

A translated Version of the Law n° 2000-73 of 25 July 2000,
relating to private higher education

laws

Law n° 2000-73 of 25 July 2000, relating to private higher education (1).

In the name of the people,

The Chamber of Deputies having adopted,

The President of the Republic promulgates the following law:

Article 1. - Are considered, within the meaning of the present law, as private institutions of higher education, the institutions or groups of private institutions providing post-secondary education.

The premises and services dependent on the private higher education establishment and assigned, in particular, to catering or accommodation, shall be considered as part of the said establishment and shall, consequently, be subject to the provisions of the present law.

Art. 2 - Private higher education institutions shall be created and administered in accordance with the provisions of the present law and within the framework of the missions assigned to education by the first article of the law n° 91-65 of 29 July 1991, relating to the educational system as well as by the first article of the law n° 89-70 of 28 July 1989 relating to higher education and scientific research.

Art. 3 - Private higher education institutions shall be subject to the provisions of the present law and to the provisions of the regulations issued for its implementation and to the provisions of a schedule of conditions approved by an order of the minister in charge of higher education.

Chapter 1

On the creation, transformation and closure of private higher education institutions

Art.4 - Private higher education institutions shall be created within the framework of joint stock companies. Any creation is subject to an authorisation issued by the minister in charge of higher education or, if necessary, a joint authorisation of the minister in charge of higher education and the minister concerned, according to the conditions and modalities which are defined by decree. For each institution, the authorized specialities are specified. The capital of the institution cannot be inferior to one hundred and fifty thousand dinars.

The said decree specifies the minimum conditions, relating in particular to the premises as well as to the scientific and pedagogical equipment, which must be met by private establishments applying for the authorisation provided for in the present article.

(1) Preparatory work :

Discussion and adoption by the Chamber of Deputies in its session of 4 July 2000.

The authorization is granted, taking into account the objectives of the State in the field of higher education as well as the needs of the country, as defined by the economic and social development plans and after the promoting institution has committed itself, in writing, to respect the provisions of the specifications provided for in article 3 of the present law.

Private higher education institutions must provide education of a standard that cannot be lower than that provided in public higher education institutions.

The decisions of authorisation or withdrawal shall be taken after the opinion of a commission whose composition and functioning shall be fixed by decree, on the proposal of the minister in charge of higher education.

Art. 5 - The holders of shares in the promoting company must be of Tunisian nationality if they are natural persons. However, if there are legal entities among the shareholders, at least 51% of their capital must be held by natural persons of Tunisian nationality.

The director of the educational establishment must be of Tunisian nationality and hold, at least, a diploma equivalent to that required for access to the grade of assistant professor of public higher education and must devote himself to the management of the establishment.

The Director must also enjoy his/her civic and political rights.

Art. 6 - Before any transformation of the institution itself or of one of its fundamental elements provided for in paragraph 2 of article 4 of the present law, an authorisation to this effect shall be requested from the minister in charge of higher education.

Art. 7 - A private higher education institution may not be closed before the end of the academic year. In case of closure, the interest of the registered students to complete their studies shall be taken into account.

In cases of force majeure making it impossible to continue the management of the institution or of deliberate closure during the academic year or of withdrawal of the authorisation, as provided for in paragraph 1 of article 23 of the present law, the minister in charge of higher education may, if the interest of the students so requires, ask the territorially competent judge of referrals to appoint a manager among the corps of teacher-researchers belonging to the universities to run this institution.

During the period of management referred to in the preceding paragraph, property belonging to the school and essential to the operation of the school may not be seized.

Art.8 - Before the beginning of each academic year, the Ministry of Higher Education shall make public the list of the private higher education establishments authorised in accordance with the provisions of the present law and the list of the training courses provided by the said establishments.

Chapter II

Obligations of private higher education institutions

Art. 9 - The name of any private higher education institution must include the word "private" in the same characters as those used for the name itself. All documents issued by the institution must also bear the number and date of the authorisation granted by the Minister in charge of higher education. These establishments may not bear the same names as those given to public higher education establishments. The said name shall not, moreover, contain any religious, ethnic, racial or political qualifiers.

Advertisements for private higher education institutions must not contain information which is likely to mislead students or their parents, in particular as to the nature of the studies, their duration and the possible outcomes.

It is forbidden for any institution that has not obtained the authorisation provided for in Article 4 of the present law to use terms that could lead to the belief that the said institution provides higher education.

Art.10 - Each private higher education institution shall have internal regulations approved by the minister in charge of higher education. The said regulations shall provide for a scientific council and a disciplinary council within the institution.

Art. 11 - The acceptance by private higher education institutions of donations and legacies from foreign natural or legal persons is forbidden.

Donations and legacies from Tunisian individuals or legal entities are subject to prior authorisation by the Minister in charge of higher education.

Art. 12. - Private higher education institutions shall be subject to the obligations in force relating to hygiene, health and safety.

They must insure all their students against possible accidents within these establishments.

Art. 13. - The private institutions of higher education must justify to the Ministry of Higher Education and at the beginning of each academic year, the subscription of a bank guarantee on first demand allowing to face the expenses incurred in the cases provided for in the second paragraph of article 7 of the present law and the amount of which is determined in accordance with the criteria defined by an order of the Minister in charge of higher education.

Each private institution of higher education must communicate to the Ministry of Higher Education, before 30 November of each year, the list of permanent and non-permanent teachers as well as the list of registered students, classified according to the different years of study and the different specialities. Likewise, a list of enrolment fees and tuition fees shall be communicated to the Ministry of Higher Education at least one month before the beginning of enrolment.

Chapter III

Teaching staff of private higher education institutions

Art. 14. - Private higher education institutions shall recruit part of their teaching staff on a full-time basis.

For each major field of study an order of the Minister of Higher Education sets the minimum proportion of permanent teachers required and the minimum scientific level required.

Art. 15. - Only persons enjoying their civic and political rights may work in private higher education establishments.

Art. 16. - Private higher education institutions may be assisted by trainers or teachers working in public education institutions, after authorisation has been granted, on a personal basis, by the minister in charge of higher education or, where appropriate, by the minister in charge of higher education and the minister concerned.

They can also conclude pedagogical and scientific partnership agreements with Tunisian and foreign universities after agreement of the minister in charge of higher education.

The use of teachers of foreign nationality shall be subject, in addition to what is provided for in the legal texts in force, to a prior authorisation of the minister in charge of higher education.

Chapter IV

Students from private higher education institutions

Art. 17 - Holders of the Tunisian baccalaureate diploma or of a diploma accepted in equivalence shall be admitted to enrol in private higher education establishments.

Art. 18. - Students holding a diploma issued by a private institution of higher education may apply for enrolment in a public institution of higher education in order to follow postgraduate studies, in accordance with the conditions set forth in the regulations in force. In this case, it is required to obtain the equivalence of the diploma taken into consideration at the time of registration in accordance with the provisions of article 21 of the present law.

Art. 19. - The students of private higher education institutions may participate in the national entrance examinations to public higher education institutions in accordance with the conditions provided for by the regulations in force.

Art. 20. - Each private higher education institution shall provide students, at the time of their first enrolment, with a table of enrolment fees and tuition fees relating to the different levels of training leading to the diploma being prepared. During the entire period of study of a given student, the private institution may not increase by more than 5% annually the registration fees and the tuition fees to which the said student is subject.

This obligation to limit the increase to the specified rate does not apply to the first enrolment in the private school.

