

ACT NO. 56 OF 20 JUNE 2003 RELATING TO TERTIARY VOCATIONAL EDUCATION (THE TERTIARY VOCATIONAL EDUCATION ACT)

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Act relating to Tertiary Vocational Education

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Act relating to Tertiary Vocational Education (the Tertiary Vocational Education Act)

The title of the Act amended by Act of 29 June 2007 no. 90 (in force as of 1 Aug 2007 pursuant to the Decree of 29 June 2007 no. 758). - Cf. *previous* Acts of 14 June 1985 no. 73 and 28 Jan 2000 no. 9.

Section 1. Objective and scope

The objective of the Act is to ensure the provision of high quality tertiary vocational education through the means of a public accreditation scheme. The Act is to contribute to satisfactory conditions for students of tertiary vocational education.

The Act applies to the provider of tertiary vocational education that has been accredited pursuant to section 2. Tertiary vocational education means vocational education based on upper secondary education or equivalent prior learning and work experience, with a duration of at least half an academic year and at the most two academic years. Vocational education means education that provides competence for working life without further general training measures.

The Act applies to providers of tertiary vocational education operating in Norway. The Act applies to Svalbard and Jan Mayen unless otherwise stipulated by the King. The King may stipulate special rules that take local conditions into account.

The Act does not apply to activities that take place outside Norway. The King may stipulate that such activities are nonetheless covered in whole or in part by the Act's provisions.

Pursuant to agreements with a foreign state or international organization, the scope of the Act may be extended or restricted in limited areas.

Amended by Act of 29 June 2007 no. 90 (in force 1 Aug 2007 pursuant to the Decree of 29 June 2007 no. 758).

Section 1a. The county authority's responsibility for tertiary vocational education

The county authority is to ensure the provision of accredited tertiary vocational education that considers local, regional and national competence requirements within priority sectors.

Added by Act of 9 Jan 2009 no. 4 (in force 1 Jan 2010).

Section 2. Accreditation

Education that is covered by the definition given in section 1 and meets the other conditions stipulated in or pursuant to this Act, may on application be accredited as tertiary vocational education.

A provider of an education that has been accredited as tertiary vocational education may on certain conditions be authorized to establish and to terminate tertiary vocational educations within limited subject areas independently (accredited provider). The Ministry may issue regulations concerning the accreditation of providers.

Accreditation is granted by the Norwegian Agency for Quality Assurance in Education (NOKUT), cf. Chapter 2 of Act of 1 April 2005 no. 15 relating to universities and university Colleges.

Providers that are accredited pursuant to the first or second paragraphs must have satisfactory internal quality assurance systems. Student evaluations are to be included in the quality assurance systems. The Ministry may issue regulations giving more detailed provisions concerning quality assurance.

If the conditions for accreditation are no longer present NOKUT may withdraw the accreditation. If accreditation is withdrawn, the provider is responsible for ensuring that students are able to complete satisfactorily ongoing education.

The Ministry issues regulations concerning the accreditation scheme and the rights and obligations that follow from accreditation.

Amended by Acts of 1 April 2005 no. 15 (in force 1 Aug 2005 pursuant to the Decree of 1 April 2005 no. 271), 29 June 2007 no. 90 (in force 1 Aug 2007 pursuant to the Decree of 29 June 2007 no. 758).

Section 3. Organization and management

Tertiary vocational colleges are to have a Board consisting of at least five members as their supreme governing body.

The Board is responsible for ensuring that the students receive the education that formed the basis for the accreditation, that all the conditions for any government grants are met and that activities are otherwise conducted in accordance with prevailing Acts and regulations. The Board is responsible for ensuring that information submitted to the accreditation body and to prospective students is correct and complete.

The provider is to have an administrative and academic management in charge of the daily running of the education provided within the framework and instructions issued by the Board. Administrative and academic managers are appointed by the Board.

Students and employees are to have representatives with the right to attend, speak and propose resolutions at all Board meetings dealing with affairs that are important to the completion of an approved tertiary vocational education. The students' representatives and the employees' representatives are to be chosen by and from among the students and the employees.

The Ministry may issue regulations concerning the organization, management and leadership of tertiary vocational education, including provisions concerning representation on governing bodies.

The Ministry may approve exceptions to provisions of the Act and the regulations in connection with time-limited organizational experiments.

Amended by Act of 29 June 2007 no. 90 (in force 1 Aug 2007 pursuant to the Decree of 29 June 2007 no. 758).

Section 4. *The rights of the students*

The provider must give applicants and students the necessary information and guidance, including information about fees, courses provided, deadlines for applications and admission requirements.

The provider must have admission regulations that include required formal education qualifications or prior learning and work experience.

The provider shall decide on required qualifications for teachers and instructors and for management.

The provider shall facilitate the establishment of a student body to ensure the students' interests and facilitate cooperation with management.

Section 4a. *The learning environment*

The Board has the overall responsibility for the students' learning environment. The Board shall, in cooperation with the student body if such a body has been established pursuant to section 4, facilitate a good learning environment and strive to improve student welfare at the institution of learning

The Board is responsible for ensuring that the institution's learning environment, including the physical and mental working environment, is completely satisfactory in a broad sense,

including the students' health, safety and welfare. The design of the physical working environment must, as far as possible and reasonable, ensure

- a) that the premises, access, staircases, etc, are dimensioned and equipped for the activities taking place
- b) that the premises have good lighting and sound conditions and a satisfactory indoor climate and air quality
- c) that the premises are maintained and are kept clean and tidy
- d) that the premises are equipped so as to avoid harmful physical strain for the students
- e) that the activities are planned so as to prevent damage and accidents
- f) that technical devices and equipment are furnished with protective fittings and are maintained properly so that the students are protected from harm to life and limb
- g) that the premises, access, sanitary installations and technical fittings are designed for universal access
- h) that the learning environment is equipped for students of both sexes
- i) that the institution is planned according to the principle of universal design

The Ministry may issue more detailed regulations as to what is required of the learning environment.

