The Danish (Consolidation) Act on Universities (the University Act)

In the event of any inconsistency between the Danish and English language versions of the document, the Danish version prevails

This Act consolidates the Act on Universities (the University Act), see Consolidation Act No. 652 of 24 June 2012 as amended by section 1 of Act No. 1236 of 18 December 2012.

Part 1

Scope of the Act

1.- (1) This Act applies to universities under the Danish Ministry of Science, Innovation and Higher Education.

(2) The universities are self-governing institutions under public sector administration overseen by the Minister for Science, Innovation and Higher Education.

Purpose

2.- (1) The university is tasked with performing research and offering research-based education at the highest international level in the disciplines it covers. The university must ensure a balanced relationship between research and education; strategically select, prioritise and develop the fields of research and study in which it is active; and disseminate knowledge of scientific and scholarly methods and results.

(2) The university enjoys freedom of research. The university must defend and uphold both scientific ethics and the freedom of research of the individual researcher as well as of the university as a whole.

(3) The university must collaborate with the society of which it is a part and contribute to the development of international collaboration. The results achieved by the university in the areas of research and education must contribute to promoting growth, welfare and development in society. As society’s central repository of culture and knowledge, the university must exchange knowledge and competences with the society it belongs to and encourage its staff to take part in public debate.
Based on its research, the university may perform tasks for a minister on agreement with the minister in question (see, however, section 33(2)).

The university must contribute to ensuring that the most current knowledge within relevant fields is made available to non-research-based higher education.

Part 2

Degree programmes

3.- (1) The university is free to decide which research-based degree programmes it wishes to offer in Denmark within its academic scope. The programmes offered under sections 4(1)(i)-(ii) and 5(1) must be accredited by the Accreditation Council; see the Act on the Accreditation Agency for Higher Education. Special cases in which some components of a degree programme are offered at a foreign university (off-site instruction) are also considered courses offered in Denmark under the first sentence above. The minister stipulates the exact rules regarding off-site instruction.

(2) If an existing degree programme at a university is not accredited or loses its accreditation (see section 10 of the Act on the Accreditation Agency for Higher Education), the university in question may not admit students to the degree programme. In such cases, the minister is responsible for determining a plan to allow students already enrolled in degree programmes referred to in the first sentence above to complete their studies. In this context, the minister may direct other universities to admit these students or take over the responsibility for their studies at the university in question.

3 a.- (1) In collaboration with one or more foreign universities, the university may offer degree programmes under section 3 abroad, in whole or in part. The individual components of the degree programmes are to be completed at the university and at one or more of the foreign partner universities. The components completed at the foreign universities may be elective or mandatory. If the entire degree programme is completed abroad, the university may allow the foreign university to offer the programme, if this takes place in collaboration with the Danish university.

(2) The university may collaborate with foreign universities in order to offer degree programmes under section 4(1)(ii) in the context of Erasmus Mundus EU study programmes whereby the individual components of the degree programme are completed at the university and at one or more of the participating foreign universities subject to agreement between the universities in question (Erasmus Mundus Master's degree programmes).

(3) The university must ensure that the quality of its degree programmes under subsections (1) and (2) is monitored and assured. The quality assurance of degree programmes must either be
performed in Denmark as prescribed in the Act on the Accreditation Agency for Higher Education, or abroad under foreign quality assurance systems. However, all foreign quality assurance institutions must be registered in the European Quality Assurance Register for Higher Education (EQAR) or internationally acknowledged by another standard. If quality assurance of a degree programme is performed by a foreign provider, the Minister for Research, Innovation and Higher Education is responsible for the final approval of the programme.

(4) Independent quality assurance of components of a degree programme completed at a foreign university which are elective or already accredited as part of a Danish degree programme is not required.

(5) Students who are admitted to a Danish university are governed by the rules and regulations of a foreign university during the period in which they are enrolled there, and not by this Act. Students who have been admitted to a foreign university are governed by this Act during the period in which they are enrolled in a Danish university.

(6) The university may grant a Danish diploma to students who have completed a degree programme under subsections (1) or (2) abroad. The university may grant a diploma to students who have completed parts of their degree programme at the university without being enrolled in the university in question (see subsections (1) and (2)).

(7) The minister lays down the rules on offering and completing degree programmes under subsections (1)-(6), including rules on the granting of diplomas. In this connection, the minister may dispense with the provisions on education and boards of studies in Danish law.

4.-{(1)} The university may offer the following research-based full-time degree programmes as independent and complete degree programmes:

i) Bachelor’s degree programmes comprising 180 ECTS credits.

ii) Master’s (candidatus) degree programmes comprising 120 ECTS credits.

iii) PhD degree programmes comprising 180 ECTS credits.

(2) One year of full-time study corresponds to 60 ECTS points.

(3) In exceptional cases, the minister may dispense with the requirements listed in subsection (1) when warranted by special circumstances.

(4) The university may enrol students in a Master's degree programme and a PhD degree programme concurrently (see subsection (1)(ii) and (iii)).

(5) The minister may set maximum enrolment quotas for the degree programmes.
5.- (1) The university may offer the following research-based educational activities as part-time programmes of study:
   i) Part-time Master’s degree programmes (Masteruddannelse).
   ii) Other further and continuing education programmes.
   iii) Supplementary studies undertaken in order to meet the admissions requirements for a Master’s (candidatus) degree programme.

   (2) The part-time study programmes offered by a university may also include all the degree programmes it is authorised to offer on a full-time basis, single subjects from these and courses in specific fields of study.

6.- (1) Within the fields of study and research in which it engages, a university may award the Bachelor’s degree, the Master’s (candidatus) degree, the PhD degree and the higher doctoral degree (doktorgraden). The university may also award the Master's degree under a part-time continuing education scheme (mastergraden).

   (2) The minister lays down the rules concerning the acquisition of the higher doctoral degree (doktorgraden).

