centres referred to in paragraph 1 of this article, as well as the introduction and removal of studies leading to official university qualifications valid throughout the national territory, will be agreed by the Autonomous Community either on the proposal of the Social Council or on its own initiative with the agreement of the above mentioned Council, in every case following a report from the University Governing Council.

The University Coordination Council will be informed of that indicated in the paragraph above.

Article 9. Departments.

1. Departments are the bodies charged with the coordination of studies from one or more fields of knowledge in one or more centres, in compliance with the University teaching programme, giving support to teaching activities and initiatives of the teaching staff, and with executing any other functions determined by the Statutes.

2. The creation, modification and suppression of Departments belongs to the University in accordance with its Statutes, and in accordance with the basic rules approved by the Government following a report from the University Coordination Council.

Article 10. University Research Centres.

1. University Research Centres are centres devoted to scientific and technical research or to artistic creation. They will be able to organise and develop programmes and doctoral and postgraduate studies according to the procedures provided in the Statutes, and to provide technical advice within the scope of their competence.

University Research Centres will be ruled by this Law, by the Statutes, by the creation or attachment agreement, where appropriate, and by its own rules.

2. University Research Centres may be constituted by one or more Universities, or jointly with other public or private organisations through agreements or other cooperation instruments in compliance with the Statutes.

3. The creation and suppression of University Research Centres will be carried out in accordance with the provisions of paragraph 1 of article 8.

4. Organisations or research centres of public or private nature may be attached to public Universities as University Research Centres by means of agreement. The approval of the attachment, or, where appropriate, detachment, will be carried out by the Autonomous Community, either on the proposal of the Social Council or on its own initiative in accordance with the said Council and following a report from the University Governing Council.

The University Coordination Council will be informed of what it is indicated in the paragraph above.

Article 11. Higher education centres attached to public Universities.

1. The attachment to a public University through agreement of teaching institutions of a public or private nature offering courses leading to official university qualifications valid throughout national territory will require the approval of the Autonomous Community on the proposal of the Social Council and following a report from the University Governing Council. The centre attached must be established within the territorial scope of the corresponding Autonomous Community.

The University Coordination Council will be informed of that indicated in the paragraph above.

2. The centres attached to a public University will be ruled by the provisions of this Law, by the rules issued by the Government and the Autonomous Communities in the exercise of their competences, by the attachment agreement and by their own rules of organisation and operation.

3. Activity commencement in the attached centres will be authorised by the Autonomous Community.

CHAPTER II

On private Universities

Article 12. Structure and centres.

1. The structure of private Universities will adapt to the provisions of Chapter I of this Title, to refer to the rules of organisation and operation of private Universities the indications given of public Universities Statutes.

2. The recognition of the creation, modification and suppression in private Universities of the centres referred to in paragraph 1 of article 8, as well as the introduction and suppression in these of studies leading to official university qualifications valid throughout the national territory will be carried out on the proposal of the University, in the terms provided in Chapter I of this Title.

TITLE III

On the government and representation of the Universities

CHAPTER I

On public Universities

Article 13. Governing and representation bodies of public Universities.

The Statutes of public Universities will establish, at least, the following bodies:

a) Collegiate: Social Council, Governing Council, University Senate, Advisory Board, Faculty Board, Technical School Board, Polytechnic High School Board, and University School or Polytechnic University School Board, and Department Councils.

b) Single-member: Vice-Chancellor, Deputy Vice-Chancellors, Secretary General, Manager, Faculty Deans, Technical School or Higher Polytechnic Schools Directors, of University Schools and University Polytechnic Schools, of Departments and of University Research Centres.

The election of the representatives of the different sectors of the university community in the University Senate, in the Faculty or School Boards, and in the Department Councils, will be carried out by universal suffrage, free, equal, direct and confidential. The Statutes will establish the applicable electoral rules.

Article 14. Social Council.

1. The Social Council is society's participation body in the University.

2. The Social Council shall be responsible for monitoring the University's economic activities and the efficiency of its services; the promotion of society's contribution to University financing, and the relationship of the University with its cultural, professional, economic and social environment at the service of the quality of the university's activity and to which end it will have access to the appropriate information from the National Evaluation Agency for Quality Assessment and Accreditation.

Likewise it will be responsible for the approval of the budget and of the multiannual University programme on the proposal of the Government. Moreover, prior to the accounting procedure referred to in articles 81 and 84, the approval of the annual accounts of the University and of the organisations under it without prejudice to the commercial legislation or others to which the said organisations could be subject to according to their legal personality.

3. The Autonomous Community Law will regulate the composition and functions of the Social Council and its member's designation from among personalities of the cultural, professional, economic, labour and social spheres who cannot be members of the university community. Nevertheless, the Vice-Chancellor, the Secretary General and the Manager will be members of the Social Council, along with a teacher, a student, and a representative from the administration and services personnel, chosen by the Governing Council from among its members. The President of the Social Council will be appointed by the Autonomous Community.

4. The Social Council will have a support organisation and sufficient resources for adequate fulfilment of their obligations.

Article 15. Governing Council.

1. The Governing Council is the governing body of the University. It establishes the strategic and programme lines of the University, as well as the procedures for their application in the organisation areas of teaching, research, human and economic resources, and budget preparation. It carries out the functions provided for in this Law and those established by the Statutes.

2. The Governing Council will be constituted by the Vice-Chancellor, who will be its chairman, the Secretary General, and the Manager, as well as a maximum of fifty members of the university community, of which 30 per cent will be assigned by the Vice-Chancellor, 40 per cent chosen by the Senate from among its members, thus reflecting the composition of its different sectors, and the remaining 30 per cent will be chosen or designated from among Faculty Deans, Directors of Schools, Departments and University Research Centres, in accordance with the provisions of the Statutes. Moreover, three members of the Social Council that do not belong to the university community will be members of the Governing Council.

Article 16. University Senate.

1. The University Senate is the body of maximum representation in the university community. It will be made up of the Vice-Chancellor, who will be its chairman, the Secretary General and the Manager, as well as a maximum of three hundred members. The University Senate will be responsible for the development of the Statutes and the other functions assigned to it by this Law.

2. The Senate, in an unconventional manner, will be able to call for Vice-Chancellor elections on the initiative of a third of its members and with the approval of two thirds. The approval of the initiative will involve the Senate's dissolution and the Vice-Chancellor's termination of service, who will continue in office until the new Vice-Chancellor takes charge. The procedure will be established by the Statutes. Should be the initiative not approved, none of its signatories will be able to participate in a proposal of this nature for a year as of the voting date.

3. The Statutes will regulate the composition and the Senate's term of office, in which the different sectors of the university community will be represented. At least fifty per cent of its members will be civil servant with doctorates of the university teaching bodies.

4. The election of Senate representatives in the Governing Council will be carried out by and among the members of each of the eligible sectors.

Article 17. Advisory Board.

1. The Advisory Board is the ordinary advisory body of the Vice-Chancellor and the Governing Council on academic matters and it has the authority to lodge proposals to them.

2. The Advisory Board, chaired by the Vice-Chancellor, will be constituted by the Secretary General and a maximum of forty members assigned by the Governing Council from among renowned teachers and researchers, with academic and research merits accredited by the corresponding positive evaluations in compliance with the regulation in force. The Statutes will regulate its operation.

Article 18. Faculty or School Board.

The Faculty or School Board, chaired by the Dean or Director, is the governing body of the Faculty or School. The composition and the election procedure of its members will be determined by the Statutes. At least fifty per cent of its members will be civil servants of university academic bodies.

Article 19. Department Council.

The Department Council, chaired by its Director, is the governing body of the Department. It will be composed of doctor members of the Department, as well as by a representative of the remaining non-doctoral teaching and research staff as determined by the Statutes. In any case, the Statutes will guarantee the presence of a representative of the students and of the administration and services personnel.

Article 20. Vice-Chancellor.

1. The Vice-Chancellor is the University's maximum academic authority and holds its representation. The Vice-Chancellor exercises the University's direction, government and management, develops the lines of action approved by the corresponding collegiate bodies and executes their agreements. Any other competences not assigned to other bodies belong to the Vice-Chancellor.

2. The Vice-Chancellor will be chosen by the university community by direct vote and free and confidential universal suffrage, among civil servants from the University Chair Holders body, currently employed there. It will be appointed by the corresponding Autonomous Community body. The Statutes will regulate its election procedure, its term of office and substitution in case of vacancy, absence or illness.

3. The Vice-Chancellor's election vote will be weighted by sectors of the university community: teachers with doctorates belonging to the university teaching bodies, the rest of the teaching and research staff, students, and administration and services personnel. In any case, the total vote of the teachers with doctorates belonging to university teaching bodies will have the value of, at least, fifty per cent of the total vote to the candidature validly emitted by the University Community.

In every electoral process, the electoral commission or the body established by Statute, will determine, after the counting of votes, the weighting quotients which will be applied to the vote to candidatures validly emitted in every sector, for the purpose of giving it its due value with regard to the percentages established in the Statutes, always respecting the minimums established in the previous paragraph.

The candidate who achieves the proportional support of more than half the validly emitted votes will be proclaimed Vice-Chancellor, in the first round, once the weightings contemplated in this paragraph and specified by the Statutes have been done and applied. If none of the candidates gains such support, a second vote will be undertaken, in which only the two candidates with most support in the first round will take part, taking into account the aforementioned weightings. In the second round, the candidate who obtains the majority of votes will be proclaimed in accordance with the same weightings.

In the case of a single candidate only the first round will take place.

4. The Vice-Chancellor, for the development of the competences attributed to him by paragraph 1 of this article, will be assisted by a Management Board on which the Deputy Vice-Chancellors, the Secretary General and the Manager will be present.

Article 21. Deputy Vice-Chancellors.

The Vice-Chancellor may appoint Deputy Vice-Chancellors from among the doctors rendering their service in the University.

Article 22. Secretary General.

The Secretary General, who will be appointed by the Vice-Chancellor from among group A civil servants rendering their service in the University, will also be the Secretary General of the Governing Council and of the Advisory Board.

Article 23. Manager.

It is the Manager's responsibility to manage the University's administration and economic services. He will be proposed and appointed by the Vice-Chancellor in accordance with the Social Council. The Manager shall not exercise any academic functions.

Article 24. Faculty Deans and School Directors.

The Faculty Deans and School Directors represent their centres and carry out the functions of their ordinary direction and management. They will be selected within the terms established by the Statutes, from among teachers with doctorates belonging to the university teaching bodies attached to the respective centre.