Art. 21. - The recognition of the equivalence of diplomas issued by private higher education institutions shall be subject to criteria and modalities established by decree on the proposal of the Minister of Higher Education.

Chapter V

Administrative control

Art. 22. - Private higher education institutions are subject to the administrative control of the Ministry of Higher Education and the competent ministries.

This control aims, in particular, to ensure compliance with the provisions of the present law, the regulations made for its application and the provisions of the specifications provided for in Article 3 of the present law.

Art. 23. - In case of infringement of any of the provisions of this law or of the regulations issued for its implementation, or of the provisions of the specifications provided for in article 3 of this law, the minister in charge of higher education may decide to withdraw the authorisation provided for in article 4 of this law after hearing the offender.

The Ministry of Higher Education may also, in the cases provided for in paragraph 1 of this article, take the necessary measures, including the use of the bank guarantee provided for by article 13 of this law, in order to ensure the continuation of the training, taking into account the interest of the students and the safeguarding of the scientific level.

Chapter VI

Penalties

Art. 24. - In addition to the order to close the establishment and to compensate for the damage caused to the victims, any person who creates, runs or modifies an establishment without prior authorisation from the Ministry of Higher Education shall be punished by six months' imprisonment and a fine of between one thousand and ten thousand dinars.

Any person who closes an institution before the end of the academic year, except in the case of force majeure provided for in the second paragraph of article 7 of the present law, shall be punished by a fine of one thousand dinars to ten thousand dinars.

In case of recidivism, the fine is from two thousand dinars to twenty thousand dinars.

Any person who violates the provisions of the second paragraph of Article 9 of the present law shall be liable to the penalties provided for in Article 294 of the Criminal Code.

Chapter VII

Transitional provisions

Art. 25. - The private establishments carrying out, on the date of publication of the present law, an activity aimed at providing higher education shall regularise their situation, in accordance with the provisions of the present law, within a period not exceeding 1 July 2001.

In the absence of this regularisation within the time limit mentioned in the previous paragraph, the said establishments may no longer proceed with the enrolment of new students.

Any enrolment of new students shall be considered as the creation of a private institution without authorization. In this case, the offender shall be subject to the sanctions provided for in Chapter 6 of the present law.

Art. 26. - The students who, at the date of publication of the present law, are enrolled in private higher education institutions and do not fulfil the conditions provided for in article 17 of the present law may complete their studies.

Only students who have completed their studies in accordance with the provisions of this law and the regulations issued for its application may claim the recognition of the equivalence of their diplomas provided for in article 21 of this law.

The present law shall be published in the Official Gazette of the Tunisian Republic and executed as a State law.

Tunis, 25 July 2000.

Zine El Abidine Ben Ali

Law n° 2008-59 dated 4 August 2008, amending and completing law n° 2000-73 dated 25 July 2000, relating to the private higher education (1).

In the name of People,

The Chamber of Deputies and the Chamber of Advisors having adopted,

The President of the Republic enacts the following law:

Article one - Paragraph one of article one, articles 2 and 3, paragraphs 2 and 3 of article 4, paragraph one of article 5, paragraph 2 of article 22 and paragraph one of article 23 of law n° 2000-73 dated 25 July 2000, relating to the private higher education shall be repealed and replaced by the following :

Article one (paragraph one new) - shall be considered, within the meaning of the law herein, as private establishments of higher education, the private establishments ensuring post-secondary formation.

Article 2 (new) - The private establishments of higher education shall be established in form of faculties, higher institutes or higher schools. They are managed in accordance with the law herein and in the framework of the missions of higher education fixed by article one of law n° 2008-19 dated 25 February 2008, relating to higher education.

Article 3 (new) - The private establishments of higher education shall be submitted to the obligations provided for by the law herein and the provisions of regulations taken in its application.

Article 4 (second paragraph new) - The establishment capital shall not be less than two million dinars if the shareholders of the promoter company are of Tunisian nationality or when there are among them foreign shareholders. The decree mentioned referred to in paragraph one of this article shall fix all the minimum required conditions and notably the premises and scientific and pedagogical equipments, which shall be provided by the private establishment of higher education for obtaining the authorization.

Article 4 (third paragraph new) - The authorization shall be attributed, taking into account the state objectives in the field of higher education as well as the country needs, as they are defined the plans of social and economic development. The promoter establishment shall declare at the authorization request, to have taken knowledge of the whole regulatory provisions relating to the private higher education and notably the decree mentioned in paragraph one of this article.

Article 5 (paragraph one new) - The shareholders of the promoter company shall be of Tunisian nationality if they are natural persons. However, if they are among the shareholders legal entities, the capital of the said company shall be held to the limit of 65% at least by natural persons or by natural persons and legal entities of Tunisian nationality.

(1) Preparatory works :

Discussion and adoption by the Chamber of Deputies during its session held on 19 July 2008.

Discussion and adoption by the Chamber of Deputies during its session held on 29 July 2008.

Article 22 (second paragraph new) - The control aims, notably, at ensuring the respect of the provisions of the law herein as well as the regulations taken in its application.

Article 23 (paragraph one new) - In case of infringement of one of the provisions of the law herein or the regulations taken in its application, the Minister charged of Higher Education may decide the withdrawal of the authorization provided for by article 4 of the law herein after the audition of the offender.

Art. 2 - A new paragraph shall be added to article 4 of law n° 2000-73 abovementioned as follows:

The promoter company may only have one authorization for the establishment of a higher education private establishment. It may be established subsidiaries for the authorized establishment.

Art. 3 - Notwithstanding the provisions of article 7 of law n° 2000-73 dated 25 July 2000, relating to private higher education, the private establishments of higher education having obtained at the date of the publication of this law, shall regularize their situations, in accordance with the provisions of the law herein within a time-limit not exceeding two years of the date of its publication in the Official Gazette of the Republic of Tunisia.

In default of this regularization within the time-limit mentioned in the precedent sub- paragraph, the said establishments may no longer proceed to the registration of new students.

Any registration of new students will be deemed as an establishment of a private establishment without authorization. The offender exposes himself, in this case, to the sanctions provided for by the chapter VI of law n° 2000-73 dated 25 July 2000.

The law herein shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 4 August 2008.

Zine El Abidine Ben Ali

Law n° 2008-60 dated 4 August 2008, establishing the national agency of the promotion of research and innovation (1).

In the name of People,

The Chamber of Deputies and the Chamber of Advisors having adopted,

The President of the Republic enacts the following law:

Article one - A public establishment of a scientific and technological nature having the legal entity and the financial autonomy called " the national agency for the promotion of research and innovation " shall be established. The aforementioned establishment is governed by the commercial legislation except for the contrary provisions to the law herein.

(1) Preparatory works :

Discussion and adoption by the Chamber of Deputies during its session held on 19 July 2008.

Discussion and adoption by the Chamber of Deputies during its session held on 29 July 2008.

- training, mentoring and research activities
- actions taken and results achieved

The candidate is awarded a mark ranging from zero (0) to twenty (20).

Art. 7 - The list of the candidates admitted to the internal competition on files for the promotion to the grade of chief engineer belonging to the common body of the administration engineers shall be definitively adopted by the Minister of State domains and land affairs.

Art. 8 - The present decree shall be published in the Official Gazette of the Tunisian Republic.

Tunis, 19 September 2000.