7. The Minister for Science, Innovation and Higher Education may authorise a university to offer other advanced degree programmes in accordance with the regulations laid down for these degree programmes. Subject to the approval of another minister, the university may offer programmes in accordance with rules laid down by the minister concerned.

8.- (1) The minister lays down general rules governing education, including forms of assessment, examinations and external examination (see sections 4 and 5); titles awarded in connection with degree programmes (see section 6); and on admission to and enrolment into degree programmes. The minister lays down specific rules regarding appeals of decisions connected with tests and examinations, including rules to the effect that reexamination and reassessment may result in a lower grade.

   (2) The minister may decide that Danish tests and examinations may be held abroad, on special terms if necessary. The minister may lay down rules in this regard and may in this connection determine that the costs of the examination are to be born in full or in part by the Danish university or the student.

8 a.- (1) For degree programmes offered by the universities under this Act, the minister may lay down rules requiring that communication between the university and enrolled students, including
PhD students, as well as applicants to the university’s degree programmes must take place digitally, in full or in part.

(2) For degree programmes offered by the universities pursuant to section 7, the minister may lay down rules requiring that communication between the university and enrolled students as well as applicants to the relevant degree programmes must take place digitally, in full or in part.

(3) With regard to the communication treated in subsections (1) and (2), the minister may also lay down rules prescribing obligatory use of a specific digital system and secure identification.

(4) The minister may lay down rules requiring that students’ evaluations of the instruction they receive must be published on the university’s website.

9.- (1) The university must offer students guidance on the degree programme in which they are enrolled and on post-graduation job opportunities.

(2) The university is obligated to give students who have been delayed, compared with the prescribed duration of a study programme, special guidance to assist them in continuing their education.

(3) The minister may lay down rules on guidance under subsection (1). In addition, the minister is responsible for laying down rules specifying when the university must offer guidance under subsection (2) and the extent thereof.

Part 3

Governance regulations

Board

10.- (1) The board is the highest authority of the university. The board safeguards the university’s interests as an institution of education and research and determines guidelines for its organisation, long-term activities and development.

(2) The board’s work must be performed with the greatest possible degree of openness and transparency.

(3) The board must administer the university’s funds in a manner which ensures that they serve the university’s proper ends and goals to the greatest extent possible.

(4) The chairman of the board administers real property together with a member of the board.
(5) The board approves the university’s budget in accordance with the rector's recommendation, including the distribution of total resources and the principles governing the use of these resources. The board also approves the accounts.

(6) The board ensures staff and student co-determination and involvement in important decisions.

(7) The board employs and dismisses the rector and employs and dismisses the university’s senior management team on the recommendation of the rector.

(8) The board enters into a development contract with the minister, who may set goals for the university in this connection. The development contract may cover all aspects of the university's activities and functions and must include goals for the activities and initiatives which are accorded particularly high priority.

(9) The board enters into agreements with the appropriate minister regarding the performance of tasks under section 2(4) and new agreements regarding the performance of tasks under section 7.

(10) The board has no authority over individual cases regarding other employees at the university (see subsection (7)) or students.

11.-(1) The board is answerable to the minister regarding the activities of the university, including the administration of the university's total resources.

(2) If the board disregards orders from the minister concerning the rectification of unlawful conditions, the minister may order the board to resign so that a new board can be appointed.

(3) If the board’s actions jeopardise the university’s continued existence, the minister may order the board to resign immediately, and in this connection install an interim governing board until such time as a new board is appointed.

(4) The board or the minister may decide to bring an action against members of the board, the rector, any university accountants or other parties in the event of losses suffered by the university.

(5) The board is authorised to take out a standard director’s liability insurance policy.

12.- (1) The board is to be composed of external members and members representing the academic staff of the university, including salaried PhD students, the technical and administrative staff and the students. The majority of board members must be external members. The board elects a chairman from among its external members.

(2) The composition of the board must reflect the totality of the university's activities. Together, the members of the board must apply their experience and knowledge concerning education, research and the dissemination and exchange of knowledge and the university’s activities and functions to contribute to the promotion of the university’s strategic work under section 2(4).
(3) The external members are selected on the basis of their personal qualifications. An external member may sit on the board for a maximum of eight years over at least two terms. The external members must have experience with management, organisation and finance, including the evaluation of budgets and accounts.

(4) The university establishes a body to nominate the external board members (the nomination body). The university establishes a different body to select the external board members (the selection body). The nomination body and the selection body may not be identical. The nomination body and the selection body must ensure that the external board members fulfil the conditions in subsections (2) and (3). The board lays down the procedures for establishing the nomination body and the selection body.

(5) The other members must be elected by and from the academic staff of the university, including salaried PhD students, the technical and administrative staff and the students. The students must be represented by a minimum of two members. Representatives of the university’s academic staff, including salaried PhD students, and of the technical and administrative staff are protected against dismissal and other impairment of conditions in the same way as union representatives for the same or a similar area.

By-laws

13.- (1) The board draws up the university’s by-laws and any amendments to the by-laws. The university's by-laws are subject to the minister’s approval.

(2) The by-laws must lay down detailed rules and regulations regarding:

i) The openness of the board's activities under section 10(2), including openness with regard to procedures for the nomination and selection of external board members.

ii) The establishment of the nomination body and the selection body for the board’s external members under section 12.

iii) Provisions defining the term of service for external board members (see section 12(3)).

iv) The internal organisation of the university (see section 14(7)).

v) Staff and student co-determination and involvement in decision-making (see section 10(6)).

vi) Employment and dismissal procedures under section 10(7) and section 14(4).

vii) The establishment, composition and responsibilities of academic councils, employer panels, PhD committees, boards of studies and committees of representatives (where relevant) as well as the nomination of directors of study by the boards of studies.
viii) Any special conditions related to the administration of part-time Master's degree programmes (*Masteruddannelser*).