Failing this, in University Schools and Polytechnic University Schools, the Director will be chosen from civil servants without doctorates or contracted teachers with doctorates belonging to the university teaching bodies.

Article 25. Directors of Department.

The Directors of Department represent and exercise their ordinary direction and management functions. They will be chosen by the Department Council within the terms established by the Statutes, from lecturers with doctorates belonging to university teaching bodies.

Failing this, in Departments constituted in the areas of knowledge referred to in paragraph 3 of articles 58 and 59, civil servants without doctorates or contracted lecturers with doctorates from university teaching bodies may be Directors.

Article 26. Directors of University Research Centres.

The Directors of University Research Centres represent and exercise their ordinary direction and management functions. They will be designated from amongst doctors in the terms established by the Statutes.

The University Research Centres attached to public Universities will act in accordance with the provisions of the attachment agreement.

CHAPTER II

On private Universities

Article 27. Governing and representation bodies of private Universities.

1. The organisation and functioning rules of private Universities will establish their governing and representation bodies, as well as their designation and removal procedures.

2. The single-member governing bodies of private Universities will have identical denomination to those established for public Universities and their holders must have a doctorate when required by their bodies.

TITLE IV

On the University Coordination Council

Article 28. Nature and functions.

The University Coordination Council is the highest consultation and coordination body of the university system. It is responsible for consultation on university policy, and coordination, programming, reports, advice and proposals on subjects related to the university system, as well as those determined by the Law and its development provisions.

Article 29. Composition.

The University Coordination Council, to be chaired by the Minister of Education, Culture and Sports, will be composed for the following non-executive directors:

- a) The people in charge of university teaching in the Governing Councils of Autonomous Communities,
- b) The University Vice-Chancellors,
- c) Twenty-one members, appointed for a period of four years, from personalities of the academic, scientific, cultural, professional, economic and social spheres, of whom six are designated by the Chamber of Deputies, seven by the Senate and seven by the Government. Amongst the members designated by the Government they may also be members of the General Administration of the State.

Article 30. Organisation.

1. The University Coordination Council will operate in Plenary Sessions and on Commissions.
2. The Plenary Sessions, chaired by the President of the University Coordination Council or by a delegated member will have the following functions: to develop the Council Regulations and to submit it to the Minister of Education, Culture and Sport for the Government's approval; to propose, where appropriate, modifications to the said Regulations; to prepare the Council annual report, and any others determined by its Regulations.
3. The Commissions, chaired by the President of the University Coordination Council or by a delegated person, will be:
 - a) The Coordination Commission, that will be composed of the members that the President designates and are referred to in letter a) of the previous article and by all those members referred to in letter c) of the same article. This Commission, which will periodically give account to the Plenary Sessions for its agreements and decisions, will carry out the functions determined in the aforementioned Regulations, and in any case, those that this Law attributes to the University Coordination Council in relation to the competences reserved for the State and for the Autonomous Communities.
 - b) The Academic Commission, which will be composed of the members referred to in letter b) of the previous article and by those other members referred to in letter c) that the President designates. It is the responsibility of this Commission, which will periodically give account to the Plenary for its agreements and decisions, the functions determined in the aforementioned Regulations and, in any case, those that this Law attributes to the University Coordination Council in relation to the faculties of the Universities in use of their autonomy.
 - c) The Joint Commission, which will be composed of members of the three groups referred to in the previous article, in equal proportion, chosen by them, and in the numbers determined by the Regulations of the University Coordination Council. It is the responsibility of this Commission to submit to the other two Commissions the resolution proposal or report on those subjects on which they must rule. In case of disagreement between these the University Coordination Council ruling will be that of the Joint Commission.
4. The Regulations of the University Coordination Council will determine, in accordance with the established in the previous paragraphs, the number, composition, member assignment and the functions of the Subcommissions that must be constituted.
5. Both the Commission and the Subcommission will have, for the development of their task, the cooperation of experts in the subjects that are particular to them.
The relation of these experts with the University Coordination Council may be of a permanent or temporary nature. The Regulations will regulate the relations of these experts with the University Coordination Council.

6. In the matters that exclusively affect the public university system, in the University Coordination Council and its bodies, the Vice-Chancellors of private Universities and the Catholic Church will not have the right vote.

7. The General Secretariat of the University Coordination Council, under the direction of a General Secretary, appointed by the Government, on proposal of the Minister of Education, Science and Sports, will exercise the functions attributed to it by the Regulations.

TITLE V

On the evaluation and accreditation

Article 31. Quality assurance.

1. Promoting quality assurance in Spanish universities, both at a national and international level is a key goal of university policy and aims to achieve the following objectives:

- a) To measure the performance of the public service of higher education at university together with accountability to society.
- b) University transparency, comparison, cooperation and competitiveness at a national and international scale.
- c) To improve teaching and research as well as university management.
- d) To provide public administration with information to aid decision-making within the scope of their powers.
- e) To provide society with information in order to foster excellence as well as student and teacher mobility.

2. The goals outlined in the previous section shall be achieved through evaluation, certification and accreditation of:

- a) Teaching leading to the awarding of official qualifications valid throughout the whole country, for the purposes of their official recognition by the Government in the terms laid down in article 35, together with PhD qualifications as stipulated in article 38.
- b) Teaching leading to the granting of diplomas and other qualifications awarded by the individual universities and centres of higher education themselves.
- c) Teaching, research and management activities linked to university teaching staff.
- d) Activities, programmes, services and management of higher education centres and institutions.
- e) Other activities and programmes which may be undertaken as a result of promoting quality in teaching and research on the part of public administration.

3. Evaluation, and other activities leading to certification and accreditation referred to in the previous section, corresponds to the National Agency for Quality Assessment and Accreditation and to the bodies charged with evaluation as stipulated in the Laws laid down by the Autonomous Regions, within the scope of their respective powers, notwithstanding those undertaken by other evaluation agencies at a national or regional level.

Article 32. National Agency of Quality Assessment and Accreditation.

Through an agreement undertaken by the Council of Ministers, and subsequent to a report issued by the Council for University Coordination, the Government authorises the creation of the National Agency for Quality Assessment and Accreditation.

TITLE VI

On teachings and qualifications

Article 33. On teaching.

1. Teachings for the exercise of professions that require scientific, technical or artistic knowledge and the transmission of culture are essential university missions.
2. Teaching is a right and a duty of University teachers who will exercise, with academic freedom, with no other limits than those established by the Constitution and the laws and those derived from the organisation of their University's teachings.
3. Academic activity and dedication, as well as university teaching staff training, will be relevant and properly evaluated criteria to determine their efficiency in the development of their professional activity.

Article 34. University qualifications and general guidelines of syllabus establishment.

1. Official University qualifications valid throughout the national territory, as well as the general guidelines of the syllabus to be studied for their attainment and validation, will be established by the Government, either on its own initiative following a previous report from the University Coordination Council or on the proposal of this Council.
2. The qualifications referred to in the previous paragraph, which will be integrated into the Catalogue of Official University Qualifications approved by the Government, will be issued in the name of the King by the Vice-Chancellor of the University in which they have been obtained.
3. Universities will be able to establish courses leading to their own diplomas and qualifications, as well as lifelong learning programmes. These diplomas and qualifications will not have the purposes and legal provisions assigned to those referred to in paragraph 1.

Article 35. Approval of syllabuses and qualifications.

1. Subject to the established general guidelines, Universities will develop and approve the syllabus leading to official University qualifications valid throughout the national territory, included in the courses introduced by the Autonomous Communities.
2. Prior to their submission to the University Coordination Council, Universities will have to make their syllabus known to the corresponding Autonomous Community with the purpose of obtaining a favourable report on economic assessment of the syllabus and its adaptation to the requirements referred to in paragraph 3 of article 4.
3. Once the Autonomous Community report has been obtained, Universities will forward the syllabus to the University Coordination Council so the adaptation to the general guidelines referred to in paragraph 1 is verified and their subsequent approval by the Council. Six months after reception of the said syllabus by the University Coordination Council, the syllabus will be considered approved if there has been no resolution.
4. Once approval of the syllabus and the compliance with the requirements referred to in paragraph 2 have been accredited, the Government will approve the qualifications so that the Autonomous Community can authorise the teachings and the University, in due course, may award qualifications. In order to approve qualifications from private University centres they must be part of a private University or attached to a public University.
5. For the purposes of this article, once the introduction period of a syllabus has passed, Universities will have to submit the effectiveness of the development of their courses to the National Agency of Quality Assessment and Accreditation for evaluation. The Agency will inform the University Coordination Council and the relevant Autonomous Community of the evaluation, as well as the Government, who, if appropriate, will adopt the necessary measures in accordance with the provisions of the following paragraph.
6. The Government will establish the procedures and criteria for the suspension or withdrawal of the approval of a qualification, which can proceed in non compliance with the requirements or general

guidelines referred to in paragraphs 1 and 2, as well as the consequences of the suspension or withdrawal.

Article 36. Validation or adaptation of studies, qualification equivalence and validation of foreign qualifications.

1. The University Coordination Council will regulate the general criteria to which Universities will have to adapt on the subject of validation and adaptation of studies carried out in Spanish or foreign education centres for the purpose of their continuation.

2. The Government, following a report from the University Coordination Council, will regulate:

- a) The conditions for the declaration of the equivalence of Spanish university or non-university higher education qualifications to those referred to in article 34.
- b) The validation conditions for foreign higher education qualifications.

Article 37. Teachings structure.

University studies will be structured into at least three cycles. The accomplishment of the studies, within the terms established by the Government, following a report from the University Coordination Council and according to the cycle of studies' mode, will lead to the qualifications of University Diploma, Technical Architect, Technical Engineer, Bachelor, Architect, Engineer and Doctor, and those that substitute them in accordance with the provisions of paragraph 2 of article 88.

Article 38. Doctorate.

Doctoral studies leading to the relevant official qualification valid throughout the national territory, with the finality of the specialisation of the student's research training in the scientific, technical or artistic fields, will be organised and carried out in the way determined by the Statutes, in compliance with the criteria established by the Government following a report from the University Coordination Council. In any case, these criteria will include the following up and accomplishment of the subjects of study and the preparation, presentation and approval of an original research work.

TITLE VII

On University research

Article 39. Research, function of the University.