*The Minister of State Domains and
Land Affairs*
Ridha Grira

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The Prime Minister
Mohamed Ghannouchi

<p>MINISTRY OF EDUCATION SUPERIOR</p>

Decree n° 2000-2124 of 25 September 2000, fixing the criteria and procedures for the recognition of the equivalence of diplomas awarded by private higher education institutions.

The President of the Republic,

On the proposal of the Minister of Higher Education,

Having regard to law n° 89-70 of 28 July 1989, relating to higher education and scientific research, together with the texts which modified it and in particular law n° 2000-67 of 17 July 2000,

Having regard to law n° 2000-73 of 25 July 2000, relating to private higher education and in particular article 21,

Having regard to Decree No. 96-519 of 25 March 1996, recasting the regulations on the equivalence of diplomas and titles,

Having regard to the order of the Minister of Higher Education of

15 August 1996, laying down the criteria on the basis of which equivalence is granted to diplomas and titles,

Having regard to the opinion of the
Administrative Court, Decree :

Article 1 - The present decree establishes the criteria and procedures for the recognition of the equivalence of diplomas issued by private higher education institutions,

Art. 2 - The students who have followed the totality of their studies in a private institution of higher education may request the equivalence of the diplomas they have obtained.

The equivalence of diplomas issued by authorised private higher education establishments is granted in accordance with the provisions of law n° 2000-73 of 25 July 2000, relating to private higher education.

The equivalence is granted only to students who have followed the totality of their studies in accordance with the provisions of the law n° 2000-73 of 25 July 2000 mentioned above and the regulations taken for its application.

Art. 3 - Any student who requests the equivalence of the diploma obtained from a private institution of higher education must send a request accompanied by a file to the Ministry of Higher Education,

Art. 4 - The sectoral commissions of equivalence of diplomas and titles provided for by article 1 of the aforementioned decree n° 96-519 of 25 March 1996, shall examine the requests for equivalence of diplomas issued by private higher education establishments,

Art. 5 - The equivalence is granted only to the student who has obtained the baccalaureate or an equivalent diploma before his first enrolment in the private higher education institution,

Art. 6 - The equivalence of the first cycle university diploma in the literary and artistic disciplines as well as in the basic, technical, human, social and religious sciences can be granted to the student who has successfully completed at least two years of study in the same discipline in a private higher education institution,

Art. 7 - The equivalence of the diploma of higher technician can be granted to the student who has successfully completed at least five semesters of higher education and training in a private higher education institution,

Art. 8 - The equivalence of the diploma of higher education in technology can be granted to the student who has successfully completed at least five semesters of technological education in a private institution of higher education,

Art. 9 - The equivalence of the master's degree in literary and artistic disciplines as well as in fundamental, technical, human, social and religious sciences can be granted to the student who has successfully completed four years of study in the same discipline in a private higher education institution,

Art. 10 - The equivalence of the national diploma of engineer can be granted to the student who has successfully completed at least five years of studies in the disciplines of engineering sciences in a private institution of higher education,

Art. 11 - The equivalence of the architecture or urban planning diploma can be granted to the student who has obtained an architecture or urban planning diploma sanctioning six years of studies and training in the disciplines of architecture or urban planning in a private higher education institution,

Art. 12. - The equivalence of the State diploma of pharmacy can be granted to the student who has successfully completed at least five years of pharmaceutical studies in a private institution of higher education and has successfully defended a final thesis,

Art. 13. - The equivalence of the degree of doctor of medicine may be granted to the student who has successfully completed seven years of medical education and training in a private institution of higher education and who has successfully defended a doctoral thesis in medicine,

Art. 14. - The equivalence of the degree of doctor of dentistry may be granted to the student who has successfully completed at least six years of education and training in dentistry in a private higher education institution and who has successfully defended a doctoral thesis in dentistry,

Art. 15. - The equivalence of the diploma of veterinary medicine may be granted to the student who has successfully completed at least five years of education and training in veterinary medicine in a private higher education establishment and who has successfully defended a doctoral thesis in veterinary medicine,

Art. 16. - The equivalence of the diploma of specialised higher education is granted to the student who has obtained a university diploma with a minimum duration of four years or a diploma accepted as an equivalence, and who has successfully completed a specialised education and training for a minimum duration of one year in a private higher education institution,

Art. 17. - The equivalence of the advanced studies diploma can be granted to the student who holds a master's degree or an equivalent diploma allowing access to doctoral studies and who has successfully completed a two-year teaching and research training in a private higher education institution with the compulsory presentation of a research thesis,

Art. 18. - The equivalence of the doctoral degree may be granted to the student fulfilling the following conditions:

1 - be the holder of a diploma of advanced studies or an equivalent diploma allowing access to doctoral studies,

2 - have successfully defended a doctoral thesis of at least three years' duration, including a personal and original contribution on a research topic and demonstrating that the candidate has the required general knowledge, mastery of scientific methods and the ability to analyse and summarise.

Art. 19. - Any change in the number of years of study or in the duration of the training period shall be subject to new regulations.

Art. 20. - The sectoral equivalence commissions may require the holders of a diploma presented for equivalence to undergo additional training lasting from one to four semesters,

This additional training must be validated by the dean or director of the institution concerned.

Art. 21. - The sectoral commissions of equivalence of diplomas and titles shall be subject to the modalities of its functioning when examining the files of equivalence of diplomas issued by the private institutions of higher education and shall follow the similar procedures provided for by the aforementioned decree n° 96-519 of 25 March 1996,

Art. 22. - The private higher education institutions may conclude partnership agreements with the public universities which provide for the forms of pedagogical cooperation between the two parties; these agreements may provide for the authorisation of the students of the private higher education institutions to take the examinations organised by the public universities,

Art. 23. - Partnership agreements concluded between public universities and private higher education institutions shall be submitted to the approval of the minister in charge of higher education,

Art. 24. - In the case of a partnership agreement, the equivalence is granted to the student who has followed the entirety of his/her studies at the private institution on the basis of a certificate issued and approved by the president of the public university concerned,

Art. 25. - The Minister of Higher Education shall be responsible for the execution of the present decree which shall be published in the Official Gazette of the Tunisian Republic.

Tunis, 25 September 2000.

Zine El Abidine Ben Ali

Decree n° 2000-2125 of 25 September 2000, defining the conditions and regulations for granting an authorisation for the creation of a private higher education institution.

The President of the Republic,

Having regard to the opinion of the Minister for Higher Education,

Having regard to law n° 89-70 of 28 July 1989, relating to higher education and scientific research, together with the texts which have modified or completed it and in particular law n° 2000-67 of 17 July 2000,

Having regard to Law No. 91-65 of 29 July 1991, relating to the education system,

Having regard to Law 2000-73 of 25 July 2000 on private higher education, and in particular Article 4 thereof

Having regard to the opinion of the Administrative Court, Decree :

Article 1 - The creation of any private institution of higher education requires an authorisation issued by the minister in charge of higher education or by the minister in charge of higher education and the minister concerned, as the case may be, according to the conditions and regulations defined by the present decree,

Art. 2 - The private institution of higher education shall be established as a legally constituted limited company.

Art. 3 - The premises of the private higher education institution must be adapted to its educational and pedagogical missions.

The standards and conditions that these premises must meet are laid down in the specifications provided for in Article 3 of Act No. 2000-73 of 25 July 2000 referred to above.