**Employer panels**

13 a.- (1) The university establishes one or more employer panels composed of external members. Together, the members must have experience with and insight into the degree programmes and the labour market for which they prepare graduates.

(2) The university ensures dialogue between the employer panels and the university about the quality of the degree programmes and their relevance to society, and must involve employer panels in the development of new and existing programmes and the development of new methods of teaching and evaluation.

(3) In addition to the responsibilities prescribed by the by-laws, the employer panels may issue statements and make recommendations to the university about all matters relating to the area of education. The employer panel must issue statements regarding all questions submitted to it by the university.

(4) The university may establish user panels under subsection (1) in collaboration with other universities.

**Rector**

14.-(1) The rector is responsible for the day-to-day management of the university within the framework laid down by the board. The other members of the university’s management undertake their duties under the authorisation of the rector.

(2) The rector must be a recognised researcher within one of the university’s fields of research and must have insight into the educational sector. The rector must be an experienced manager and organiser of research environments and must understand the nature of the university’s activities and its relationship with the society of which it is a part.

(3) The rector must make recommendations to the board regarding the employment and dismissal of the other members of the university’s senior management team (see section 10(7)).

(4) The rector employs and dismiss the heads of academic units. The head of an academic unit must be a recognised researcher and must have experience with the educational sector to the relevant extent.

(5) One or more graduate schools which are responsible for offering PhD degree programmes are established by the rector, who also appoints the heads of graduate schools. The head of a graduate
school must be a recognised researcher and must have experience with the educational sector to the relevant extent.

(6) The rector may direct staff members to perform specific tasks or functions. Academic staff enjoy freedom of research and, within the bounds of the university's research strategy, are free to perform independent research when not performing work assigned by management. The framework of the university's research strategy applies to the entirety of the university. Academic staff may not be directed to perform specific tasks which require the entirety of their working hours over long periods of time, which would in essence deprive them of their freedom of research.

(7) The rector determines the university's internal structure within the framework established by the board.

(8) The rector submits the budget to the board for approval and signs the annual accounts.

(9) The rector determines the rules for disciplinary actions to be imposed on students.

(10) The rector's signature binds the university except in connection with transactions involving real property (see section 10(4)), and the rector decides all cases (see, however, section 10(1) and (5)-(9), section 15(2)(iv), section 16 b(2)(iii) and (vi) and section 18(4)(iii) and (iv)).

(11) The rector must approve all forms of external collaboration which place the university under an obligation.

(12) Under special circumstances, the rector may dissolve academic councils (see section 15(1)), PhD committees (see section 16 b(1)) and boards of study (see section 18(1)). Under special circumstances, the rector may take over the responsibilities and duties of the academic councils (see section 15(2)), the PhD committees (see section 16 b(2)) and the boards of study (see section 18(4)).

**Academic council**

15.- (1) The rector establishes one or more academic councils in order to ensure co-determination and involvement in questions regarding academic matters. A number of academic councils may be established at both the same and different organisational levels.

(2) An academic council has the following responsibilities and duties:

i) To make statements to the rector on the internal distribution of funds.

ii) To make statements to the rector on key strategic research questions and educational issues and plans for knowledge exchange.

iii) To make recommendations to the rector on the composition of academic committees to assess applicants for academic positions.

iv) To award PhD and higher doctoral degrees.
v) Other responsibilities and duties as specified in the university’s by-laws.

(3) Academic councils may make statements on all academic issues of substantial relevance to the activities of the university and have a duty to discuss academic matters presented by the rector for their consideration.

(4) An academic council is appointed by the rector or the academic manager at the organisational level at which the academic council is established, and its members represent academic staff, including salaried PhD students, as well as students at the organisational level at which the academic council is established. Representatives of the academic staff, including salaried PhD students, and of the students, are elected by and from the academic staff, including salaried PhD students, and the students.

(5) Each academic council select one of its members as chairman.

16. (Repealed)

16 a. (Repealed)

\textit{PhD committees}

16 b.-\textbf{(1)} The rector establishes one or more PhD committees to ensure student and academic staff influence on doctoral education.

(2) The responsibilities of the PhD committee include:

i) Nominating a chairman from among the PhD committee’s academic staff and a deputy chairman (where applicable) from among the PhD committee’s students to the rector.

ii) Submitting recommendations regarding the composition of the assessment committee to the rector.

iii) Approving PhD courses.

iv) Preparing proposals regarding internal guidelines for the graduate school, including PhD supervision guidelines, for submission to the head of the graduate school.

v) Making statements about the evaluation of the PhD degree programmes and PhD supervision, including international evaluations of the graduate schools, to the head of the graduate school.

vi) Approving applications for credit, including advance credit, as well as for exemptions.

vii) Making statements on all matters of significance for doctoral education and supervision put before it by the rector.

v) Other responsibilities and duties as specified in the university’s by-laws.
(3) A PhD committee consists of representatives of the academic staff and the PhD students elected by and from the academic staff and the PhD students, respectively.

(4) Universities may partner to establish a graduate school which is anchored at one of the participating universities.

17. (Repealed)

Boards of studies and directors of studies

18.-(1) The rector establishes one or more boards of studies, among other things to ensure student and academic staff co-determination and involvement in questions regarding education and teaching.

(2) Each board of studies must include equal numbers of representatives of the academic staff and the students, elected by and from the academic staff and the students, respectively.

(3) The board of studies elects a chairman from among its academic staff members and a deputy chairman from among its student members.

(4) A board of studies is responsible for ensuring the organisation, performance and development of educational and teaching activities, including:

i) Quality assurance and development of degree programmes and teaching activities and follow-up on evaluations of degree programmes and teaching activities.

ii) Preparation of draft academic regulations and amendments thereto.

iii) Approval of the organisation of teaching, tests and other forms of assessment which form part of examinations.

iv) Approval of applications for credit, including advance credit, as well as for exemptions.

v) Issuing statements on all matters of importance to degree programmes and teaching activities within its scope and discussing issues related to degree programmes and teaching activities presented to it by the rector.