1. Research, the academic foundation, the means for the progress of the community and support for the social transfer of knowledge, constitutes an essential function of the Universities.
2. Freedom of research in the University field is recognised and guaranteed.
3. The University assumes, as one of its main objectives, the development of scientific, technical and artistic research as well as researcher training paying attention to both basic and applied research.

Article 40. Research, right and duty of university teaching staff.

1. Research is a right and a duty of the teaching and research staff of Universities, in accordance with the general aims of the University, and within the limits established by the legislation.
2. Research, without prejudice to the free creation and organisation of structures determined by the Universities for their development, will be carried out mainly in Research Groups, Departments and University Research Centres.
3. Research activity and dedication, and the contribution to the scientific, technical or artistic development of the Universities teaching and research staff will be essential criteria and suitably evaluated to determine their efficiency in the development of their professional activity.

4. Universities will promote the mobility of teaching and research staff in order to improve their training and research activity, through the concession of permits and licences within the frame of the State and Autonomic applicable legislation and in compliance with the statutory provisions ordered to this effect.

Article 41. Promotion of research, of scientific development and of technological innovation in the University

1. University will develop research of excellence with the objectives of contributing to the advance of knowledge, innovating and improving the quality of life of the citizens and the competitiveness of businesses.

2. The promotion of scientific research and technological development in the university field will belong to the General Administration of the State and to the Autonomous Communities in compliance with the applicable legislation, without detriment to the development of Universities own programmes and with the purpose of, among others, ensuring:

a) The promotion of the international quality and competitiveness of the research carried out by Spanish Universities.

b) The development of inter- and multidisciplinary research.

c) The incorporation of scientists and groups of scientists of special relevance into the Universities research initiatives.

d) The mobility of researchers and Research Groups for the training of teams and centres of excellence.

e) The incorporation of technical research support staff to the Universities, according to the characteristics of the different scientific fields.

f) The coordination of research between diverse Universities and research centres, as well as the creation of joint centres or structures between the Universities and other public or private research organisations or businesses.

g) The link between university research and the production system, as means of coordinating the transfer of the knowledge generated and the presence of the University in the innovation process of the production system and of businesses.

The said link can be developed through the creation of technology based businesses from university activity, and in whose activities the teaching and research staff of the University can participate in compliance with the provisions of article 83.

h) The production of innovative organisation and management systems by the Universities for the promotion of their research activity, the channelling of its teaching staff research initiatives, for the transfer of research results and the capture of resources for its development.

TITLE VIII

On the students

Article 42. University access.

1. University studies are a right of all Spaniards within the terms established in the legal system.

2. For University access it will be necessary to have secondary school qualifications or equivalent.

3. The Universities, in accordance with the basic regulations established by the Government, following a report from the University Coordination Council and taking into account the programming of the offer of vacancies, will establish the admission procedures for the students who apply for enrolment at any of their centres, always in accordance with the principles of equality, merit and capacity.

The University Coordination Council will keep watch on the Universities so that they structure their admission procedures in a way that students can access different Universities.

Article 43. Vacancy offer in public Universities.

1. The Autonomous Communities will programme the offer of courses programme of the public Universities and their different centres within their competence, in agreement with them and in compliance with the procedures they establish.

The vacancy offer will be reported to the University Coordination Council for its evaluation and determination of the general offer of courses and vacancies, which will be published in the State Official Gazette.

2. Public administrations will develop an investment policy within the framework of the general university teaching programme, tending to adequate the centres capacity to social demand taking into account public expenditure availability, the forecast of society's needs and the compensation of territorial imbalances.

Article 44. Maximum limits for student admission.

In the general interest or in order to comply with demands derived from Community Directives or international agreements, in accordance with the Autonomous Communities and following a report from the University Coordination Council, the Government will be able to set maximum student admission limits for the courses in question. Those limits will affect all public and private Universities.

Article 45. Grants and study aid.

1. To guarantee equality in the exercise of the right to education and for every student to enjoy, regardless of their place of residence, the same access opportunities to higher education, the State, drawing on the general budget, will establish a general grant and study aid system to remove socioeconomic obstacles that prevent students who could benefit from higher education from accessing or continuing these studies. For this purpose, the Government will determine by regulation and on a basic level the modes and amounts of the grants and study aid, the candidates' academic and economic requirements, and the incompatibility, withdrawal and refund, and all those requirements necessary to assure equal access to the grants and study aid, without detriment to the regulative and execution competences of the Autonomous Communities.

For the purpose of the provisions of the previous paragraphs, the singularity of insular territories and the distance to peninsular territory will be taken into account to promote mobility and equality in the exercise of the student's education in those territories.

2. The development, execution and control of the general grant and study aid system is the responsibility of the Autonomous Communities in their respective areas of competence and in cooperation with the Universities.

Without detriment to the provisions of the previous paragraph, to ensure that the results application of the general system of grant and study aid are carried out without impairment of the equality assurance in the obtaining of these throughout the national territory, the appropriate coordination mechanisms between the State and the Autonomous Communities will be established.

3. On the basis of the principles of equity and solidarity, Public Administrations and Universities will cooperate in the articulation of effective information systems, of verification and control of the grants and aid financed with public funds and for the better accomplishment of the objectives referred to in the previous paragraphs.

4. With the aim of preventing the exclusion of students from University education for economic reasons, the State and the Autonomous Communities, as well as the Universities, will implement a student grant, aid and loan policy and in the case of public Universities, they will likewise establish, modes of partial or total exemption from payment of public prices for the provision of academic services.

Article 46. Student rights and duties.

1. Studying is a right and a duty of university students.

2. The Statutes and the rules of organisation and operation will develop the rights and duties of the students, as well as the mechanisms to guarantee them.

Within the terms established by the legal system students have the right to:

- a) Study at the University of their choice within the terms established by the legal system.
- b) Equality of opportunity and non discrimination for personal or social circumstances, including disability, in the access to University, enrolment in the centres, continuity and the exercise of their academic rights.
- c) Guidance and information from the University about all university activities that affect them.
- d) Publicising of the University rules that must regulate verification of students knowledge.
- e) Guidance and assistance by teachers and tutors in the way determined.
- f) Their representation in the University's governing and representative bodies within the terms established in this Law and in the respective Statutes or rules of organisation and operation.
- g) Freedom of speech, of meeting and association in the university area.
- h) The guarantee of their rights through adequate procedures and, where appropriate, the intervention of the University Ombudsman.

3. The Universities will establish the procedures for the testing of students' knowledge. In public Universities, following a report from the University Coordination Council, the Social Council will approve the rules that regulate the progress and permanence of the students in the University, according to the characteristics of the respective studies.

4. Students will enjoy Social Security cover in the terms and conditions established by the current legislation.

TITLE IX

On teaching staff

CHAPTER I

On public Universities

Article 47. Teaching and research staff.

Public university teaching and research staff comprises public sector workers from university teaching staff bodies and hired staff.

SECTION 1.a HIRED TEACHING AND RESEARCH STAFF

Article 48. General rules.

1. Under the terms of the present Law and within the scope of their powers, Autonomous Regions shall establish the system governing the hiring of teaching and research staff by universities. The latter may hire the following figures as non-civil servant status teaching and research staff: *Assistant lecture*, *Assistant lecture holding a PhD*, *Collaborating lecture*, *Contracted lecture holding a PhD*, *Part-time teaching staff* who hold parallel jobs and *Visiting lecture*.

The total number of teaching and research staff hired (i.e. non-civil servant permanent status) may not exceed forty-nine percent of the university's total teaching and research staff.

2. Hiring of teaching and research staff shall be undertaken through a public call for applications, which shall be given the necessary publicity, and sufficient notice of which shall be forwarded to the University Coordination Council for publication in all universities. Selection shall be made respecting the constitutional principles of equality, merit and ability. Holding the official certification enabling participation in public competition for posts referred to in article 63 shall be considered of particular merit.

3. Universities may hire teaching staff, research staff, technical staff or other personnel for the purpose of undertaking specific work related to particular scientific or technical research projects.

Article 49. Assistant Lectures

Assistant Lectures may be hired from amongst those who have successfully completed the required study courses laid down in the criteria referred to in article 38 with the main objective of completing their research training. They shall be hired full time for a period of no more than four years, which may not be extended. *Assistant Lectures* may also assist in teaching tasks within the terms laid down in the by-laws.

Article 50. Assistant Lectures holding a PhD

Assistant Lectures holding a PhD shall be hired amongst doctors who, for at least two years, have had no relationship with the university in question on a contractual, statutory or grant-holder basis, and who are able to certify that during that period they have performed teaching and/or research tasks in centres not linked to the same university. They shall undertake teaching and research tasks, on a full time basis for a maximum of four years which may not be extended. Hiring shall require a favourable evaluation report on their activities to have been previously issued by the National Agency for Quality Evaluation and Accreditation or by the external evaluation body designated under Regional Legislation.

Article 51. Collaborating Lectures

Collaborating Lectures shall be hired by universities to perform teaching duties only in those areas of knowledge laid down by the government, subsequent to a report issued by the Council for University Coordination, among degree holders (*Licenciados*), Architects and Engineers or those holding three-year

degrees (*diplomados*), Technical Architects and Technical Engineers. In all cases, a favourable evaluation report issued by the National Agency for Quality Evaluation and Accreditation or by the external evaluation body designated under Regional Legislation shall be required.

Article 52. Contracted Lectures holding a PhD.

Contracted Lectures holding a PhD shall be hired to perform teaching or research duties, preferably research, from amongst doctors who can accredit at least three years teaching and research activity, preferably postdoctoral research, and whose activities have received a favourable evaluation report issued by the National Agency for Quality Evaluation and Accreditation or the external evaluation body designated by Regional Law.

Article 53 Part-time teaching staff who hold parallel jobs

Part-time teaching staff who hold parallel jobs shall be hired on a temporary part-time basis from amongst distinguished and capable specialists who can attest that they exercise their profession outside the university.

Article 54. Emeritus and visiting lectures

1. In accordance with the provisions laid down in the statutes, public universities may hire on a temporary basis and under non-civil servant status, emeritus lectures from amongst retired civil servant university teaching staff who have given outstanding service to the university.

2. Visiting lectures may be hired on a temporary basis from amongst renowned professors or researchers from other universities or research centres located both in Spain and overseas.

Article 55. Payment for hired teaching and research staff.

1. The Autonomous Regions shall exercise control over salary payments for hired teaching and research staff at public universities.

2. The Autonomous Regions may also establish extra bonus payments related to individual teaching, research and management performance. Within the limits laid down for this purpose by the Autonomous Regions, the Social Council, at the proposal of the university governing board, may award personal and individual pay bonuses.