Providers of tertiary vocational education shall, as far as possible and reasonable, adapt study conditions for students with special needs. Such measures must not lead to a reduction in the academic requirements of each course of study.

The Norwegian Labour Inspection Authority ensures compliance with the requirements listed above. The Working Environment Act, Chapter 18 concerning inspection and enforcement, etc, also applies as far as appropriate. The Ministry may issue more detailed regulations concerning inspections of the learning environment.

Added by Acts of 10 Dec 2004 no. 83 (in force 1 Jan 2005 pursuant to the Decree of 10 Dec 2004 no.1581), amended by Act 17 June 2005 no. 62 (in force 1 Jan 2006 pursuant to the Decree of 17 June 2005 no. 609).

Section 5. The content of the education, final assessment and documentation

The provider must have a plan for education contents and how they are to be achieved.

The provider shall give the students a final assessment and ensure documentation of the final assessment and completion of education. The students' knowledge and skills are to be tested and assessed in a professionally satisfactory manner. The assessment of the students is to help safeguard the academic standard of the education in question.

Section 6. Disciplinary issues

Decisions in case of exclusion, expulsion and other disciplinary sanctions objective reasons for the decisions must be given. The conditions for such sanctions must be presented in the rules and regulations for the tertiary vocational education.

Section 7. The Public Administration Act. Complaints procedure

The provisions concerning impartiality pursuant to sections 6 to 10 and duty of secrecy pursuant to sections 13 to 13e in the Public Administration Act of 10 February 1967 apply to the procedure of dealing with cases pursuant to this Act.

Decisions concerning admission, final assessment, exclusion, expulsion and other disciplinary sanctions are to be dealt with in accordance with the provisions concerning individual decisions in the Public Administration Act.

Individual decisions according to the previous paragraph can be appealed to the Board or to a special Appeals Committee. A special Appeals Committee shall have at least 3 members.

Regulations may be issued to exclude decisions made by NOKUT concerning providers of tertiary vocational education may be excepted from the provisions regarding complaints in Chapter VI of the Public Administration Act.

The provisions in the Public Administration Act regarding complaints procedure apply equally to complaints procedure pursuant to this Act.

Amended by Act of 1 April 2005 no. 15 (in force 1 Aug 2005 pursuant to the Decree of 1 April 2005 no. 271).

Section 8. *Public grants for tertiary vocational education*

Providers of accredited tertiary vocational education may apply to the County Authority for a public grant.

The Ministry supervises providers of tertiary vocational education that receive a public grant.

The Ministry may issue regulations providing further rules for public grants for tertiary vocational education, annual accounts and supervision.

Amended by Acts of 9 June 2006 no. 17, 29 June 2007 no. 90 (in force 1 Aug 2007 pursuant to the Decree of 29 June 2007 no. 758), 9 Jan 2009 no. 4 (in force 1 Jan 2010).

Section 9. *Fees*

Providers of tertiary vocational education may only demand fees from the students to the extent that a public grant has been given on condition that the education is free of charge.

Providers of tertiary vocational education are to ensure that public grants and fees paid by the students benefit the students.

The Ministry may issue regulations concerning the providers' right to demand fees from the students and their right to demand payment for other expenses linked to the education.

Added by Act of 29 June 2007 no. 90 (in force 1 Aug 2007 pursuant to the Decree of 29 June 2007 no. 758), previous section 9 becoming section 11, amended by Act of 9 Jan 2009 no. 4 (in force 1 Jan 2010).

Section 10. *Protection of the designations tertiary vocational education and tertiary vocational college – registration in the Norwegian Central Coordinating Register for Legal Entities (Enhetsregisteret)*

The designations tertiary vocational education and tertiary vocational college may only be used for study programmes and providers that are accredited in accordance with this Act.

The Ministry may, in regulations or by an individual administrative decision, prohibit the use of a designation or a name that incorrectly gives the impression of having such accreditation, or that may be confused with a designation as mentioned in the first paragraph.

On application, the Ministry may grant an exemption for established compound designations that are not likely to be confused with the designations mentioned in the first paragraph.

Providers of accredited tertiary vocational education that are not fully owned by the state, a county authority or a municipality, are to be registered in the Central Coordinating Register for Legal Entities (*Enhetsregisteret*), cf. Act of 3 June 1994 no. 15 concerning the Central Coordinating Register for Legal Entities.

Added by Act of 29 June 2007 no. 90 (in force 1 Aug 2007 pursuant to the Decree of 29 June 2007 no. 758).

§ 11. *Entry into force and transitional provisions*

This Act enters into force on the date determined by the King.¹ As of the same date, the Act of 28 January 2000 no. 9 concerning technical vocational colleges is repealed.

Technical vocational colleges operated in accordance with Act of 28 January 2000 no. 9 concerning technical vocational colleges, may operate tertiary vocational education under the same conditions as previously, for the period determined by the Ministry, without having to apply for accreditation.

Accreditation of courses of study pursuant to section 3 of Act of 14 June 1985 no. 73 concerning grants to private primary and lower secondary schools and private schools providing upper secondary education, applies for such a period as the Ministry decides.

Amended by Act of 29 June 2007 no. 90 (in force 1 Aug 2007 pursuant to the Decree of 29 June 2007 no. 758), amended section number from section 9.

¹ From 20 June 2003 pursuant to the Decree of 20 June 2003 no. 738.