(5) In cooperation with the board of studies, the director of studies is responsible for the practical organisation of teaching, tests and other forms of assessment which form part of examinations. The director of studies approves thesis proposals and the dates of submission for Master’s degree theses and accompanying plans for supervision of Master’s thesis students.

Boards of appeals for decisions on credit
18 a.-1) The academic aspects of decisions by the board of studies regarding credit, including advance credit, see section 18(4)(iv), may be brought before a board of appeals by the person the decision concerns.

(2) (2) The rector establishes a board of appeals with a representative of the academic staff at the same or a related degree programme at the university and a representative of the academic staff at the same or a related degree programme at another university.

(3) The Minister for Science, Innovation and Higher Education lays down the rules concerning the establishment of the board of appeals and its activities, including the right of appeal.

Part 4

Financial matters

19.-1) The minister subsidises the university’s educational, research and communication activities and other tasks assigned to the university.

(2) The approved degree programmes offered by the universities in Denmark under section 4(1)(i) and (ii) and section 5 are subsidised according to rates determined by the annual Appropriations Act and the number of full-time student equivalents as well as completed study programmes, if relevant.

(3) Components of approved degree programmes (elective or mandatory) offered by Danish universities abroad, either independently or in cooperation with one or more partner universities under section 3 a(1), are subsidised according to rates determined by the annual Appropriations Act and the number of full-time student equivalents for the portion of the degree programme to be completed in Denmark. In circumstances under which mutual exchange of students is required, subsidies for the portion of the degree programme to be completed in Denmark are awarded for the students enrolled at the foreign partner university, on condition that students from the foreign university are at the same time enrolled at the Danish university under an exchange agreement between the Danish university and the foreign partner university.

(4) Approved degree programmes offered by Danish universities abroad under section 3 a(2) are subsidised according to rates determined by the Annual Appropriations Act and the number of full-time student equivalents for the portion of the degree programme to be completed in Denmark.

(5) The universities are governed by the budgetary guidelines for self-governing institutions.

(6) The annual Appropriations Act specifies the framework governing subsidies for research and communication activities and other activities assigned to the university.
(7) Subject to negotiations with the Minister of Finance, the minister may specify rules governing subsidies to the universities’ activities, under subsections (1) and (2) on payment of subsidies to universities, including payment in advance, and aspects concerning budgets and appropriations related to the universities.

(8) The minister may lay down rules governing which students will produce subsidies under subsection (1), and how to calculate the number of full-time student equivalents.

(9) The minister may obtain information from the university for budgetary and statistical purposes and lay down requirements for the studies administration systems.

(10) The university may award complete or partial free places to certain foreign students. The free places may include a full living allowance, a partial living allowance or no living allowance. The living allowance is intended to cover the costs of living in Denmark while the student completes an entire degree programme or components of a degree programme at the university under section 4(1) or section 7. The framework for free places and living allowances is determined by the annual Appropriations Act. The university may also earmark any surplus accumulated under section 26(2) to additional free places or living allowances according to the regulations in the first and second sentences above.

(11) The minister stipulates more specific rules for the administration of free places and living allowances under subsection (10), including:

i) Which foreign students are eligible for free places and living allowances.
ii) The degree programmes for which free places can be awarded.
iii) Application for and allocation of free places and living allowances.
iv) Payment of living allowances.
v) Termination of free places and living allowances as a result of insufficient study activity or revocation of an award of a free place and living allowance if the award was made on an incorrect basis.

20.-(1) Other ministers may subsidise the university.

(2) The university may accept grants and donations from third parties, in addition to the subsidies provided by the government through the Appropriations Act.

(3) The university may engage in commercial activities and subsidy-financed activities. The university may offer complete degree programmes under section 3 a(1) under the rules on commercial services rendered by public institutions.
21.- (1) Within the scope of its activities and responsibilities, the university has all subsidies, revenues and capital as a whole at its disposal. It is a condition that the university complies with the conditions for the subsidies and the rules of disposal and that it performs the activities and responsibilities for which subsidies have been granted under sections 19 and 20.

(2) The university may accumulate subsidies to be spent in accordance with the university’s proper purpose in the following financial year.

(3) The university must deposit its liquid funds in compliance with the Ministerial Order on the Placement and the Administration of the Funds of Foundations.

(4) In connection with offering degree programmes abroad in collaboration with a foreign partner university under section 3 a(1), or in connection with research collaborations, the university may provide funding to one or more foreign universities. The framework for such funding is determined by the annual Appropriation Act.

22.- (1) To a reasonable extent, the university finances and make facilities available for activities related to student union activities.

(2) To a limited extent, the university may finance and make facilities available for other student activities.

(3) The university may finance accident insurance for students enrolled at the university.

23. The minister reimburses, on a quarterly basis and against due documentation, the university’s expenses for payment of duties under the Value Added Tax Act which, under the Value Added Tax Act, are not deductible from the statement of tax liabilities (non-deductible input VAT) of an enterprise and which the university incurs when procuring goods and services subsidised under sections 19 and 20.

24.- (1) The minister may withhold subsidies, cancel subsidies fully or in part or request full or partial repayment if the university does not comply with the conditions for the subsidies and the rules of disposal.

(2) The minister may withhold subsidies, cancel subsidies fully or in part or request full or partial repayment if a petition in bankruptcy is filed against the university, if the university suspends its payments or if there is a risk that the university may stop its activities due to other factors.

(3) The minister may demand repayment of subsidies if the calculation of the subsidies rests on an incorrect basis or if the calculation of the subsidies as such was incorrect.

(4) The minister has the same powers on behalf of other ministers, as are described in subsections (1)-(3).
(5) Demands for repayment under subsections (1)-(4) and outlays for the university under section 31(2) and section 42(1) may be set off against future subsidies.