3. Notwithstanding the legislation laid down in the previous section, the university governing board may establish teaching and research payment incentive schemes which cover hired teaching and research staff.

4. Any pay bonus awarded under the previous sections shall be allocated subsequent to an evaluation of merits undertaken by the National Agency for Quality Evaluation and Accreditation or by the external evaluation body designated under Regional Legislation.

SECTION 2.a UNIVERSITY TEACHING STAFF

Article 56. University teaching staff.

1. Civil servant status teaching staff shall belong to one of the following teaching categories:

- a) Full Professors. (Universities)
- b) Professors. (Universities)
- c) Full Professors. (University Schools)
- d) Professors. (University Schools)

Full (university) Professors and (university) Professors shall have full teaching and research capacity. Full (University School) Professors and (University School) Professors shall have full teaching capacity and, when holding the title of Doctor, shall also have full research capacity.

2. Civil servant university teaching staff shall be governed by the present Law and its provisions, by the applicable general civil servant legislation and by the statutes.

With regard to civil servant university teaching staff who render their services to the university, it shall fall to the Chancellor to adopt any decisions relating to administrative matters and discipline, with the exception of dismissal from the position, which shall be agreed by the competent body in accordance with civil service legislation.

Article 57. National certification.

1. Access to civil-servant university professor status shall be governed by and follow on from the system of prior national certification. This shall be defined by the rank of the teaching body and the knowledge area. The government shall legislate said certification, subsequent to a report issued by the Council for University Coordination. Certification confers the right to participate in the public competition for posts to gain university civil servant teacher status. Once the certified candidate has been selected by a public university in the corresponding public call for posts, has been appointed and has occupied the post, they shall be granted the status of civil servant for the university teaching body in question with the inherent rights and obligations.

2. The public call for certification examinations shall be made by the Council for University Coordination and shall be published in the «Official State Bulletin (BOE)».

3. Certification examinations shall be public and each shall be governed by an elimination process.

4. Certification examinations shall be conducted by commissions made up of seven university professors from the corresponding knowledge area or related areas. All professors must belong to the university civil servant teaching body for which the certification examination is being conducted or to university teaching bodies of an equal or higher rank. Should the members of the aforementioned commissions be University School Professors, University School Full Professors or University Professors, they must hold at least one officially recognised and accredited period of research activity in accordance with the provisions laid down in Royal Decree 1086/1989, 28 August, or any subsequent amendment, governing university teaching staff salaries or two periods in the case of University Full Professors. The names of the members comprising the certification commissions shall be drawn publicly at random by the Council for University Coordination in accordance with the procedure established by the government. The most senior full university professor, university professor or university school full professor shall act as president. The examinations shall be held at the university where the commission president's post is held. In the aforementioned certification commissions, one member may be a civil servant scientist and researcher employed at the Higher Council for Scientific Research, in accordance with additional provision twenty-six.

5. Once the examinations are completed, the certification commissions shall forward the proposals which shall be binding to the Council for University Coordination, who shall issue the corresponding candidate certification.

Article 58. Certification of University School Professors.

1. In order to obtain certification for access to the status of University School Professor, candidates must hold a full five-year degree (*Licenciado*), including Architecture or Engineering or, in exceptional circumstances in those areas of knowledge established by the government, and subsequent to a report issued by the Council for University Coordination, hold a three-year degree (*Diplomado*), including Technical Architecture or Technical Engineering and pass the corresponding examinations.

2. Certification shall comprise two examinations. The first shall consist of the presentation and discussion with the commission of the candidate's merits, teaching and research career, as well as their teaching project, which shall include the syllabus of one of the topics or specialities covered in the knowledge area in question. The second shall consist of the presentation and discussion with the commission of one topic covered in the syllabus presented by the candidate and chosen by the candidate from among three drawn at random.

3. A public call for certification examinations granting access to the post of University School Professor may only be made for those knowledge areas which, to this effect, are established by the government, subsequent to a report issued by the Council for University Coordination.

Article 59. Certification of University Professors and University School Full Professors.

1. In order to obtain certification as a university professor or university school full professor, candidates must hold the title of doctor and pass the corresponding examinations.

2. Certification comprises three examinations. The first shall consist of the presentation and discussion with the commission of the candidate's merits, teaching and research career, as well as their teaching and

research project, which shall include the syllabus of one of the topics or specialities covered in the knowledge area in question. The second shall consist of the presentation and discussion with the commission of one topic covered in the syllabus presented by the candidate and chosen by the candidate from among three drawn at random. The third examination shall consist of the presentation and discussion with the commission of an original piece of research work.

In order to form part of the certification commissions, university school full professors must hold the title of doctor.

3. A public call for certification examinations granting access to the post of University School Full Professor may only be made for those knowledge areas which, to this effect, are established by the government, subsequent to a report issued by the Council for University Coordination.

Article 60. Certification of Full University Professors.

1. In order to obtain certification as Full University Professor, candidates must have held the position of either University Professor or University School Full Professor for at least three years and hold the title of doctor. The Council for University Coordination may waive these requirements in the case of those who have held the title of doctor for at least eight years and who receive a favourable evaluation report on their teaching and research activity issued by the National Agency for Quality Evaluation and Accreditation. They must also pass the corresponding examinations.

2. Certification shall comprise two examinations. The first shall consist of the presentation and discussion with the commission of the candidate's merits, teaching and research career. The second shall consist of the presentation to and discussion with the commission an original piece of research work.

Article 61. University civil-servant teaching staff occupying a post linked to health and health care institutes.

University civil-servant teaching staff occupying a position linked to health and health care institutes, in knowledge areas linked to clinical health care, as laid down in article 105 of Law 14/1986, 25 April, concerning health, shall be governed by said article together with any other applicable articles contained in this Law. To all effects, said post shall be considered as one single post. Due to the singular nature of these posts, they shall also be governed, where applicable, by Law 14/1986, 25 April, concerning health, together with any other legislation governing health, and by any other rules which the government, at the joint proposal of the Ministries of Education, Culture, Sport, Health and Consumer Affairs and, where appropriate, Ministry of Defence, establish with regard to these civil servants. In particular, these rules shall regulate powers over administrative situations, the disciplinary code governing these staff and, at the proposal of the Treasury Ministry, through the joint initiative of the Ministries cited above, the salary payments applicable to the staff in question shall be laid down.

Article 62. Procedure for certification.

1. Public universities, as provided for in their statutes and bearing in mind teaching and research requirements, shall agree the number of posts to be made available through the corresponding public call for posts among those awarded certification, which they shall notify to the General Secretary of the Council for University Coordination, in accordance with the procedure laid down by the government and within the stipulated period.

2. The General Secretary of the Council for University Coordination shall determine the number of certifications to be awarded in the public call for each knowledge area, on the basis of the number of posts notified to the above mentioned General Secretary, so as to ensure the possibility of selection by the universities among those with certification.

3. Certification commissions may not propose to the General Secretary of the Council for University Coordination certification of a higher number of candidates than the number of certifications stated in section 2, but may propose a lower number or even the non-certification of any candidate.

Article 63. Public call for competitions.

1. Public universities shall issue the corresponding public call for civil service teaching posts, on condition that said posts are included and provided for in the budget and have been duly notified to the General Secretary of the Council for University Coordination as established in section 1 of the above mentioned article, within the period laid down in the corresponding legislation.

In a period of no more than two years from the issuing of the communication referred to in the previous paragraph, and once the corresponding certification examinations have been held, the post must be filled, provided there are applicants.

2. The public call for posts shall be issued by the university and published in the Official State Bulletin and in the Official Regional Bulletin. They shall be governed at each university by a commission set up for said purpose, in accordance with the procedure laid down in the statutes. In addition to those gaining certification for the teaching body in question, civil service workers employed in that body, together with university teaching bodies of equal or higher status, whatever their administrative situation, are eligible to take part in the public competition to compete for a post at the university.

Article 64. Safeguarding examination security.

1. During both the certification examinations and the public competition for posts, equal opportunities for candidates and respect towards the principles of candidates' merits and abilities shall prevail at all times.

2. The statutes shall govern the procedure for the designation of those sitting as public competition commission members. This shall be based on objective and general criteria and shall ensure full teaching and research competence of said members. The commission members referred to in the previous paragraph who belong to one of the teaching bodies referred to in section 1 of article 56, must hold official recognition of the minimum number of research periods established for each of the teaching bodies referred to in section 4 of article 57.

3. In each of the public competitions, universities must make public the names of the commission members, as well as the criteria for the conferral of posts.

Article 65. Appointments.

Commissions examining public competitions shall propose to the chancellor a duly justified and binding list of all the candidates in order of preference for their appointment. Appointments, which may not exceed the number of posts available in the public call, shall be made by the chancellor, entered in the corresponding staff register, published in the Official State Bulletin and in the Regional Bulletin, and notified to the Council for University Coordination. Any position obtained in the public call for posts referred to in article 63 must be held for a period of at least two years before application may be made for participation in a new public call to obtain a post at another university.

Article 66. Appeals Commissions.

1. Candidates may file an appeal to the Council for University Coordination against the decisions adopted by the certification commissions. Once the decision has been taken to proceed, the appeal shall be evaluated by a commission comprising seven university professors, from various knowledge areas, with wide teaching and research experience, appointed by the Council for University Coordination. This commission, which shall be chaired by the longest serving university professor, shall examine the report relating to the certification examination to safeguard the guarantees laid down in section 1 of article 64, and shall ratify or otherwise the appeal, within a period of no more than three months.

2. Candidates applying for posts in public competitions may submit an appeal to the chancellor against the decisions adopted by the commissions. Once the decision has been taken to proceed with the appeal, appointments shall be suspended until the appeal has been dealt with. This appeal shall be evaluated by a commission comprising seven university professors, from various knowledge areas, with wide teaching and research experience, to be appointed as laid down in the statutes. This commission shall examine the report pertaining to the public competition, so as to ensure that proper procedure has been adhered to as established in section 1 of article 64, and shall uphold or reject the appeal in a period of no more than three months.

3. Any resolutions passed by the Council for University Coordination or the chancellors referring to the previous sections of this article shall exhaust administrative appeals procedures and may be contested directly before administrative jurisdiction, as laid down in Law 30/1992, 26 November.

Article 67. Reinstatement after leave of absence from active service.