These premises must contain, in particular

- a sufficient number of teaching rooms to carry out teaching activities under normal conditions. These rooms must meet the accepted standards as regards, in particular, surface area, lighting and ventilation,
- specialised rooms equipped according to pedagogical needs, such as laboratories, computer rooms, etc., and this, in accordance with the accepted norms in the matter,
- administrative offices to meet the needs of the services that ensure the administrative, financial and pedagogical management of the school,
- a room for teachers,
- a library with a sufficient number of books, journals and teaching materials to provide teachers and students with the necessary references,
- a sick bay
- the spaces necessary for cultural and sporting activities. Failing this, it is permitted to carry out these activities in spaces belonging to other establishments, under an agreement concluded for this purpose.

Art. 4 - Any private institution of higher education shall include the equipment required by the nature and content of the education provided and in particular the scientific, pedagogical, technical and computer equipment.

Art. 5 - The private institution of higher education shall inform the Ministry of Higher Education within one month of any change in the permanent pedagogical framework, in the equipment or in the necessary premises on the basis of which the authorisation has been granted.

Art. 6 - If the private higher education institution includes one or more disciplines which require internships for the benefit of the students, it must conclude contracts with the structures and bodies entitled to receive the interns.

These contracts set out the duration of the traineeships, their purpose, the conditions under which they are to be carried out and the number of trainees. The amount of the course fees and the party responsible for payment must be specified.

Art. 7 - The private higher education institution shall have the administrative, technical and working staff necessary for its functioning. The staff shall be recruited on the basis of the qualifications required by the tasks entrusted to them.

All staff working in a private higher education institution shall enjoy full civic and political rights.

Art. 8 - The director of the private higher education institution shall effectively ensure the administrative, financial and pedagogical management of the institution.

He is responsible for the proper running of the school and the maintenance of order within it, and must devote himself exclusively to this function.

He may not manage more than one establishment and may not combine his or her responsibilities with other remunerated functions.

Art. 9 - If the private institution of higher education has premises or services of university works, such as restaurants, hostels or university halls of residence, these must comply with the conditions and standards provided for by the specifications approved by an order of the minister in charge of higher education relating to the renting of movable premises and the renting of buildings intended for students' accommodation.

Art. 10 - The request for authorisation to open a private higher education institution must be addressed to the Ministry of Higher Education six months before the opening of the institution.

However, and exceptionally, applications for authorisation to open private establishments providing higher education at the time of publication of this decree may be accepted until 31 March 2001.

The Ministry of Higher Education shall inform the applicant of the outcome of the application for authorisation within a period not exceeding three months from the date of submission of the application.

Art. 11 - The application for authorization to open a private higher education institution shall include the following files

1. a file relating to the promoter, including
 - the special statutes and other legal documents relating to the sponsoring company of the private higher education institution,
 - the list of participants in the capital and the value and proportion of contribution of each of them to the capital.
2. a file relating to the director, including
 - a curriculum vitae accompanied by a passport photo, the required diplomas and certificates of previous service,
 - a photocopy of the national identity card,
 - Bulletin No. 3, less than one year old,
 - a medical certificate attesting to the applicant's capacity to perform administrative duties,
 - a declaration on honour attesting to the accuracy of the information provided.
3. a technical and financial file relating to the establishment, including :
 - a description of the topographical location of the establishment,
 - a plan of the premises proposed to be operated with an indication of the area,
 - a certificate of ownership, a contract or a promise to lease the said premises,
 - a financial plan for investment and a provisional budget for the operation of the establishment
4. a pedagogical file relating to the planned training and including :
 - the detailed study and examination regime
 - detailed content of the programmes
 - the number of permanent and non-permanent teachers to be recruited, their specialities and grades
 - an inventory of existing or to be acquired equipment, scientific and educational materials, books and publications

- internship contracts duly signed by the parties concerned,

5. a copy of the specifications provided for by article 3 of law n° 2000-73 of 25 July 2000 referred to above, initialled and bearing the commitment of the director of the establishment and of the legal representative of the promoting legal entity, to respect the provisions of the said specifications.

6. a copy of the specifications relating to the renting of movable premises and the renting of buildings intended for student accommodation and catering signed by the director of the establishment and the legal representative of the promoting legal entity in the event that the private higher education establishment has premises or services for university works.

Art. 12. - The Ministry of Higher Education may request additional information or documents necessary for the examination of the file.

It may also appoint a representative or an expert to carry out inspection visits to the premises.

Art. 13. - The Minister of Higher Education shall be responsible for the execution of the present decree which shall be published in the Official Gazette of the Tunisian Republic.

Tunis, 25 September 2000.

Zine El Abidine Ben

Ali

Decree n° 2000-2126 of 25 September 2000, fixing the composition of the consultative commission for the granting of authorisation for the creation of private higher education establishments or its withdrawal and its functioning.

The President of the Republic,

On the proposal of the Minister of Higher Education,

Having regard to law n° 89-70 of 28 July 1989, relating to higher education and scientific research, together with the texts which modified it and in particular law n° 2000-67 of 17 July 2000,

Having regard to law n° 2000-73 of 25 July 2000, relating to private higher education and in particular article 4,

Having regard to decree n° 2000-2125 of 25 September 2000, defining the conditions and regulations for granting an authorisation for the creation of a private higher education establishment,

Having regard to the opinion of the

Administrative Court, Decree :

Article 1 - The commission provided for by article 4 of law n° 2000-73 of 25 July 2000, referred to above, shall give its opinion on the applications for granting authorisation for the creation of private higher education establishments, as well as on its withdrawal,

Art. 2 - The composition of the commission provided for in the above-mentioned Article 1 is fixed as follows:

- The Director General of Higher Education: President
- One representative from each university under the supervision of the Ministry of Higher Education,
- A representative of the Ministry of Vocational Training and Employment,
- A representative of the most representative professional organisation in the private higher education sector.

Art. 3 - When the authorisation concerns one of the sectors subject to the supervision of another ministry, a representative of the supervisory ministry concerned shall be invited to attend the meetings of the commission.

The president of the commission may summon any person whom the commission considers useful to hear. The commission may be assisted by teaching staff, by entrusting one of the research teachers of the public universities with the elaboration of an exhaustive report on the speciality or specialities for which the authorisation is requested.

Art. 4 - The members of the commission shall be appointed by an order of the minister in charge of higher education,

Art. 5 - The Directorate General of Higher Education shall provide the secretariat of the Commission,

Art. 6 - The chairman shall convene the members of the commission at least one week before the commission's meeting,

Art. 7 - The meetings of the commission shall be valid only in the presence of the total majority of its members,

Art. 8 - The commission shall give its opinion on the applications for the granting of authorisation for the establishment of private higher education institutions, as well as on the withdrawal of such authorisation, by a majority of the votes of the members present; in case of a tie, the president shall have the casting vote,

Art. 9 - The committee may, if necessary, hear the promoter or the director of the private higher education establishment concerned,

Art.10 - The secretariat of the committee shall prepare the minutes which shall be sent to the minister in charge of higher education together with the committee's proposal,

Art. 11 - The Minister of Higher Education is responsible for the execution of the present decree which will be published in the Official Journal of the Tunisian Republic.

Tunis, 25 September 2000.

Zine El Abidine Ben Ali

APPOINTMENTS

By decree n° 2000-2109 of 19 September 2000.

Mr. Mohamed Gargouri, analyst, is in charge of the functions of secretary of a higher education and research institution at the Faculty of Economic Sciences and Management of Sfax.

By decree n° 2000-2110 of 19 September 2000.