25. The minister may grant loans for various institutional purposes, including the purchase of equipment. The minister may specify the terms and conditions of such loans.

Student fees

26.- (1) The university collects part payment for participation in educational activities, tests and other assessments that form part of the examinations for part-time programmes partially subsidised under section 19(1) and section 20(1).

(2) The university must collect full payment for participation in educational activities, tests and other forms of assessment forming part of examinations for full-time and part-time programmes to the extent that these are not subsidised or for which no free place has been awarded under section 19(1), (8) and (10) and section 20(1).

(3) The university collects full payment from independent students for their participation in tests and other forms of assessment which form part of examinations.

(4) The university must prepare a basis for calculating student fees under subsections (1)-(3). Student fees charged under subsections (1) and (3) together with any subsidies received must not exceed costs incurred. Under subsection (2), student fees must at a minimum correspond to the costs incurred. On award of a partial free place under section 19(10), student fees must amount to the difference between the value of the partial free place and the subsidy under section 19(2). The minister may lay down more detailed rules on how to prepare a basis for determining student fees.

(5) The university may charge certain foreign students a deposit for processing their applications for admission to a degree programme if their qualifying examination is not Danish. The deposit is only refunded to applicants who are admitted to the degree programme.

(6) The university may charge certain foreign applicants a fee for offering:

i) A qualification test to document that the applicant complies with the necessary academic requirements for admission to the degree programme.

ii) A special examination in English or another foreign language to document that the applicant has the necessary language skills for enrolment in degree programmes taught in English or another foreign language.
27. The university may demand payment in full from PhD students whose studies are funded by external sources for participation in educational activities, tests and other forms of assessment which form part of examinations.

Accounts and audits

28.- (1) The university is governed by the Act on Government Accounts etc.

(2) The university accounts are audited by the auditor general under the Act on the Audit of Government Accounts etc.

(3) Under section 9 of the Act on the Audit of Government Accounts etc., the auditor general and the minister may arrange for audits under subsection (2) to be undertaken jointly by the auditor general and a university accountant as agreed upon. The university board appoints the university accountant, who must be a state-authorised public accountant. Unless otherwise agreed, the information provided by the university which provides the basis for the calculation of government subsidies will include the university accountant's report or declaration on the financial statements.

(4) The auditor general and the minister must be informed on the appointment and dismissal of university accountants as well as on the reasons for any such change.

(5) The board and the rector must sign the annual report (see section 10(5) and section 14(8)).

(6) The minister may establish rules for the financial reporting in accordance with applicable legislation.

Personnel

29.- (1) The university must comply with the rules on salary and employment conditions, including pensions, which have been laid down by or agreed upon with the Minister of Finance for staff employed by the university. The university must also comply with the rules on special remunerations as laid down by or agreed upon with the Minister of Finance.

(2) The duty to give evidence as laid down in the Civil Servants’ Act applies to members of the board.

(3) The minister may lay down rules on employment of academic staff and teachers.

(4) Powers which the Minister of Finance has delegated to the minister under subsection (1) may be delegated to the universities by the latter.

Buildings and property etc.
30.- (1) Universities which become self-governing under this Act must comply with the programme established for the administration of government buildings.

(2) The minister is authorised to transfer state-owned buildings, furniture and equipment, and other movables to the university upon the university’s request.

(3) The conditions which are specified for transfers under subsection (2) are subject to the approval of the authorities empowered to perform such transfers.

(4) After negotiations with the Minister of Finance and the Minister for Climate, Energy and Building, the minister may lay down rules governing the university’s construction activities and other building matters as regards buildings the university possesses or has taken over.

(5) The university must take out general insurance to cover the buildings the university possesses or has taken over.

Part 5

Changes in the status of the university

31.- (1) The Minister for Science, Innovation and Higher Education may approve exceptions to the provisions of the Act as recommended by the institutions involved. This also applies in connection with the approval of mergers between universities or mergers between universities and research institutions or other institutions of higher education. For institutions which are not under the jurisdiction of the Minister for Science, Innovation and Higher Education, such approval is granted after negotiations with the relevant minister.

(2) In connection with the approval of collaboration activities under subsection (1) as regards collaboration between universities and governmental institutions of education or research, the Minister for Science, Innovation and Higher Education may decide that funds paid by the government to a third party on behalf of the university may be offset under section 24(5) against the university’s subsidies under section 19(1) and section 20(1).

(3) Mergers pursuant to subsection (1) take place without liquidation through the transfer of the rights and duties of the university, the institution of higher education or the research institution to the new or the continuing institution.

(4) The Minister for Science, Innovation and Higher Education may, on the recommendation of the boards of the institutions which wish to demerge, authorise a university to transfer some of its rights and duties to another university, another research institution or another institution of higher education in connection with the demerger. A demerger takes place by means of the transfer of parts of the university’s rights and duties to one or more existing or new institutions. For institutions...
which are not under the jurisdiction of the Minister for Science, Innovation and Higher Education, such approval is granted after negotiations with the relevant minister.

(5) A condition for mergers under subsection (1) and demergers under subsection (4) is that no curtailment of existing rights may take place as a result of the merger.

(6) Mergers under subsection (1) and demergers under subsection (4) may be implemented without the consent of creditors.

(7) The Minister for Science, Innovation and Higher Education may lay down more specific rules in connection with collaboration between universities or between universities and research institutions or other institutions of higher education, as well as on mergers and demergers.

32.- (1) Should the board shut down the university, the net assets of the university will be transferred to the government (see, however, section 8(8)). A decision to shut down a university must be approved by the minister.

(2) Donations granted to the university will be transferred to the government, unless otherwise provided by generally applicable Danish legislation (see, however, section 38(8)).

33.- (1) The minister may lay down special rules governing universities or parts thereof which perform special tasks or where special circumstances speak in favour of doing so.