Reinstatement to active service of university civil service teaching staff on voluntary leave shall be through a post offered in a public competition called by any university, in accordance with the provisions laid down in section 2 of article 63. Staff may also be reinstated to the university governing the centre from which leave was granted, by applying to the chancellor for temporary appointment to a post at the university in question, under the obligation to take part in any public competitions which the university may call to fill posts in the teaching body and knowledge area. Should the professor holding the temporary appointment fail to do so, he or she shall forfeit said post. Temporary appointments shall be made in the manner and under the terms established by the statutes, whilst respecting the principles laid down in general civil service legislation governing reinstatement to active service. Notwithstanding, reinstatement shall be

automatic and final, at the request of the interested party to the original university in question, provided a period of at least two but no more than five years absence has elapsed and should there be a vacant post in the same teaching body and knowledge area.

Article 68. Dedication to the university.

1. Public university teaching staff shall preferably undertake their functions on a full-time basis or on a part-time basis. Dedication shall, in any case, be compatible with other scientific, technical or artistic work referred to in article 83, in accordance with the basic rules laid down by the government, subsequent to a report issued by the Council for University Coordination.
2. Full-time dedication by university teaching staff shall be a necessary requirement for appointment to university administrative posts, no two of which may be held at the same time.

Article 69. Civil servant teaching and research staff salaries.

1. The government shall establish the salaries for university civil service teaching and research staff. This system, which shall be applicable across all universities, shall be stipulated by general civil service legislation, in accordance with the specific nature of the staff body in question. To this end, the government shall designate the groups or scales within each level corresponding to each teaching body, the requirements for promotion from one to another, as well as the resulting salary payments.
2. The government may establish additional emoluments to those stipulated above, linked to individual teaching, research and management merits.
3. The Autonomous Regions may also award additional emoluments based on individual teaching, research and management merits. Within the limits set down by the Autonomous Regions to this end, the Social Council at the proposal of the University governing board may grant individual allocation of said additional emoluments.
4. The emoluments awarded under the above mentioned sections shall be allocated subsequent to a previous evaluation report of the merits issued by the National Agency for Quality Evaluation and Accreditation or by the external evaluation body designated under Regional Legislation.

Article 70. Academic staff teaching posts.

1. In its budget, each public university shall establish on an annual basis the teaching posts held by its teaching staff, and shall detail the classification of all teaching posts held, together with those held by hired teaching and research staff.
2. University teaching posts held must at all times comply with the provisions laid down in paragraph two of section 1 of article 48.
3. Universities may modify the register of teaching posts held by increasing or reducing the number of existing places or by adjusting the titles of vacant posts, as stipulated in the university by-laws, notwithstanding the provisions laid down in article 82.

Article 71. Knowledge areas.

1. The titles of the posts included the register of university civil service teaching staff shall correspond to those of existing knowledge areas. For this purpose, knowledge areas shall be understood as those areas of knowledge characterised by their common subject matter, a shared historical tradition and the existence of groups of national and international teachers and researchers.
2. The government shall establish or review the list of knowledge areas, subsequent to a report issued by the Council for University Coordination.

CHAPTER II Private Universities

Article 72. Teaching and research staff.

1. Private university teaching and research staff must hold the academic qualifications stipulated in the regulations laid down in section 3 of article 4.

2. Notwithstanding the general conditions established in accordance with section 3 of article 4, at least twenty-five percent of all teaching staff must hold the title of Doctor and have obtained a positive evaluation report on their teaching and research activity issued by the National Agency for Quality Evaluation and Accreditation or by the external evaluation body designated under Regional Legislation.

TITLE X

On public University administration and services personnel

Article 73. The administration and services personnel.

1. The administration and services personnel of the University will be composed of civil servant personnel from the Universities' own categories and personnel under contract to the same University, as well as civil servant personnel belonging to the bodies and categories of other Civil Services.

2. It is the responsibility of the administration and services personnel of public Universities to support, assist and advise the academic authorities, to practice the management and administration, particularly of the areas of knowledge of human resources, administrative organisation, economic affairs, information technology, records, libraries, information, general services, as well as whichever other administrative management and support processes deemed necessary for the University in the accomplishment of its objectives.

3. Civil servant administration and services personnel will be governed by this Law and its development resolutions, by the general legislation on the Civil Service and its development resolutions drawn up by the Autonomous Communities, and by the Statutes of their University.

Administration and services personnel under contract, in addition to the provisions of this Law and its development rules, and of the Statutes of their University, will be governed by the provisions regulating terms and conditions of employment and the applicable collective agreements.

Article 74. Remunerations

1. The administration and services personnel of the Universities will be paid from the budgets of the latter.

2. The Universities will establish the terms of remuneration for civil servant personnel, within the maximum limits the Autonomous Community determines and within the foundation framework enacted by the State.

Article 75. Selection.

1. Universities will be able to create their own personnel positions in accordance with the qualification groups demanded in compliance with the general legislation on the Civil Service.

2. The selection of administration and services personnel will be carried out through a selection test, as established by the applicable Laws and Statutes and in compliance with the principles of equality, merit and capacity.

In all cases, the advertising of the corresponding calls for applications through their publication in the State Official Gazette and in that of the Autonomous Community will be guaranteed.

3. The principles established in paragraph 2 will also be observed for the selection of personnel under contract.

Article 76. Provision of posts.

1. The provision of University posts for administration and services personnel will be carried out through the call for applications system, in which both the personnel of these and the personnel from other Universities may apply. Personnel belonging to bodies and positions of Public Administrations may apply in the conditions determined in accordance with regulations.

2. Only those posts determined by the Universities responding to the nature of their functions and in compliance with the general regulations on the Civil Service can be covered through the free appointment system.

3. The Statutes will establish the rules to ensure the provision of vacant posts and professional improvement and promotion of personnel, in accordance with the principles of equality, merit and capacity.

4. Universities will promote the conditions that enable administration and services personnel to carry out their duties in Universities other than that of origin. To this end, agreements may be signed between Universities or other Public Administrations ensuring the right to mobility of their own personnel under the reciprocity principle.

Article 77. Situations.

It is the responsibility of the Vice-Chancellor of the University to adopt the measures relating to the administrative situations and disciplinary regime for administration and services civil servants in their employ, with exception of removal from post, which will be agreed by the competent body in accordance with the legislation on the Civil Service.

Likewise, it is the responsibility of the Vice-Chancellor to reinforce the disciplinary regime in the case of personnel under contract.

Article 78. Representation and participation.

Participation of administration and services personnel in the University's governing and representation bodies, in accordance with the resolution of this Law and of the Statutes is guaranteed.

TITLE XI

On the economic and financial regime of public Universities

Article 79. Economic and financial autonomy.

1. Public Universities will have economic and financial autonomy in the terms established in this Law. To this effect, they must possess enough resources for the fulfilment of their functions.

2. In the practice of their economic and financial activity, public Universities will be governed by the provisions of this Title and the budgetary and financial management legislation applicable to the public sector.

Article 80. Patrimony of the University.

1. The patrimony of each University is constituted by the total of its assets, rights and obligations. The assets relating to the accomplishment of its goals and the acts carried out for the immediate development of such goals, as well as their production, will enjoy tax exemption, providing that the taxes and exemptions fall directly on the Universities lawfully entitled as taxpayer, unless the displacement of the tax load is legally possible.

2. The Universities assume ownership of the assets of public domain relating to the accomplishment of their functions, as well as of those that in the future are allocated to this end by the State or by the Autonomous Communities. Except, in all cases, the assets that form part of the Spanish Historical Heritage. When the assets referred to in the first clause of this paragraph cease to be necessary for the provision of university services, or are used for different purposes from those characteristic of the University, the Administration of origin may call for their reversion, or if this were not possible, the reimbursement of their value at the time of the reversion.

Public Administrations may designate assets of their property to public Universities for their use in the characteristic functions of the latter.

3. The management and the disposition of the assets of public domain, as well as of patrimonial assets will conform to the general rulings on this subject. Without prejudice to the implementation of what is laid down in the legislation on Spanish Historical Heritage, disposition of real estate properties and of movables of extraordinary value will be agreed by the University, with the approval of the Social Council, in compliance with the rules determined in this respect by the Autonomous Community.

4. In regard to public Universities tax relief, the provisions for non-profit making organisations in Law 30/1994, of 24 November, of Foundations and Tax Incentives for Private Participation in General Interest Activities will stand. The patronage activities in favour of public Universities will enjoy the same benefits as the aforementioned Law establishes.

Article 81. Planning and budget.

1. Universities may develop multiannual planning within the framework of that established by the Autonomous Communities, leading to the approval of agreements and programme policies including their objectives, financing and the evaluation of the accomplishment of these by the Autonomous Communities.

2. The budget will be public, unique and balanced, and will comprise the totality of revenue and expenditure.

3. The budget of the Universities will include in their statement of revenue:

a) The transfers for current and capital expenditure set annually by the Autonomous Communities.

b) The revenue on public prices for academic services and other legally established duties. In the case of studies leading to official qualifications valid throughout the national territory, public prices and duties will be set by the Autonomous Community, within the limits established by the University Coordination Council pertaining to the provision of service costs.

Likewise, the corresponding compensations for amounts derived from exemptions and reductions legally dictated on the subject of public prices and other duties will be allocated.

c) The prices of own courses, specialisation courses and those pertinent to other activities authorised to the Universities will be as established by the Social Council, and must be approved in all cases along with the annual budget in which they must be applied.

d) The revenues from public or private organisation transfers, as well as inheritances, legacies or donations.

e) The profits from their patrimony and from those other economic activities they develop in accordance with the provisions of this Law and of their own Statutes.

f) All revenues from the contracts provisioned in article 83.

g) Cash surplus and any other entry.

h) The proceeds of adjusting credit transactions, must be offset to achieve the necessary budgetary balance of the Autonomous Community, which, in all cases, must authorise any lending procedure.

4. The structure of the Universities budget, their accounting system, and the documents that comprise their annual accounts must adapt, in all cases, to the rules established on a general basis by the public sector. Within this framework, with the purpose of accounting standardisation, the Autonomous Communities may establish an accounting plan for the Universities of their competence.

The statement of current expenditure will be accompanied by the list of posts for personnel under contract of all categories of the University, specifying its total costs. The costs of teaching and research staff, as well as administration and services personnel, must be authorised by the Autonomous Community.

5. Universities are accountable for their activity before the audit body of the Autonomous Community, without prejudice to the competences of the Court of Auditors.