Mrs. Samia Gadacha épouse Khadhraoui, principal architect, is in charge of the functions of deputy director of the control and the follow-up of the works in the direction of the buildings and the equipment in the general direction of the common services in the ministry of the higher education.

By decree n° 2000-2111 of 19 September 2000.

Mr. Lotfi Massaoudi, senior engineer, is in charge of the functions of head of service of control and follow-up of works in the direction of buildings and equipment in the general direction of common services in the ministry of higher education.

- training, mentoring and research activities
- actions taken and results achieved

The candidate is awarded a mark ranging from zero (0) to twenty (20).

Art. 7 - The list of the candidates admitted to the internal competition on files for the promotion to the grade of chief engineer belonging to the common body of the administration engineers shall be definitively adopted by the Minister of State domains and land affairs.

Art. 8 - The present decree shall be published in the Official Gazette of the Tunisian Republic.

Tunis, 19 September 2000.

*The Minister of State Domains and
Land Affairs*
Ridha Grira

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The Prime Minister
Mohamed Ghannouchi

<p>MINISTRY OF EDUCATION SUPERIOR</p>

Decree n° 2000-2124 of 25 September 2000, fixing the criteria and procedures for the recognition of the equivalence of diplomas awarded by private higher education institutions.

The President of the Republic,

On the proposal of the Minister of Higher Education,

Having regard to law n° 89-70 of 28 July 1989, relating to higher education and scientific research, together with the texts which modified it and in particular law n° 2000-67 of 17 July 2000,

Having regard to law n° 2000-73 of 25 July 2000, relating to private higher education and in particular article 21,

Having regard to Decree No. 96-519 of 25 March 1996, recasting the regulations on the equivalence of diplomas and titles,

Having regard to the order of the Minister of Higher Education of

15 August 1996, laying down the criteria on the basis of which equivalence is granted to diplomas and titles,

Having regard to the opinion of the
Administrative Court, Decree :

Article 1 - The present decree establishes the criteria and procedures for the recognition of the equivalence of diplomas issued by private higher education institutions,

Art. 2 - The students who have followed the totality of their studies in a private institution of higher education may request the equivalence of the diplomas they have obtained.

The equivalence of diplomas issued by authorised private higher education establishments is granted in accordance with the provisions of law n° 2000-73 of 25 July 2000, relating to private higher education.

The equivalence is granted only to students who have followed the totality of their studies in accordance with the provisions of the law n° 2000-73 of 25 July 2000 mentioned above and the regulations taken for its application.

Art. 3 - Any student who requests the equivalence of the diploma obtained from a private institution of higher education must send a request accompanied by a file to the Ministry of Higher Education,

Art. 4 - The sectoral commissions of equivalence of diplomas and titles provided for by article 1 of the aforementioned decree n° 96-519 of 25 March 1996, shall examine the requests for equivalence of diplomas issued by private higher education establishments,

Art. 5 - The equivalence is granted only to the student who has obtained the baccalaureate or an equivalent diploma before his first enrolment in the private higher education institution,

Art. 6 - The equivalence of the first cycle university diploma in the literary and artistic disciplines as well as in the basic, technical, human, social and religious sciences can be granted to the student who has successfully completed at least two years of study in the same discipline in a private higher education institution,

Art. 7 - The equivalence of the diploma of higher technician can be granted to the student who has successfully completed at least five semesters of higher education and training in a private higher education institution,

Art. 8 - The equivalence of the diploma of higher education in technology can be granted to the student who has successfully completed at least five semesters of technological education in a private institution of higher education,

Art. 9 - The equivalence of the master's degree in literary and artistic disciplines as well as in fundamental, technical, human, social and religious sciences can be granted to the student who has successfully completed four years of study in the same discipline in a private higher education institution,

Art. 10 - The equivalence of the national diploma of engineer can be granted to the student who has successfully completed at least five years of studies in the disciplines of engineering sciences in a private institution of higher education,

Art. 11 - The equivalence of the architecture or urban planning diploma can be granted to the student who has obtained an architecture or urban planning diploma sanctioning six years of studies and training in the disciplines of architecture or urban planning in a private higher education institution,

Art. 12. - The equivalence of the State diploma of pharmacy may be granted to the student who has successfully completed at least five years of pharmaceutical studies in a private institution of higher education and has successfully defended a final thesis,

Art. 13. - The equivalence of the degree of doctor of medicine may be granted to the student who has successfully completed seven years of medical education and training in a private institution of higher education and who has successfully defended a doctoral thesis in medicine,

Art. 14. - The equivalence of the degree of doctor of dentistry may be granted to the student who has successfully completed at least six years of education and training in dentistry in a private higher education institution and who has successfully defended a doctoral thesis in dentistry,

Art. 15. - The equivalence of the diploma of veterinary medicine may be granted to the student who has successfully completed at least five years of education and training in veterinary medicine in a private higher education establishment and who has successfully defended a doctoral thesis in veterinary medicine,

Art. 16. - The equivalence of the diploma of specialised higher education is granted to the student who has obtained a university diploma with a minimum duration of four years or a diploma admitted as an equivalence, and who has successfully completed a specialised education and training for a minimum duration of one year in a private higher education institution,

Art. 17. - The equivalence of the advanced studies diploma can be granted to the student who holds a master's degree or an equivalent diploma allowing access to doctoral studies and who has successfully completed a two-year teaching and research training in a private higher education institution with the compulsory presentation of a research thesis,

Art. 18. - The equivalence of the doctoral degree may be granted to the student fulfilling the following conditions:

1 - be the holder of a diploma of advanced studies or an equivalent diploma allowing access to doctoral studies,

2 - have successfully defended a doctoral thesis of at least three years' duration, including a personal and original contribution on a research topic and demonstrating that the candidate has the required general knowledge, mastery of scientific methods and the ability to analyse and summarise.

Art. 19. - Any change in the number of years of study or in the duration of the training period shall be subject to new regulations.

Art. 20. - The sectoral equivalence commissions may require the holders of a diploma presented for equivalence to undergo additional training lasting from one to four semesters,

This additional training must be validated by the dean or director of the institution concerned.

Art. 21. - The sectoral commissions of equivalence of diplomas and titles shall be subject to the modalities of its functioning when examining the files of equivalence of diplomas issued by the private institutions of higher education and shall follow the similar procedures provided for by the aforementioned decree n° 96-519 of 25 March 1996,

Art. 22. - The private higher education institutions may conclude partnership agreements with the public universities which provide for the forms of pedagogical cooperation between the two parties; these agreements may provide for the authorisation of the students of the private higher education institutions to take the examinations organised by the public universities,

Art. 23. - Partnership agreements concluded between public universities and private higher education institutions shall be submitted to the approval of the minister in charge of higher education,

Art. 24. - In the case of a partnership agreement, the equivalence is granted to the student who has followed the entirety of his/her studies at the private institution on the basis of a certificate issued and approved by the president of the public university concerned,

Art. 25. - The Minister of Higher Education shall be responsible for the execution of the present decree which shall be published in the Official Gazette of the Tunisian Republic.

Tunis, 25 September 2000.

Zine El Abidine Ben Ali

Decree n° 2000-2125 of 25 September 2000, defining the conditions and regulations for granting an authorisation for the creation of a private higher education institution.