(2) Subject to negotiations with the relevant minister and discussion with the university, the Minister for Science, Innovation and Higher Education may in exceptional cases assign the university special responsibilities under section 2(4) to be undertaken in exchange for payment if the tasks in question are of considerable importance to society.

33 a.- (1) The official name 'university' or its equivalent in other languages as well as abbreviations thereof may only be used as a business emblem and for equivalent purposes by universities which are governed by this Act and by institutions which have been granted the right to do so by other legislation.

(2) Subsection (1) does not apply to:
   i) Foreign universities which are officially recognised under the legislation governing the specific country or otherwise.
   ii) Foreign universities which are officially recognised by international agreements or which have been granted the right to official names under subsection (1).
   iii) Institutions which are entitled to market themselves in Denmark under EU/EEA legislation under official names under subsection (1).
iv) Institutions in Denmark which have been granted the right to employ official names under subsection (1) by a foreign institution which follows international quality assurance principles or which has degree programmes that have been approved as university degree programmes.

Part 6

Miscellaneous provisions

34.-(1) Legal questions related to the university’s decisions on student matters may be brought before the minister in accordance with the rules laid down by the minister.

(2) The minister may determine that others may submit complaints to the minister on legal questions relating to the university's decisions.

35. Upon the university’s application, the minister may approve that foundations and associations contribute to the university’s research-based degree programmes if the employment procedures of these foundations and associations are not contrary to the employment procedures of the government.

36. In exceptional cases and to a limited extent, the minister may approve deviations from the governance regulations of this Act (see Part 3), as proposed by the university.

36 a.- (1) The minister may authorise a government authority under the ministry, or other government authorities following negotiations with the relevant minister, to exercise the powers attributed to the minister in this Act.

(2) The minister may lay down regulations regarding access to appeal against decisions made in compliance with authorisation under subsection (1), including the right to deny the possibility of appeal against such decisions.

(3) The minister may lay down regulations regarding the exercise of the powers granted to another government authority following negotiations with the relevant minister under subsection (1).

Part 7

Interim provisions and entry into force
37.-{1} The Act enters into force on 1 July 2003.
(2)-(9) (Omitted)

38.-{1} (Omitted)
(2)-(5) (Omitted)

6) Existing governmental loans granted to the business schools to erect, reconstruct or procure buildings and subsidies to furnish rented premises are to be continued on the same terms.

7) (7) Only the Copenhagen Business School – Handelshøjskolen and Aarhus University may use the Danish term for ‘business school’ (in Danish: handelshøjskole):

8) If the Copenhagen Business School is shut down, and if the remaining assets are sufficient, the net assets of the business school as computed as at 31 December 1990 and any donations made from 1 January 1991 to 30 June 2003 in the form of movables, real estate and grants for the construction of real estate must be used for the purposes specified in the charter applicable at all times. If there are any additional remaining assets, the net assets of the business school as calculated as at 30 June 2003 must be used for teaching and education aims as specified by the minister. The charter may lay down rules for the calculation of the net assets.

39.-{1} After consultation with the boards of the Danish University of Education and the Technical University of Denmark, the minister establishes the procedure to follow for each university’s transition to this Act.

2) After consultation with the board of the Danish University of Education, the minister may, either fully or in part, repeal Act No. 483 of 31 May 2000 on the Danish University of Education, and after consultation with the board of the Technical University of Denmark, the minister may, either fully or in part, repeal Act No. 1265 of 20 December 2000 on the transition to a self-governing institution by the Technical University of Denmark (DTU).

3) The Danish University of Education must comply with the provisions set out in the Act on the Danish University of Education until these provisions are repealed and replaced by the provisions of this Act. The Technical University of Denmark must abide by the provisions set out in the Act on the Technical University of Denmark (DTU) on the transition to a self-governing institution until these provisions are repealed and replaced by the provisions of this Act.

40. (Omitted)
40 a.- (1) The Minister for Science, Innovation and Higher Education may, after negotiation with the Minister for Children and Education and the Minister of Finance, approve the merger of the Engineering College of Aarhus and Aarhus University.

(2) The merger under subsection (1) dissolves the Engineering College of Aarhus without liquidation by transferring the institution’s assets and liabilities to Aarhus University as the surviving institution.

(3) A condition for approval under subsection (1) is that no curtailment of existing rights may take place as a result of the merger.

(4) The merger may take place without the consent of creditors.

41. (Omitted)

42. (Omitted)

43. (Omitted)

44. (Omitted)

45.- (1) Civil servants employed at universities which become self-governing institutions under this Act may choose to uphold their employment status as government civil servants for work performed at the university. Civil servants are not entitled to receive compensation during temporary unemployment, redundancy pay or pension as a result of the university’s transition to a self-governing institution and are under an obligation to submit to any changes in the extent and form of their services resulting from this transition.

(2) The university pays the salary and pension contributions to the Treasury for such civil servants, including any expenses for compensation during temporary unemployment, redundancy pay and money payable after death. Current pension payments are to be paid by the government. If the university is abolished, any expenses for compensation during temporary unemployment or redundancy pay and money payable after the death of a civil servant of the self-governing university are also to be paid by the Treasury if the abolished university does not have sufficient funds to cover these expenses.

(3) The rector makes all decisions regarding suspensions, initiation of an official examination of the work of a civil servant, appointment of a head of exams, imposition of disciplinary punishment and bringing of actions for slander pursuant to the rules laid down in the Civil Servants’ Act.

(4) (Omitted)
45 a.- (1) Government civil servants who are transferred to another employing authority in connection with mergers or demergers of universities or other institutions of education or research under the Ministry of Science, Innovation and Higher Education pursuant to Section 31 may elect to retain their position as government civil servants while performing their job functions at the institution to which they have been transferred in connection with the merger or demerger.

(2) Other civil servants who are transferred to another employing authority in connection with mergers or demergers of universities or other institutions of education or research under the Ministry of Science, Innovation and Higher Education pursuant to Section 31 are transferred to employment under the new employing authority on terms which are equivalent to those governing their previous employment.