For the purposes of the provisions of the previous paragraph, Universities will send the Governing Council of the Autonomous Community the budget settlement and the remaining documents that constitute their annual accounts within the specified time established by the applicable rules of each Autonomous Community or, failing this, by the general legislation. Once the accounts are received in the Autonomous Community, they will be forwarded to its audit body, or failing this, to the Court of Auditors.

Article 82. Budget development and enforcement.

The Autonomous Communities will establish the rules and procedures for the development and enforcement of the budget of the Universities, as well as for the supervision of the investments, expenditure and revenue of these through the corresponding audit techniques and under the supervision of the Social Councils.

The regulation inclusively applicable to the public sector on this matter will be additional legislation.

Article 83. Cooperation with other organisations or natural persons.

1. The Research Groups recognised by the University, the Departments and the University Research Centres, and their teaching staff through themselves or the bodies, centres, foundations or similar organisational structures of the University devoted to the channelling of the research initiatives of the teaching staff and to the transfer of research results, may sign agreements with people, Universities or

public or private organisations for the development of work of a scientific, technical or artistic nature, as well as for the development of specialisation courses or specific activities of training.

2. The Statutes, within the framework of the basic rules enacted by the Government, will establish the procedures of the authorisation of the work and the holding of the agreements pursuant to the previous paragraph, as well as the criteria to determine the destination of the assets and resources with them obtained.

Article 84. Creation of foundations or other bodies corporate.

For the promotion and development of their aims and with the approval of the Social Council, Universities may create, by themselves or in cooperation with other public or private organisations, companies, foundations or other bodies corporate in accordance with the general applicable legislation.

The foundation endowment or the contribution to the registered capital and whichever other contribution to the organisations pursuant to the previous paragraph, covered by the University budget, will be subject to the rules established to that end by the Autonomous Community.

Organisations in which Universities have a majority shareholding in their capital or in the equivalent patrimonial funds, will be subject to the same accountability procedures and specified time as the Universities.

TITLE XII

On centres abroad or providing education in accordance with foreign education systems

Article 85. Centres abroad.

1. Centres dependent upon Spanish Universities and located abroad, which provide education leading to official university qualifications valid throughout the national territory, shall have a special status and structure designed to adapt to the requirements of their environment, in accordance with the determinations of the Government and the provisions of international agreements.

In all cases, their creation and suppression shall be determined by the Government on the joint proposal of the Ministers of Education, Culture and Sports, and of Foreign Affairs, on the proposal of the Social Council of the University, and following a report from the Governing Council of the University, approved by the competent Autonomous Community, following a report from the University Coordination Council.

2. The above provisions shall be applicable for the provision of classroom education abroad, leading to official university qualifications valid throughout the national territory.

Article 86. Centres providing education in accordance with foreign education systems.

1. The Government, following a report from the University Coordination Council, shall regulate the general framework within which education leading to foreign university qualifications is imparted in Spain, and the conditions which must be met by centres wishing to impart such education.

The establishment in Spain of centres which, in any manner, impart the education referred to in the preceding paragraph is subject to authorization by the competent body of the Autonomous Community in whose territory the establishment is applied for, previous report from the University Coordination Council.

2. Under the terms of the regulations referred to in the preceding paragraph, the centres subject to the provisions of this Article shall be subject, in any case, to the evaluation of the National Agency for Quality Assessment and Accreditation or, where appropriate, by the external evaluation body the Autonomous Community Law determines. In the latter instance the National Agency for Quality Assessment and Accreditation must receive, in any case, a copy of the aforementioned assessment.

3. Foreign higher education qualifications issued, in whole or in part, in Spain, may only be referred for recognition or validation if the centres in which the aforementioned studies take place have been established in accordance with the provisions of the preceding subparagraphs, and the studies sanctioned by the foreign qualification whose recognition is required are effectively administered in the University or foreign centre issuing the qualification. Lawfully, and for the purposes of the aforementioned approval, the Government shall regulate the conditions of access to studies in such centres.

4. The provisions of the preceding subparagraphs, without detriment to that established in the international treaties and agreements to which Spain is signatory or, where appropriate, the application of the principle of reciprocity.

5. The State and the Autonomous Communities, within the scope of their respective competencies, shall endeavour to enforce the compliance with the prescriptions of this Article by the centres providing education in accordance with foreign education systems, and shall strive to ensure that students enrolling therein have the correct information on the courses and qualifications which they can pursue.

TITLE XIII

European area of higher education

Article 87. Integration in the European area of higher education.

Within the scope of their respective competencies, the Autonomous Communities and the Universities shall take the necessary measures to ensure the full integration of the Spanish system in the European area of higher education.

Article 88. Courses and qualifications.

1. To promote the full mobility of Spanish students and degree holders within the European area of higher education, the Government, following a report from the University Coordination Council, shall take the measures ensuring that the official qualifications issued by Spanish Universities incorporate information guaranteeing transparency with regard to the level and content of the studies certified by such qualifications.

2. Notwithstanding the provisions of Article 37, and to comply with the guidelines issued within the European area of higher education, the Government, following a report from the University Coordination Council, shall establish, reform and modify the cyclical modalities of each course and the official qualifications valid throughout the national territory to which they refer.

Where such qualifications replace those referred to in Article 37, the Government, following a report from the University Coordination Council, shall determine the conditions for the harmonization of the latter to the new qualifications, and the validation or modification of the courses to which the latter refer.

3. Likewise, the Government, following a report from the University Coordination Council, shall establish the prescriptions necessary for ensuring that the unit of measurement of academic aptitude corresponding to the pass grade in each of the subjects included in the syllabuses for the various courses leading to official qualifications valid throughout the national territory, is the European credit or any other unit adopted in the European area of higher education, and so that Universities enclose to the qualifications they issue, in extension of the provisions of Article 34 of this Law, the European supplement to the qualification.

4. The State, the Autonomous Communities and the Universities shall promote the mobility of students within the European area of higher education through grant, aid and study loans programmes or, where appropriate, in complement to the European Union grant and aid programmes.

Article 89. Teaching staff.

1. Teaching staff in Universities of the European Union Member States who have attained within such institutions a position equivalent to that of Professor or lecturer in full of a University or University School, shall be considered as qualified for the effects of this Law, according to the procedure and conditions established by Law by the Government, following a report from the University Coordination Council.

2. The teaching staff referred to in subparagraph 1 may form part of the Commissions referred to in Article 57 of this Law and, if the Universities so determine in their Statutes, of the Commissions responsible for dealing with call for applications for access to University teaching bodies.

3. For the effects of candidatures to the authorisation tests and call for applications for access to University teaching bodies and to announcements of teaching contracts as provided by this Law, the nationals of the European Union Member States shall enjoy identical treatment, to the same effects, to that given to Spanish nationals.

The prescriptions of the preceding paragraph are applicable to nationals of those States which, by virtue of the international treaties signed by the European Union and ratified by Spain, sanction the free circulation of labour under the terms by which this is defined in the constituting treaty of the European Community.

4. The State, the Autonomous Communities and the Universities shall encourage the mobility of teachers within the European area of higher education through specific programmes and agreements, and through European Union programmes.

ADDITIONAL PROVISIONS

One. On Universities created or recognized by Law of the Parliament.

The Parliament and the Government shall exercise the powers which the present Law respectively confers on the Legislative Assembly and the Governing Council of the Autonomous Communities, with regard to the Universities created or recognized by Law of the Parliament in accordance with the provisions of Article 4, and, with consideration to the special characteristics and scope of their activities, to the Universidad Nacional de Educación a Distancia and the Universidad Internacional Menéndez Pelayo.

Two. Universidad Nacional de Educación a Distancia (National University for Distance Education).

1. The Universidad Nacional de Educación a Distancia shall provide university higher education distance learning throughout the national territory.

2. In view of its special characteristics, the Government shall establish, without prejudice to the principles set down in this Law, specific regulations for the Universidad Nacional de Educación a Distancia, which regulations shall take into account, in any case, the operation of their associated centres and agreements with the Autonomous Communities and other public and private organisations, the specific teaching obligations of their teaching staff and the conditions for tutors.

3. These regulations, in accordance with the provisions of Article 7, shall include the creation of a higher centre for virtual learning specifically dedicated to this type of teaching across the different levels of university education. Given the special nature of this type of education and the ultimate objectives of this centre, its organization, personnel structure and management procedures, as well as its funding, shall be subject to special provisions with regard to the general regime of the Universidad Nacional de Educación a Distancia.

Three. Universidad Internacional Menéndez Pelayo (Menendez Pelayo International University).

1. The Universidad Internacional Menéndez Pelayo is a higher institute of culture, research and specialisation where various levels and specialist fields of university activities concur; its purpose is to disseminate culture and science, promote the exchange of cultural and scientific information of international and inter-regional interest, and the development of high-level research and specialisation activities. To this end it shall organize and pursue, in accordance with the prescriptions of the present Law, postgraduate courses which it shall accredit with the corresponding official qualifications of Doctor and the other postgraduate qualifications and diplomas issued thereby.

2. In view of its special characteristics and the scope of its activities, the Universidad Internacional Menéndez Pelayo shall retain its status as an autonomous organisation attached to the Ministry of Education, Culture and Sport, with its own legal personality and patrimony, and full capacity for carrying out all kind of acts of management and provision for the accomplishment of its aims, with no further limitations other than those imposed by legislation.

3. The Universidad Internacional Menéndez Pelayo shall enjoy autonomy in the exercise of its teaching, research and cultural activities, within the framework of its special legal status.

4. The Universidad Internacional Menéndez Pelayo shall be subject to the special regulations for autonomous organisations referred to in Article 43.1.a) of Law 6/1997 of 14 April, on the organization and operation of the General Administration of the State, by the applicable provisions of this Law and by its Statutes.

Four. On Catholic Universities.

1. The application of this Law to Universities and other centres operated by the Catholic Church is subject to the provisions of the agreements between the Spanish State and the Holy See.

2. The Universities established or which come to be established by the Catholic Church in Spain subsequent to the Agreement of 3 January 1979 between the Spanish State and the Holy See, on education and cultural affairs, shall be subject to the provisions of this Law for private Universities, with the exception of Law requiring recognition.

Under the same terms, non-ecclesiastical university-level scientific centres not integrated as centres in their own right in a Catholic university, and which are established in Spain by the Catholic Church, shall be subject, in their administration of courses leading to official qualifications valid throughout the national territory, to the provisions of this Law for centres attached to public universities.