The President of the Republic,

Having regard to the opinion of the Minister for Higher Education,

Having regard to law n° 89-70 of 28 July 1989, relating to higher education and scientific research, together with the texts which have modified or completed it and in particular law n° 2000-67 of 17 July 2000,

Having regard to Law No. 91-65 of 29 July 1991, relating to the education system,

Having regard to Law 2000-73 of 25 July 2000 on private higher education, and in particular Article 4 thereof

Having regard to the opinion of the Administrative Court, Decree :

Article 1 - The creation of any private institution of higher education requires an authorisation issued by the minister in charge of higher education or by the minister in charge of higher education and the minister concerned, if any, according to the conditions and regulations defined by the present decree,

Art. 2 - The private institution of higher education shall be established as a legally constituted limited company.

Art. 3 - The premises of the private higher education institution must be adapted to its educational and pedagogical missions.

The standards and conditions that these premises must meet are laid down in the specifications provided for in Article 3 of Act No. 2000-73 of 25 July 2000 referred to above.

These premises must contain, in particular

- a sufficient number of teaching rooms to carry out teaching activities under normal conditions. These rooms must meet the accepted standards as regards, in particular, surface area, lighting and ventilation,
- specialised rooms equipped according to pedagogical needs, such as laboratories, computer rooms, etc., and this, in accordance with the accepted norms in the matter,
- administrative offices to meet the needs of the services that ensure the administrative, financial and pedagogical management of the school,
- a room for teachers,
- a library with a sufficient number of books, journals and teaching materials to provide teachers and students with the necessary references,
- a sick bay
- the spaces necessary for cultural and sporting activities. Failing this, it is permitted to carry out these activities in spaces belonging to other establishments, under an agreement concluded for this purpose.

Art. 4 - Any private institution of higher education shall include the equipment required by the nature and content of the education provided and in particular the scientific, pedagogical, technical and computer equipment.

Art. 5 - The private institution of higher education shall inform the Ministry of Higher Education within one month of any change in the permanent pedagogical framework, in the equipment or in the necessary premises on the basis of which the authorisation has been granted.

Art. 6 - If the private higher education institution includes one or more disciplines which require internships for the benefit of the students, it must conclude contracts with the structures and bodies entitled to receive the interns.

These contracts set out the duration of the traineeships, their purpose, the conditions under which they are to be carried out and the number of trainees. The amount of the course fees and the party responsible for payment must be specified.

Art. 7 - The private higher education institution must have the administrative, technical and working staff necessary for its functioning. The staff shall be recruited on the basis of the qualifications required by the tasks entrusted to them.

All staff working in a private higher education institution shall enjoy full civic and political rights.

Art. 8 - The director of the private higher education institution shall effectively ensure the administrative, financial and pedagogical management of the institution.

He is responsible for the proper running of the school and the maintenance of order within it, and must devote himself exclusively to this function.

He may not manage more than one establishment and may not combine his or her responsibilities with other remunerated functions.

Art. 9 - If the private institution of higher education has premises or services of university works, such as restaurants, hostels or university halls of residence, these must comply with the conditions and standards provided for by the specifications approved by an order of the minister in charge of higher education relating to the renting of movable premises and the renting of buildings intended for students' accommodation.

Art. 10 - The request for authorisation to open a private higher education institution must be addressed to the Ministry of Higher Education six months before the opening of the institution.

However, and exceptionally, applications for authorisation to open private establishments providing higher education at the time of publication of this decree may be accepted until 31 March 2001.

The Ministry of Higher Education shall inform the applicant of the outcome of the application for authorisation within a period not exceeding three months from the date of submission of the application.

Art. 11 - The application for authorization to open a private higher education institution shall include the following files

1. a file relating to the promoter, including
 - the special statutes and other legal documents relating to the sponsoring company of the private higher education institution,
 - the list of participants in the capital and the value and proportion of contribution of each of them to the capital.
2. a file relating to the director, including
 - a curriculum vitae accompanied by a passport photo, the required diplomas and certificates of previous service,
 - a photocopy of the national identity card,
 - Bulletin No. 3, less than one year old,
 - a medical certificate attesting to the applicant's capacity to perform administrative duties,
 - a declaration on honour attesting to the accuracy of the information provided.
3. a technical and financial file relating to the establishment, including :
 - a description of the topographical location of the establishment,
 - a plan of the premises proposed to be operated with an indication of the area,
 - a certificate of ownership, a contract or a promise to lease the said premises,
 - a financial plan for investment and a provisional budget for the operation of the establishment
4. a pedagogical file relating to the planned training and including :
 - the detailed study and examination regime
 - detailed content of the programmes
 - the number of permanent and non-permanent teachers to be recruited, their specialities and grades
 - an inventory of existing or to be acquired equipment, scientific and educational materials, books and publications

- internship contracts duly signed by the parties concerned,

5. a copy of the specifications provided for by article 3 of law n° 2000-73 of 25 July 2000 referred to above, initialled and bearing the commitment of the director of the establishment and of the legal representative of the promoting legal entity, to respect the provisions of the said specifications.

6. a copy of the specifications relating to the renting of movable premises and the renting of buildings intended for student accommodation and catering signed by the director of the establishment and the legal representative of the promoting legal entity in the event that the private higher education establishment has premises or services for university works.

Art. 12. - The Ministry of Higher Education may request additional information or documents necessary for the examination of the file.

It may also appoint a representative or an expert to carry out inspection visits to the premises.

Art. 13. - The Minister of Higher Education shall be responsible for the execution of the present decree which shall be published in the Official Gazette of the Tunisian Republic.

Tunis, 25 September 2000.

Zine El Abidine Ben Ali

Decree n° 2000-2126 of 25 September 2000, fixing the composition of the consultative commission for the granting of authorisation for the creation of private higher education establishments or its withdrawal and its functioning.

The President of the Republic,

On the proposal of the Minister of Higher Education,

Having regard to law n° 89-70 of 28 July 1989, relating to higher education and scientific research, together with the texts which modified it and in particular law n° 2000-67 of 17 July 2000,

Having regard to law n° 2000-73 of 25 July 2000, relating to private higher education and in particular article 4,

Having regard to decree n° 2000-2125 of 25 September 2000, defining the conditions and regulations for granting an authorisation for the creation of a private higher education establishment,

Having regard to the opinion of the
Administrative Court, Decree :

Article 1 - The commission provided for by article 4 of law n° 2000-73 of 25 July 2000, referred to above, shall give its opinion on the applications for granting authorisation for the creation of private higher education establishments, as well as on its withdrawal,

Art. 2 - The composition of the commission provided for in the above-mentioned Article 1 is fixed as follows:

- The Director General of Higher Education: President
- One representative from each university under the supervision of the Ministry of Higher Education,
- A representative of the Ministry of Vocational Training and Employment,
- A representative of the most representative professional organisation in the private higher education sector.

Art. 3 - When the authorisation concerns one of the sectors subject to the supervision of another ministry, a representative of the supervisory ministry concerned shall be invited to attend the meetings of the commission.

The president of the commission may summon any person whom the commission considers useful to hear. The commission may be assisted by teaching staff, by entrusting one of the research teachers of the public universities with the elaboration of an exhaustive report on the speciality or specialities for which the authorisation is requested.