(3) The institution to which the civil servant is transferred must pay the salary and pension contributions to the Treasury for civil servants whose employment conditions are governed by subsections (1) and (2), including any expenses for compensation during temporary unemployment, redundancy pay or money payable after death. Current pension payments are to be paid by the government (see, however, subsection (6)). If the institution is abolished, any expenses for compensation during temporary unemployment or redundancy pay and money payable after the death of a civil servant of the self-governing institution are to be paid by the Treasury if the abolished institution does not have sufficient funds to cover these expenses.

(4) The head of the senior management team at the institution makes all decisions regarding suspensions, initiation of an official examination of the work of a civil servant, imposition of disciplinary punishment and bringing of actions for slander pursuant to the rules laid down in the Civil Servants’ Act.

(5) Decisions pursuant to subsection (4) which affect the rector and the remaining members of the institution’s senior management team are the responsibility of the board.

(6) The provisions in section 67(6)-(11)of the Act on University Colleges for Advanced Degree Programmes on civil servants who are transferred to a university college pursuant to the legislation pertinent to the municipal reform apply to the institutions which take on such civil servants after a demerger from or a merger with a university college.

46.-(1) The minister may, on consultation with the board of the Hørsholm Research Centre, abolish the self-governing institution Hørsholm Research Centre and repeal the Act on the Hørsholm Research Centre, see Consolidation Act No. 736 of 7 August 2001.

(2) On the abolition of the Hørsholm Research Centre, the current government loan of DKK 52.5 million ceases.
(3) The minister is authorised to allow the assets and liabilities of the research centre to be included as an in-kind contribution in a public corporation established for this purpose under the name SCION*DTU A/S, with the government as sole shareholder.

(4) The minister is authorised to transfer shares in SCION*DTU A/S to the Technical University of Denmark.

47. (Omitted)

48.- (1) The following acts and provisions are hereby repealed:
  i) The Act on Universities (the University Act), see Consolidation Act No. 1177 of 22 December 1999.

(2) Rules and regulations which have been established on the authority of acts named in subsection (1) and in section 39(2) remain in force until repealed or replaced by rules and regulations established on the authority of the present Act.

Act No. 1156 of 19 December 2003 to Amend Various Provisions on Employee-Elected Board Members (protection from dismissal) contains the following provision regarding entry into force:

9.

The Act enters into force on the day following its publication in Lovtidende (the Danish Official Gazette) and applies to dismissals where the decision regarding dismissal is made after the entry into force of the Act and in connection with other changes in conditions taking place after the entry into force of the Act.

Act No. 337 of 19 May 2005 to Amend the Act on Universities (the University Act) (completion of degree programme components abroad, conducting of tests and examinations abroad, free place and living allowance scheme and fees for certain foreign students) contains the following provision regarding entry into force:

2.
(1) The Act enters into force on 1 June 2005.\(^4\)

(2)-(5) (Omitted)

Act No. 544 of 8 June 2006 to Amend the University Act and the Act on the Danish National Advanced Technology Foundation (possible refusal of right of appeal) contains the following provisions regarding entry into force:\(^5\)

3.

The Act enters into force the day after its publication in Lovtidende (the Danish Official Gazette).\(^6\)

Act No. 295 of 27 March 2007 to Amend the University Act and the Act on Research Consulting etc. (amendments required due to the establishment of the Accreditation Agency) contains the following provision regarding entry into force:

3.

The Act enters into force on 1 April 2007.\(^7\)

Act No. 567 of 6 June 2007 to Amend the University Act (performance of tasks for a minister, boards of appeals for decisions on credit, graduate schools etc.) contains the following provision regarding entry into force:

2.

(1) The Act enters into force on 1 July 2007.\(^8\)

(2) The university must establish one or more employer panels for its degree programmes by 1 January 2008 at the latest; see section 13 a(1) of the University Act as drawn up in section 1(vii) of this Act.
(3) The Minister for Research, Innovation and Higher Education may, on recommendation by the university, permit PhD degree programmes to take place elsewhere than at a graduate school until 1 July 2010; see section 16 b(1) of the University Act as drawn up in section 1(xxi) of this Act.

Act No. 570 of 6 June 2007 to Amend the University Act (supervision of students and deadline for submission of thesis) contains the following provision regarding entry into force:

2.

(1) Section 1(i) comes into force on 1 February 2008.9
(2) Section 1(ii) comes into force on 1 September 2007.10

Act No. 538 of 12 June 2009 to Amend the University Act (conferral of Danish certificate for certain degree programmes outside of Denmark, flexible free places and living allowances etc.) contains the following provision regarding entry into force:

2.

(1) The Act comes into force on 1 July 2009;11 see, however, subsection (2).
(2) The Minister for Research, Innovation and Higher Education determines the time at which section 34 of the University Act as amended by section 1(xi)-(xiii) of this Act comes into force.12

Act No. 728 of 25 June 2010 to Amend the University Act (new framework for universities’ international collaborations etc.) contains the following provision regarding entry into force:13

2.

(1) The Act enters into force on 1 July 2010.14
(2) Section 3(7) of the University Act as drawn up by section 1(i) of this Act also applies to degree programmes for which an application for approval has been submitted to the European Commission by 1 July 2010 and which are approved or continue to be offered as a component in Erasmus Mundus EU study programmes.
(3) Institutions, businesses and suchlike organisations which employ a designation contrary to section 33 a of the University Act as drawn up in section 1(v) of this Act must cease using the designation within five years of the Act entering into force.

Act No. 634 of 14 June 2011 to Amend the University Act, the Act on Technology Transfer etc. at Public Research Institutions and the Consolidation Act on Social Housing, etc. (follow-up on assessment of the University Act, international educational collaboration and company formation in connection with degree programmes being offered abroad etc.) contains the following provision regarding entry into force:

4.

