

TUNISIAN PRIVATE HIGHER EDUCATION LAW

(Summary and Translation by Marek Kwiek, PROPHE Collaborating Scholar)

Preface

A new law on private higher education together with accompanying decrees and regulations was passed in Tunisia in 2000. The law is “No. 2000-73, of 25 July 2000, on private higher education”. The law, decrees, and regulations are available in French from the Ministry of Higher Education website at www.mes.tn/francais/divers/texte_juridique.htm. Here PROPHE offers a summary in English, so that viewers can see the legal provisions for of private higher education in this North African country. As elsewhere in the region, the government has been promoting private higher education growth.

Legal Provisions Regarding Private Higher Education in Tunisia

Private higher education in Tunisia is governed by the Law on private higher education and a number of ministerial decrees and regulations (all from 2000). These are the following:

A. “The law on private higher education” (No. 2000-73, July 25, 2000)

B. The accompanying decrees and regulations

(1) Decree No. 2000-2124, of September 25, 2000, “The criteria and procedures of the recognition of diplomas delivered by private higher education institutions”

(2) Decree No. 2000-2125, of September 25, 2000, “The conditions and regulations of authorizing the opening of private higher education institutions”

(3) Decree No. 2000-2126, of September 25, 2000, “The composition of the consultative commission for authorizing the opening of private higher education institutions or their closure and their functioning”

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(4) Regulation of the Minister of Higher Education of September 28, 2000, "The criteria of determination of presenting the banking cheque required for the private higher education institutions"

(5) Regulation of the Minister of Higher Education of September 28, 2000, "Obligations ruling the organization and functioning of private higher education institutions"

(6) Regulation of the Minister of Higher Education of September 28, 2000, "The minimum proportion of permanent staff and their minimum scientific requirements in private higher education institutions"

A short summary of the law (A) and the decrees and regulations (B) is provided below.

A. "The law on private higher education" (No. 2000-73, July 25, 2000)

Private higher education institutions (PHEIs) are created and administered according to the present law and within the framework of the missions of education described in the first paragraph of the law on the educational system of July 29, 1991 (No. 91-65) and in the first paragraph of the law on higher education and research of July 28, 1989 (No. 89-70).

PHEIs are to be open and run as companies and need the authorization of the Ministry of Higher Education (and other ministries, if necessary). The authorization is granted taking into account the objectives of the State, and needs of the country as defined in specific plans for its social and economic development. The level of teaching must be at least equal to the level of teaching in the public sector. Names must be different from those of public institutions and must not be misleading to potential students. The required capital to open a PHEI is 500,000 dinars. A special commission, whose members are selected by the Ministry of Higher Education, decides the opening and closing of the institutions. Fifty one percent of the initial capital to open a PHEI must be Tunisian. The director of a PHEI must be of Tunisian nationality and must possess at least the title required for assistant professors in the public higher education institutions. He/she must possess his/her full civic and political rights.

It is not possible to close a PHEI before an academic year ends. Prior to the beginning of each academic year the Ministry makes public the list of all PHEI available to students. Prior to November 30, lists of all students, classes and specialization must be reported to the Ministry, as well as lists of all permanent faculty.

PHEI cannot be of a religious, ethnic or political nature, and cannot be advertised as being of such a nature. It is forbidden to use without proper authorization such terms, which could lead to belief that a given institution provides higher education. Each PHEI must possess an internal regulation approved by the minister in charge of higher education. The regulation must describe the functioning of a scientific council and a disciplinary council.

Gifts and endowments from abroad are forbidden. Gifts and endowments from Tunisian citizens are subject to the Ministry's authorization.

PHEIs are subject to obligations with respect to hygiene, health, and security. All students must be insured against accidents on the premises of the institution.

Each PHEI each year must communicate to the Ministry (before November 30) the list of permanent and adjunct faculty and the list of students enrolled, divided by years of studies and specializations.

Academic staff: full time academics required as part of the teaching staff. The proportion of students and scientific minimum of the academic staff is established by the Ministry. All academic staff must have full civil and political rights. There may exist partnerships between Tunisian and foreign institutions after Ministry's approval. Foreign teachers require Ministry's approval as well.

B. The Accompanying Decrees and Regulations:

1. Decree No. 2000-2124, of September 25, 2000, "The criteria and procedures of the recognition of diplomas delivered by private higher education institutions"

Students seek recognition of diplomas from PHEIs providing the Ministry with full dossiers; then a special commission examines dossiers and makes final decisions concerning the diplomas. Particular disciplines require specific numbers of years spent in PHEIs, e.g. veterinary studies 5 years, medical doctor 7 years, dentistry 6 years, pharmacist 5 years, etc. Also, PhDs are recognized when they come from PHEIs, on conditions detailed in regulations.

2. Decree No. 2000-2125, of September 25, 2000, "The conditions and regulations of authorizing the opening of private higher education institutions"

The decree requires that PHEI must be a company of limited responsibility, and have specifically defined premises (library, sports activities rooms, laboratories, good lights and ventilation etc). Requirements for pedagogical personnel are set; full data on owners are necessary, as well as a dossier on the director; technical and financial dossier of the institutions; and finally a pedagogical dossier on the academic staff (details of which are provided in the decree).

3. Decree No. 2000-2126, of September 25, 2000, "The composition of the consultative commission for authorizing the opening of private higher education institutions or their closure and their functioning"

The commission deals with the authorization of opening, closing and functioning of PHEIs. It consist of the general director for higher education (as president of the commission), representatives of each university, a representative of the ministry of professional training and employment, and a representative of the professional organization most representative for the sector of private higher education. The decisions are valid if the majority of members are present. The advice of the commission concerning the opening or closure of a PHEI is taken by the majority of votes of its members present; in the case of no majority, the vote of its president is decisive. The commission may have a hearing with the director of a PHEI concerned.

4. Regulation of the Minister of Higher Education of September 28, 2000, "The criteria of determination of presenting the banking cheque required for the private higher education institutions"

Regulation on the required banks: a check of guarantee – a check must be provided to the Ministry prior to each academic year commencement; its amount is determined by the number of students and specializations studied. Its validity must cover the academic year and must be issued by a Tunisian bank. A model check is shown in the regulation.

5. Regulation of the Minister of Higher Education of September 28, 2000, "Obligations ruling the organization and functioning of private higher education institutions"

The regulation on internal regulations determines the number of teaching staff required for particular disciplines (e.g. 1 for 10 students for medicine, one for 15 students for fundamental sciences, one for 20 students for social sciences etc); determines how to keep control of students' attendance; relates types of studies to types of testing knowledge; presents conditions of acceptance of students to the institutions; determines the register of students, students' identification, etc.

6. Regulation of the Minister of Higher Education of September 28, 2000, "The minimal proportion of permanent staff and their minimal scientific requirements in private higher education institutions"

Regulation on full time faculty: in social sciences, human sciences, economics, and law at least 20 percent of faculty must be full time; 25 percent in fundamental sciences and technology; 50 percent in medicine and related subjects of study. Full time faculty must have at least MA degrees and at least 50 percent of them must have the PhD.