Art. 4 - The members of the commission shall be appointed by an order of the minister in charge of higher education,

Art. 5 - The Directorate General of Higher Education shall provide the secretariat of the Commission,

Art. 6 - The chairman shall convene the members of the commission at least one week before the commission's meeting,

Art. 7 - The meetings of the commission shall be valid only in the presence of the total majority of its members,

Art. 8 - The commission shall give its opinion on the applications for the granting of authorisation for the establishment of private higher education institutions, as well as on the withdrawal of such authorisation, by a majority of the votes of the members present; in case of a tie, the president shall have the casting vote,

Art. 9 - The committee may, if necessary, hear the promoter or the director of the private higher education establishment concerned,

Art.10 - The secretariat of the committee shall prepare the minutes which shall be sent to the minister in charge of higher education together with the committee's proposal,

Art. 11 - The Minister of Higher Education is responsible for the execution of the present decree which will be published in the Official Journal of the Tunisian Republic.

Tunis, 25 September 2000.

Zine El Abidine Ben Ali

APPOINTMENTS

By decree n° 2000-2109 of 19 September 2000.

Mr. Mohamed Gargouri, analyst, is in charge of the functions of secretary of a higher education and research institution at the Faculty of Economic Sciences and Management of Sfax.

By decree n° 2000-2110 of 19 September 2000.

Mrs. Samia Gadacha épouse Khadhraoui, principal architect, is in charge of the functions of deputy director of the control and the follow-up of the works in the direction of the buildings and the equipment in the general direction of the common services in the ministry of the higher education.

By decree n° 2000-2111 of 19 September 2000.

Mr. Lotfi Massaoudi, senior engineer, is in charge of the functions of head of service of control and follow-up of works in the direction of buildings and equipment in the general direction of common services in the ministry of higher education.

Order of the Minister of Higher Education of 28 September 2000, defining the criteria for determining the amount of the bank guarantee to be provided by private higher education establishments.

The Minister of Higher Education,

Having regard to law n° 89-70 of 28 July 1989, relating to higher education and scientific research, together with the texts which have modified or completed it and in particular law n° 2000-67 of 17 July 2000,

Having regard to law n° 2000-73 of 25 July 2000, relating to private higher education and in particular article 13, Having regard to decree n° 2000-2125 of 25 September 2000, defining the conditions and regulations for granting an authorisation for the establishment of a private higher education institution,

Decree :

Article 1 - The amount of the bank guarantee provided for in article 13 of law n° 2000-73 of 25 July 2000, referred to above, and which must be provided by private higher education institutions, is determined on the basis of the number of students enrolled in the institution multiplied by the annual cost per student.

Art. 2 - The minimum annual amount of the bank guarantee for each student is equal to 25% of the annual cost. The estimated annual cost per student is :

- 500 dinars in the disciplines of humanities, social sciences, law, economics and management
- 1,000 dinars in the basic sciences and arts
- 1.500 dinars in the disciplines of technical sciences including communication and computer sciences, medical pharmaceutical sciences, dentistry and paramedical specialities,

Art. 3 - The bank guarantee referred to in article 1 of the present decree must be issued by a Tunisian bank and its validity covers the academic year concerned. The bank guarantee must be presented to the Ministry of Higher Education before the beginning of each academic year and is renewable annually.

Art. 4 - The content of the bank guarantee must be in accordance with the model annexed to the present decree.

Art. 5 - The present decree shall be published in the Official Gazette of the Tunisian Republic.

Tunis, 28 September 2000.

Zine El Abidine Ben Ali

Model of bank guarantee

We, the undersigned delegates responsible and representatives of the bank _____ authorized to sign and undertake commitments on its behalf, hereby declare that the said bank stands as guarantor up to the amount of _____ (in figures and letters) towards the Ministry of Higher Education, and this, in place of _____

Private institution of higher education in accordance with article 13 of the law n° 2000-73 of 25 July 2000 relating to private higher education and with the order of the Minister of Higher Education of

- _____ Fixing the criteria for determining the amount of the bank guarantee to be provided by private higher education establishments.

We undertake to pay on the first demand of the Ministry of Higher Education and in the manner indicated by it, all sums requested up to the amount indicated above, without being able to defer payment on any grounds whatsoever or to raise any dispute as to fact or law and without the need for any formal notice or any judicial or administrative procedure whatsoever and without it being necessary to prove to us any default or fault on the part of the principal.

The request for payment made by the Ministry of Higher Education must be addressed to the bank in writing and signed by the Minister in charge of Higher Education or any other person authorised to do so.

This guarantee shall enter into force on issue and shall remain valid until _____ inclusive and shall be extendable for any additional period required by the Ministry of Higher Education upon simple request by it.

Order of the Minister of Higher Education of 28 September 2000, approving the specifications governing the organisation and operation of private higher education establishments.

The Minister of Higher Education,

Having regard to law n° 89-70 of 28 July 1989, relating to higher education and scientific research, together with the texts which have modified or completed it and in particular law n° 2000-67 of 17 July 2000,

Having regard to law n° 2000-73 of 25 July 2000, relating to private higher education and in particular article 3,

Having regard to decree n°95-83 of 16 January 1995, relating to the exercise on a professional basis of a lucrative private activity by the personnel of the State, local public collectivities, public establishments of an administrative nature and public companies, as amended by decree n° 97-775 of 5 May 1997,

Having regard to decree n° 2000-2125 of 25 September 2000, defining the conditions and regulations for granting an authorisation for the creation of a private higher education establishment,

Decree :

Article 1. - The specifications governing the organisation and operation of private higher education institutions provided for by the above mentioned law n° 2000-73 of 25 July 2000, as annexed to the present decree, are approved.

Art. 2 - The present decree shall be published in the Official Gazette of the Tunisian Republic.

Tunis, 28 September 2000.

Zine El Abidine Ben Ali

Terms of reference for the organisation and operation of private schools of higher education

Article 1. - All private institutions of higher education whose creation has been authorised must respect the conditions provided for in the present specifications.

Chapter 1

The organisation of private higher education institutions

Art. 2 - Any private institution of higher education must have internal regulations approved by the minister in charge of higher education providing for the existence of a scientific council and a disciplinary council.

These rules of procedure provide for the functioning of the two bodies referred to above and the sanctions that the Disciplinary Board may impose.

Art. 3 - At least two thirds of the scientific council shall be composed of permanent teachers holding at least a postgraduate degree (D.E.A.) or a degree of an equivalent level.

A representative of the Ministry of Higher Education shall attend the meetings of the said Board without voting rights.

Art. 4 - Every private institution of higher education shall comprise, in addition to the administrative structure, a pedagogical service in charge of the organisation of studies and examinations, a service for internships and another for student affairs.

Chapter 2

The teaching staff

Art. 5 - The private institution of higher education must have a sufficient number of teaching staff, which allows it to ensure a minimum staffing level equal to at least :

- one teacher for every ten students in the medical, pharmaceutical, dental and paramedical disciplines,
- one teacher for every twenty-five students, in the basic and technical sciences including communication sciences and computer science
- one teacher for every forty students in the humanities, arts, humanities and social sciences, law and economics and management.

Art. 6 - Private higher education institutions may resort to the collaboration of trainers or teachers practising in public higher education institutions after the authorisation granted to the said teachers, on an individual basis, by the minister in charge of higher education or the minister in charge of higher education and the minister concerned, as the case may be, and on the proposal of the president of the university concerned.

Art. 7 - Any teacher who has been dismissed from a public institution of higher education may not work in a private institution of higher education. The same applies to persons who have been convicted of a crime or an intentional offence.