(1) The Act enters into force on 1 July 2011 (see, however, subsections (2) and (3)).

(2) Section 1(2), section 19(5) and section 28 of the University Act as drawn up in section 1(i), (xxxix) and (xlvi) of this Act enter into force on 1 January 2012.

(3) The Minister for Science, Innovation and Higher Education determines when the following provisions of this Act enter into force: section 3(1), first and third sentences, section 3 a, section 19(2)-(4) and (11), section 20(3), second sentence, section 21(4), first sentence, and section 26(2) and (4), third sentence, as drawn up in or amended by section 1(iii)-(vi), (xxxviii), (xxxix) and (xli-xlv) of this Act.

(4) The universities must submit their amended by-laws for approval by the minister by 1 March 2012.

Act No. 1372 of 28 December 2011 to Amend the Act on Academy Profession and Professional Bachelor Programmes, the Act on Basic and Higher Vocational Education and Training (the Upper Secondary Education System) for Adults and the University Act (statutory basis for offering engineering degree programmes at Aarhus University and the merger of Aarhus University with the Engineering College of Aarhus) contains the following provision regarding entry into force:

4.

(1) The Act enters into force on 1 January 2012.
(2) After the merger with the Engineering College of Aarhus, Aarhus University may offer professional Bachelor programmes in engineering and diploma degree programmes in engineering on the terms defined by the conditions for approval communicated to the Engineering College of Aarhus pursuant to the Act on Academy Profession and Professional Bachelor Programmes and the Act on Basic and Higher Vocational Education and Training (the Upper Secondary Education System) for Adults.

Act No. 1236 of 18 December 2012 to amend various provisions on mergers and demergers of educational institutions etc. and to repeal the Act on the Royal School of Library and Information Science (the possibilities for mergers and demergers of universities, institutions of research and education etc.) contains the following provision regarding entry into force:

8.

(1) The Act enters into force on 1 July 2013 (see, however, subsections (2) and (3)).

(2) Sections 1 and 2 enter into force the day after the publication in Lovtidende (the Danish Official Gazette).

(3) The Minister for Science, Innovation and Higher Education determines the time at which section 7 enters into force.

(4) Rules laid down pursuant to the Act on the Royal School of Library and Information Science remain in force until repealed or amended.

(5) Civil servants employed at the Royal School of Library and Information Science may, in connection with the merger of the Royal School of Library and Information Science with a government-subsidised self-governing institution, elect to retain their employment status as government civil servants when performing their duties as employees of the government-subsidised self-governing institution. These civil servants are not entitled to receive compensation during temporary unemployment, redundancy pay or pension as a result of the transition and are under an obligation to submit to any changes in the extent and form of their services resulting from this transition.
Ministry of Science, Innovation and Higher Education, 25 March 2013

Morten Østergaard

/ Elizabeth Lüchau

Official notes

1) The Act on the Hørsholm Research Centre has been repealed, Ministerial Order No. 1021 of 10 December 2003 on the repeal of the Act on the Hørsholm Research Centre.

2) The amendment pertains to section 12(4), third sentence.

3) Publication in Lovtidende (the Danish Official Gazette) took place on 22 December 2003.

4) The amendment pertains to section 3(4)-(9), section 8(2), section 19(6) and (7) and section 26(2) and (4).

5) The amendment pertains to section 34.

6) Publication in Lovtidende (the Danish Official Gazette) took place on 9 June 2006.

7) The amendment pertains to section 3(1), second sentence, section 3(2)-(4), (6) and (9) and section 8(1).

8) The amendment pertains to section 2(4), section 8 a, section 10(8) and (9), section 12(2) and (3), section 13 a, section 14(1), second sentence, section 14(5) and (11), section 15(4)-(6), section 16(1), (3)-(7), (9) and (11), sections 16 a and 16 b, section 18(1) and (4), section 18(6)(iv), section 18 a, section 19(1)-(3), section 26(2), (5) and (6), section 28(3), section 33(2) and section 38(7).

9) The amendment pertains to section9(2) and (3).

10) The amendment pertains to section 18(5), second sentence.

11) The amendment pertains to section 3(4)-(9), section 14(8), section 15(7), section 19(7), section 19(8)(ii) and (iii), section 21(4), section 26(2), section 26(4), third sentence, and section 36 a.

12) The amendment entered into force on 15 December 2010, see Ministerial Order No. 1296 of 18 November 2010.

13) A draft of this Act has been notified as prescribed in Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services as amended by Directive 98/48/EC.

14) The amendment pertains to section 3, section 4(4) and (5), section 8(1), section 21(4), first sentence, and section 33 a.
The amendment pertains to section 1(2), section 2(2), section 3(1), first and third sentence, section 3(3)-(12), section 3 a, section 8 a(1) and (2), section 10(6), (8) and (11), section 11(4), section 12(3)-(5), section 13, section 13 a(3), first sentence, section 14(1), second sentence, section 14(4)-(12), section 15(1) and (2)(v), section 15(4)-(7), sections 16 and 16 a, section 16 b(1)-(7) and (9), section 17, section 18(1), (4) and (6)-(9), section 18 a(1), section 19(2)-(5), (10) and (11), section 20(3), second sentence, section 21(4), first sentence, section 26(2) and (4), third sentence, section 28(2)-(6), section 38(8) and section 40 a.

The current wording of section 3(1), first and second sentences, section 3 a, section 19(2)-(4) and (11), section 20(3), second sentence, section 21(4), first sentence, and section 26(2) and (4), third sentence, entered into force on 1 January 2012, see Ministerial Order No. 1206 of 15 December 2011.

The amendment pertains to section 40 a.

The amendment pertains to section 7, section 8 a(2)-(4), section 21(3), section 31, section 38(7) and (8) and section 45 a.

Publication in Lovtidende (the Danish Official Gazette) took place on 19 December 2012.