Five. On University Halls of residence.

1. Halls of residence are University centres which, as part of a University, provide lodgings to students and promote the cultural and scientific formation of their residents, projecting their activities to the service of the university community.

2. The operation of the Halls of residence shall be regulated by the Statutes of each university and by the regulations proper to each Hall of residence, which shall enjoy the tax benefits and exemptions of the University to which it is attached.

3. Universities may create or attach University Halls of residence in accordance with the provisions of their Statutes.

Six. On other centres of higher education.

Centres of higher education which, by the nature of the education they impart or the qualifications or diplomas which they are authorized to issue, are not integrated or do not proceed to integration in or attachment to a University in accordance with the terms of this Law, shall be subject to the specific provisions applicable to them.

Seven. Agreements between Universities and health institutions.

The Government, on the proposal of the Ministries of Education, Culture and Sport and for Health and Consumer Affairs, following a report from the University Coordination Council, shall establish the bases for agreements between Universities and health organisations and institutions, in which university education is to be imparted, with a view to ensuring practical tuition in Medicine, Pharmaceutics and Nursing, and other education which may require practical tuition.

The aforementioned bases shall provide for the participation of the Governing Councils of the Autonomous Communities in individual agreements which are signed with the authorization of the latter between Universities and health institutions.

Eight. On the funding structure for public Universities.

For purposes of the provisions of Article 79, the University Coordination Council shall draw up a cost reference model for public Universities which, in view of the minimum requirements of the latter, and of a merely indicative nature, includes criteria and variables which can be used as standards for the preparation by the public authorities of funding models, within the scope of their competences, and in keeping with the objective of budgetary stability, and by the Universities for the development of their funding policies.

Nine. On changes in private Universities and centres of higher education attached to public Universities.

1. The recognition accorded to private Universities shall be withdrawn in the event that, on expiry of the period established by the Law on recognition, no authorization for the commencement of academic activities has been requested, or such request is refused due to non-compliance with the requirements set down in legislation.

2. At the request of a private University, the competent body of the Autonomous Community, in accordance with the procedure established by the latter, may annul the recognition of the centres or courses existing in the aforementioned University. The latter shall ensure that the students pursuing the

courses in question may complete them in accordance with the general regulations for the withdrawal of syllabuses.

The provisions of the preceding paragraph shall furthermore apply in the case of the invalidation of centres attached to public Universities.

3. If subsequent to the commencement of its activities the Autonomous Community deems that a private University or university centre attached to a public University is not complying with the requirements stated by legislation or the commitments undertaken at the time its recognition is applied for, or if the institutional functions of the University as provided in Article 1 are separated, the Autonomous Community shall request that the University rectifies the situation within a given period. In the absence of rectification on the expiry of this period, further to the hearing of the private University or attached university centre, the Autonomous Community may revoke the recognition of the centres or courses affected, or shall communicate its recommendation to the Parliament for purposes of the possible revocation of the recognition accorded to the private University.

Ten. On temporary mobility of University staff.

1. The public authorities shall create mechanisms designed to promote mobility between Universities and other research centres through the respective funding programmes. They shall therefore take measures to promote collaboration between Universities, non-university centres of education, public administration bodies, business and other organisations, public and private, to promote temporary mobility among their staff and those providing their services in the latter organisations.

2. For the purposes of the provisions of the preceding subparagraph, consideration shall be given to the special character of Universities located in Spanish island territories and their distance from the mainland. The Government, Autonomous Communities and Universities shall jointly establish a mechanism for promoting the mobility of staff.

Eleven. On nationals of non-European Union Member States.

1. The teaching contracts addressed by this Law are not subject to regulations or conditions based on nationality.

2. For nationals of non-European Union Member States, their participation in the authorisation tests addressed by this Law is not subject to conditions or regulations based on nationality. Authorised applicants of non-EU nationality may participate in call for applications and, where applicable, accede to the position of Civil Service University teaching, where in their national State Spanish nationals are legally entitled to occupy university teaching positions analogous to those occupied by civil servant university teaching staff in Spanish universities.

Twelve. On Associate lecturers as per Article 105 of the General Health Law.

Associate lecturers whose post and appointment bring into application subparagraph 2 of Article 105 of Law 14/1986, of 25 April, on General Health, shall be subject to the special regulations for associate university teaching staff, with the specificities established by Law with regard to the duration of their contracts.

The number of places for associate lecturers determined in the agreements between Universities and health institutions shall not be taken into account for effects of the percentage established in paragraph 2 of subparagraph 1 of Article 48.

Thirteen. On the recruitment of research, scientific and technical staff in accordance with Law 13/1986, of 14 April, on the promotion and general coordination of scientific and technical research.

The public university recruitment possibilities of the staff addressed by this Law do not prejudice the provisions of Article 17 of Law 13/1986, of 14 April, on the promotion and general coordination of scientific and technical research, in the wording of the seventh additional provision of Law 12/2001, of 9 July, on urgent reformatory measures in the employment market for increasing employment and improving its quality.

Fourteen. On the University Ombudsman.

To secure respect for the rights and freedoms of teachers, students and administration and service personnel with regard to the action of the different university bodies and departments, the Universities shall include in their organisational structure the figure of the University Ombudsman. His/her conduct, at all times directed toward the improvement of the quality of the University in every aspect, shall not be subject to the mandatory instructions of any university authority and shall be governed by the principles of independence and autonomy.

The Statutes shall establish the procedure for electing or appointing the Ombudsman, the duration and nature of his/her mandate, and his/her operating brief.

Fifteen. On access to the different levels of university studies.

In the general guidelines for the syllabuses referred to in subparagraph 1 of Article 34, the Government, following a report from the University Coordination Council, shall establish the conditions for moving from one level of University studies to another, in accordance with the provisions of Article 37 and subparagraph 2 of Article 88, and for access to different levels via university or non-university courses or qualifications which have been declared to all effects equivalent to university courses or qualifications.

Sixteen. On specialist qualifications for health professionals.

Specialist qualifications for health professionals shall be issued by the Ministry of Education, Culture and Sport, shall be officially recognised and valid throughout the national territory, and shall be subject to special regulations.

The Government is responsible, on the proposal of the Ministers of Education, Culture and Sport and for Health and Consumer Affairs, and in accordance with the applicable provisions of the European Union legislation, for creating, renaming or invalidating specialist qualifications and determining the conditions whereby such qualifications are obtained, issued and recognised.

The nineteenth additional provision of this Law shall be applicable to the denomination of the aforementioned specialist qualifications.

Seventeen. On Universities sports activities.

The Government, on the proposal of the University Coordination Council, shall establish the necessary provisions for coordinating sports activities of Universities in the endeavour to promote them nationally and internationally and to articulate formulas for reconciling the studies of high-level sportsmen and women with their sports activities.

Eighteen. On tax exemptions.

The tax exemptions referred to in this Law, insofar as they apply to the Universities located in Autonomous Communities which enjoy their own tax system, shall observe the provisions established by the Organic Law applicable to that Community.

Nineteen. On denomination.

The denomination of University, and the denominations proper to the centres, courses, official qualifications valid throughout the national territory and to single-member governing bodies referred to in this Law, are restricted to those authorized or recognized in accordance with the provisions of the latter. Other denominations which, by their meaning, may induce confusion with the latter denominations, may not be used.

Twenty. On the National Register of Universities, Centres and Courses.

1. The Ministry of Education, Culture and Sport shall maintain, of a merely informative character, a national register of the Universities and university centres and structures which impart education leading to official qualifications valid throughout the national territory, and of the courses they administer. This register, which shall be open to the public, shall be named the National Register of Universities, Centres and

Courses. Inscription in the register is a necessary condition for the inclusion of the respective qualifications issued by the Universities in the Catalogue of Official University Qualifications.

2. The Autonomous Communities or the public registers which depend on the latter must enter the information they include in the National Register of Universities, Centres and Courses referred to in the preceding subparagraph.

3. The Autonomous Communities or public registers depending on them must enter their records on private universities in the Catalogue of Official University Qualifications. This register must include records of the natural person or body corporate, which promote or, as the case may be, hold some kind of title to the private University as a body corporate, of the changes made with regard to these persons, and of the alterations which may occur to the nature and structure of the private University as a body corporate. All those listed as such in the aforementioned register shall be considered as promoters or titleholders.

Twenty-one. On the exceptions to rules on classification as contractor for Universities.

Under the terms of Article 83 the classification of university as contractor shall not be a requirement for them to be awarded public administration contracts.

Twenty-two. On social security provisions for associate, visiting and emeritus lecturers.

1. Social security provisions for associate and visiting lecturers are as follows:

- a) Lecturers who are civil servants subject to State pension and retirement schemes shall continue subject to their own regulations, without coming under the general regulations for social security, by virtue of their status as associate or visiting lecturers.
- b) Those who are subject to the general social security regulations or special regulations which are different from those described in section a) shall come under the general regulations for social security.
- c) Those who are not subject to any mandatory regulations shall come under the general regulations for social security.

2. Emeritus lecturers shall not come under the general regulations for social security.

Twenty-three. On senior inspection by the State.

The State shall have senior inspection and other powers as conferred upon it by Article 149.1.30 of the Constitution for ensuring compliance with the remits of university education, without prejudice to the powers proper to the Autonomous Communities.

Twenty-four. On the inclusion of special-needs students in universities.

Under the present Law, Universities shall take into account the provisions of Law 13/1982 of 7 April, on the social integration of the handicapped, and of Organic Law 1/1990, of 3 October, on the general regulations for the education system with regard to the inclusion in university education of students with disabilities, and the staff recruitment processes referred to in this Law.

Twenty-five. On University access for over-25s and holders of vocational training qualifications.

1. The Government, following a report from the University Coordination Council, shall regulate the basic conditions for University access by over-25s who do not meet the requirements stated in subparagraph 2 of Article 42.

2. Direct University access by holders of vocational training qualifications is subject to the provisions of Article 35.4 of Organic Law 1/1990, of 3 October, on the general regulation of the education system.

Twenty-six. On the participation by members of the Higher Scientific Research Council in authorisation Commissions.

The Government, following a report from the University Coordination Council, shall regulate the conditions under which scientific and research personnel from the ranks of the Higher Scientific Research Council may sit in authorisation Commissions for participating in calls for applications for appointment to civil servant university teaching positions.

Twenty-seven. Incorporation into University departments of teachers from other educational levels.