Chapter 3

The teaching provided

Art. 8 - Any diploma issued by a private higher education institution shall be awarded on the basis of an education and a course of study in conformity with those determined by the texts provided for in article 19 of the law n° 89-70 of 28 July 1989 relating to higher education and scientific research and fixing the course of study and the conditions for obtaining the national diploma,

Art. 9 - In the case of one or more disciplines taught in private institutions and having no equivalent in public institutions, the Ministry of Higher Education must take cognizance of the content of the teaching and of the study regime before the start of the teaching in the concerned way; the Ministry may communicate to the institution all rectifications it deems useful.

Art. 10 - The private higher education institutions must communicate to the Ministry of Higher Education, three months before the beginning of the studies, and for each organized degree, the form of the teaching provided for each module (integrated courses, lectures, tutorials, practical works, ...) and the modules or subjects taught, their duration, their nature (compulsory, optional.), their evaluation mode as well as the teaching programmes. Students are informed of this at the beginning of each academic year.

Chapter 4

The test of knowledge

Art. 11 - The private higher education institutions must establish, in their internal regulations, the maximum number of absences tolerated for the student in each subject, and expressly mention that exceeding this number of absences is sanctioned by the automatic elimination of the student from taking the first session of examinations. Students must be informed of this at the beginning of the academic year.

Art. 12 - The private higher education institutions shall fix, on the proposal of their scientific councils, the teaching calendar for each degree and, in particular, the dates of the end of the courses, the revision periods, the dates of the examinations and the deliberations. This calendar shall be communicated to the Ministry of Higher Education and to the students at the beginning of each academic year.

Art. 13 - The private higher education institutions shall organise, on the proposal of their scientific councils, the examination system which shall determine, in particular, the nature of the examinations, their duration and the coefficients applied for each subject. These data are communicated to the Ministry of Higher Education and to the students at the beginning of each academic year.

Art. 14 - Private higher education institutions must ensure the anonymity of examination papers; the director of the institution and the members of the examination boards must take the necessary measures to ensure the effective respect of the principle of anonymity.

Art. 15 - The supervision of the examination tests is carried out by the teachers.

Art. 16 - The examination tests are supervised by an examination board which is responsible for the proper conduct of the tests. The jury shall be chaired by a teacher with a doctorate at least, who is a permanent member of the institution or works as a temporary employee; in this case, he/she must be a teacher-researcher working in the public sector.

For medicine, pharmacy, dentistry and paramedical specialities, a teacher with the rank of senior lecturer, or its equivalent, presides over the board of examiners.

Art. 17 - The examination boards shall ensure the accuracy of the marks given to the administration.

Art. 18. - The results of the examinations are announced by the jury immediately after the deliberations.

A report signed by the members of the jury is drawn up for this purpose. A copy is sent to the Ministry of Higher Education within eight days of the announcement of the results.

Art. 19. - Cases of fraud shall be brought before the disciplinary council of the school.

Chapter 5

The obligations of private higher education institutions

Art. 20. - Every private higher education institution shall clearly define the conditions of access to studies at the time of the first enrolment.

The enrolment of a student who has already belonged to another higher education institution, whether private or public, can only be done according to the results obtained in the original institution.

This registration takes place only in the same field or in a similar field in which the student can continue his or her studies on the basis of his or her previous studies or after having pursued additional teaching modules within the framework of the diversification of the specialisation.

Art. 21. - Each private higher education institution shall keep a register showing the status of student enrolment for each degree organised.

The register serves as proof of enrolment in studies and examinations and must be kept at the disposal of the Ministry of Higher Education.

Art. 22. - Each private higher education institution shall issue a certificate of enrolment and a student card to each student who is regularly enrolled.

Art. 23. - Each private higher education institution shall clearly inform the students of the internal regulations.

Chapter 6

Teaching premises in private higher education institutions

Art. 24. - The teaching premises must be adapted to the teaching tasks and guarantee the respect of the hygiene, health and safety rules according to the legislative and regulatory texts in force. The private higher education institutions shall be subject to the same obligations as those applicable to public higher education institutions.

Art. 25. - Private institutions of higher education shall take out insurance policies to cover students against risks incurred within these institutions.

Art. 26. - The premises used for teaching purposes shall include teaching equipment in conformity with those required for public higher education institutions.

The minimum surface areas of the said premises are fixed in accordance with the table annexed to the present specifications.

Art. 27. - The private higher education institution shall have an adequately equipped infirmary.

Art. 28. - The premises shall include a library composed of a reading room whose surface shall be in proportion to the number of students enrolled in the institution and a room containing basic references, books, specialised periodicals and teaching aids in sufficient number to enable teachers and students to consult the necessary works normally.

Chapter 7

The control of private higher education institutions

Art. 29. - Private higher education institutions shall be subject to the administrative control of the Ministry of Higher Education and the ministries concerned.

The main purpose of this control is to ensure that the legislative and regulatory provisions and the conditions laid down in these specifications are respected.

These institutions are also subject to control and pedagogical monitoring by the Ministry of Higher Education, with the aim of respecting the conditions and standards mentioned in this booklet.

Art. 30. - In case of non-compliance with any of these conditions or standards, the minister in charge of higher education may draw the attention of the concerned institution to any deficiency, by making the observations he/she deems necessary. In the event of failure, the authorisation provided for in Article 4 of Act No. 2000-73 of 25 July 2000 referred to above shall be withdrawn.

Chapter 8

Provisions relating to medicine, pharmacy and dentistry and paramedical specialties

Art. 31. - The private higher education institutions with training courses in medicine, pharmacy, dentistry or in one of the paramedical specialties shall have suitable training areas for the students enrolled, in accordance with what exists in similar public institutions.

For this purpose, private institutions present agreements concluded with public institutions, according to which these institutions undertake to provide the fields of training provided that they include the specialties necessary for the training course and this, in accordance with the legal texts organising medical, pharmaceutical, dental and paramedical studies.

These agreements are subject to approval by the Ministries of Higher Education and Public Health.

Art. 32. - The content of higher education and the system of studies and examinations in the fields of medicine, pharmacy, dentistry and paramedical specialties shall be approved by the ministers in charge of higher education and public health.

Order of the Minister of Higher Education of 28 September 2000, establishing the minimum proportion of permanent teaching in private higher education establishments and their minimum scientific level required.

The Minister of Higher Education,

Having regard to law n° 89-70 of 28 July 1989, relating to higher education and scientific research, together with the texts which have modified or completed it and in particular law n° 2000-67 of 17 July 2000,

Having regard to Law 2000-73 of 25 July 2000 on private higher education, and in particular Article 14 thereof,

Having regard to decree n° 2000-2125 of 25 September 2000, defining the conditions and regulations for granting an authorisation for the creation of a private higher education establishment,

Decree :

Article 1 - The teaching staff in private higher education institutions shall comprise a minimum proportion of permanent teachers in each major subject area, as follows

- 20% in the disciplines of humanities, arts, social sciences, law, economics and management,
- 25% in basic and technical sciences including communication and computer sciences,
- 50% in the disciplines of medicine, dentistry, pharmacy and in the paramedical specialties.

Permanent teachers must provide half of the teaching for each degree organised by the private higher education institution.

Art. 2 - Permanent teachers must hold at least a post-graduate degree and at least 50% of them must hold a doctorate.

Art.3 - For the fields of medicine, pharmacy, dentistry and paramedical specialties, the permanent teachers must hold the grade of university hospital assistant or its equivalent at least, and 50% of them must hold the grade of lecturer or professor of higher education.

Art. 4 - The present decree shall be published in the Official Gazette of the Tunisian Republic.

Tunis, 28 September 2000.

Zine El Abidine Ben Ali