The Government and the Autonomous Communities shall promote agreements with the Universities to facilitate the incorporation into university departments of teachers from the teaching bodies referred to by Organic Law 1/1990, of 3 October, on general regulations for the education system.

TRANSITORY PROVISIONS

One. On the constitution of the University Coordination Council.

The Government, on the proposal of the Ministry of Education, Culture and Sport, shall adopt, no later than three months after the entry into effect of this Law, the measures necessary for the constitution of the University Coordination Council.

The powers conferred by this Law on the University Coordination Council shall be exercised by the current University Council pending the creation of the former. Once created, the University Coordination Council shall draw up its articles of association within a maximum of six months. Pending the approval of these articles of association it shall be governed by the University Council where in keeping with this Law.

Two. On the University Senate, the Vice-Chancellor, and the approval of the Statutes of public Universities.

1. No later than six months after the entry into effect of this Law, each University shall proceed to the appointment of a University Senate, in conformity with the provisions of this Law, for the preparation of its Statutes.

The Management Board shall regulate the composition of the aforementioned Senate and the procedures for its election. This Senate, which shall have a maximum of three hundred members, shall include representatives of the diverse areas of the university community, with a minimum of fifty-one percent of its members being from civil servant with doctorates belonging to university teaching bodies.

Once the University Senate referred to in the first paragraph has been elected, a provisional Governing Council shall be appointed in accordance with the provisions of this Law.

The elected University Senate shall develop the Statutes, in accordance with procedure and with the majority system it establishes, no later than nine months after its constitution. Should the University by the expiry of this deadline fail to have submitted its Statutes for verification of their lawfulness, the Governing Council of the Autonomous Community shall confer Statutes within a maximum of three months.

The University Senates which have to be renewed in the period between the entry into effect of this Law and the constitution of the University Senate may continue to sit until the aforementioned constitution.

2. Vice-Chancellors to be appointed as a result of expiry of mandate or vacancy in the period between the entry into effect of this Law and the approval of the Statutes shall be appointed under the provisions of Article 20, while the procedure, the regulation of which is attributed to the Statutes by the aforementioned Article, shall be established by the Management Board or, as the case requires, by the Governing Council. In any case the joint vote of the members of the university teaching bodies shall have the minimum value of fifty-one percent of the total vote made by the university community.

3. The Statutes shall establish the provisions which regulate the continuity, where applicable, of the Senate elected in conformity with the provisions of subparagraph 1, pending its election in accordance with the provisions of its own Statutes. The aforementioned Statutes shall provide for the continuity, where applicable, of the respective Vice-Chancellors until the term of their mandate in conformity with the present Statutes, or the election of a new Vice-Chancellor.

4. Pending the publication of the Statutes referred to in subparagraph 1, the Management Board or, where applicable, the University Governing Council shall take the measures necessary for the application of the provisions of this Law in all areas where the current Statutes are in conflict therewith.

Three. On the adaptation of private Universities to this Law.

Private universities already in existence must adapt to the provisions of this Law within fifteen months of its entry into effect. However, the percentage value referred to in subparagraph 2 of Article 72 must be attained within a maximum of five years from the entry into effect of this Law.

Four. On existing auxiliaries.

Persons who on the entry into effect of this Law are contracted as auxiliaries to public Universities may continue in the same post until the extinction of their contract or its renewal, in conformity with the legislation to which it was subject. From that moment, they may join a public University in any of the categories of contracted staff provided for in this Law and in conformity with the provisions established herein, with the exception of that of auxiliary. However, auxiliaries holding a Doctoral degree wishing to be contracted as assistant lecturer with doctorate shall not be subject to the provisions of Article 50 on severance from the recruiting University for a period of two years.

Five. On existing associate lecturers.

1. Persons who on the entry into effect of this Law are contracted to public Universities as associate lecturers may remain in the same post, in conformity with the legislation applicable to them, until the expiry of their current contracts. However, these contracts may be renewed in conformity with the legislation applicable to them, with their continuation in such a situation lasting no longer than four years after the entry into effect hereof.

From that moment, they may only be contracted under the terms provided by this Law. However, in the case of associate lecturers with a doctorate, their appointment as assistant lecturer with doctorate shall not subject them to the provisions of Article 50 on severance from the recruiting University for two years.

2. The provisions of the preceding subparagraph shall not apply to serving associate lecturers whose post and appointments fall under the terms of subparagraph 2 of Article 105 of Law 14/1986 of 25 April, on General Health, who shall be subject to the terms of additional provision twelve.

Six. On chief technicians of laboratories and workshops and Technical School chiefs.

Persons occupying the post of chief technician of laboratories or workshops or Technical School chiefs to be abolished by transitory provision five of Organic Law 11/1983, of 25 August, on university reform, and not integrated into the bodies of lecturers in full of University Schools by Law 55/1999 of 29 December, on tax, administrative and social measures, shall remain in their bodies of origin, without prejudice to their right to join the aforementioned bodies of lecturers in full of university schools, in their own posts and performing the same functions as those they are currently performing, on condition that within a period of five years from 1 January 2000, the date of entry into effect of the aforementioned Law 55/1999, they meet the qualification conditions required for entering therein.

Seven. On tenured teaching staff in Official Nautical Schools.

Members of the bodies of tenured teaching staff in Official Nautical Schools, to be abolished by subparagraph 9 of the fifteenth additional provision of Law 30/1984, of 2 August, on reform of the Civil Service, in the wording given by Law 23/1988, of 28 July, and not integrated in the bodies of lecturers in full of the University by virtue of the provisions of the aforementioned Law, shall continue to occupy their own positions in the aforementioned bodies, on condition that they hold a Doctoral degree, or obtain one within five years of the publication of this Law.

Eight. Application of the regulations established for authorisation and call for applications for appointments to civil servant teaching bodies.

1. The regulations established in the second section of chapter I of title IX for the authorisation and appointment to civil servant university teaching posts should be observed in all announcements published subsequent to the date of publication of this Law in the State Official Gazette.

Pending the approval of the Statutes referred to in subparagraph 1 of transitory provision two, the serving University Management Boards shall take the measures necessary for enabling the application of the provisions of the preceding paragraph.

2. Calls for applications whose announcement has been published prior to the publication of this Law in the State Official Gazette shall be held in accordance with the regulations contained in Organic Law 11/1983, of 25 August.

REPEAL PROVISIONS

Sole paragraph. Repeal of legislation.

1. Organic Law 11/1983, of 25 August, on university reform, is hereby repealed, together with, on its expiry, Law 8/1983, of 29 June, on urgent measures with regard to university governing bodies, Decree 2551/1972, of 21 July, on university colleges, and Decree 2293/1973, of 17 August, which regulates university schools, as well as all other provisions or equal of lesser rank which are in conflict with the provisions hereof.

Thus the additional provision twenty of Law 30/1984, of 2 August, on measures for the reform of the civil service, and modified by Law 23/1988, of 23 July, is hereby repealed.

2. Without detriment to the terms of the second transitory provision, approval of the new Statutes in conformity with this Law shall signal that Organic law 11/198, of 25 August, on university reform, remains in effect with regard to university governing and representational bodies.

FINAL PROVISIONS

One. Competences.

This Law is drawn up within the scope of the competences of the State as established in Article 149.1.1, 15, 18 and 30 of the Constitution.

Two. Modification of Law 14/1986, of 25 April, on General Health.

Article 105 of Law 14/1986, of 25 April, on General Health, reads as follows: "Article 105.

1. In the framework of the auxiliary and teaching planning for Public Administrations, the covenant mechanism between Universities and health institutions may sanction the linking of certain assistant posts in the health institution to teaching posts of the university teaching bodies.

The posts secured in this way shall be filled by calls for applications among those selected from the authorisation for appointment to the corresponding university teaching body, in conformity with the regulations applicable to them.

Those participating in the authorisation tests previous to the aforementioned calls for applications must, in addition to meeting the requirements of the applicable regulations, attest possession of a specialist degree in medicine or pharmaceuticals and meet the requirements which, with regard to their status as assistants, are determined by regulations. In the first of the aforementioned tests, the Commissions shall evaluate the merits and academic and research history of the candidate, as well as the candidate's work as assistant, in the form prescribed by the regulations.

In the Commissions responsible for ruling on the calls for applications, two members shall be elected by public ballot by the respective health institution.

2. Covenants may also establish a number of associate lectureships to be occupied by assistant personnel serving in the health institution addressed. This number shall not be taken into account for purposes of the percentage of contracted staff required for public Universities. These associate lecturers shall be subject to the special regulations in force in the University for associate lecturers, with the specificities established by regulation with regard to the duration of their contracts. The Statutes of the University should include specific mechanisms for regulating the participation of these lecturers in the university's governing bodies.

3. The covenants shall furthermore establish the number of posts of assistant lecturer and assistant lecturer with a doctorate, in the schedules of posts of employment in public Universities, which should be occupied via calls for applications from health professionals having obtained a specialist degree in the three years prior to the announcement of the call for applications."

Three. Authorisation for imposing regulations.

The Government and the Autonomous Communities are responsible, within the scope of their respective competences, for stipulating the provisions necessary for the development and application of the present Law.

Four. Organic character of the present Law.

This Law has the character of Organic Law, with the exception of the following precepts: subparagraph 1 of Article 3, subparagraphs 1, 2, 3 and 4 of Article 4, subparagraphs 1, 2, 3 and 4 of Article 6, all under title I; Articles 7, 8, 9 and 10 of chapter I under title II; chapter I under title III; titles IV and V; Article 36 under title VI, Article 41 under title VII, subparagraph 4 of Article 46 under title VIII; chapter I under title IX; title X; title XI; title XII (except subparagraph 2 of Article 85); Article 89 under title XIII, one, two, three, four (except subparagraph 2), five, six, seven, eight, ten, eleven, twelve, thirteen, fourteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-six and twenty-seven additional provisions; and one, two, four, five, six, seven and eight transitory provisions; and the one, two, three and five final provisions.

Five. Entry into effect.

This Law shall take effect twenty days after its publication in the State Official Gazette, except for subparagraphs 2 and 3 of Article 42, which shall take effect at the moment in which Law 30/1974, of 24 July, on proof of aptitude for entrance to Faculties, Higher Technical Schools, University Colleges and University Schools, with regulatory force by virtue of subparagraph 4 of final provision four of Organic Law 1/1990, of 3 October, on the general structure of the education system, is expressly repealed. In the meantime, the current system of access to university studies shall remain in effect.

Palace of the Chamber of Deputies, 20 December 2001.