

Articles of Association
of the Agency for Control and Quality Assurance of Higher Education

-Integral document-
(including changes in Decision amending the articles of Association nb 01-5/2018 from 29 January 2018 and Decision amending the articles of Association nb 01-012/19-4/3 from 5 July 2019)

Subject
Article 1

The Article of Association regulates in more details the scope of work of the Agency for Control and Quality Assurance of Higher Education (hereinafter referred to as: Agency), its composition, manner of work and decision-making of the governing body, competences of the managing body, manner of adopting acts and other matters of significance for the work of the Agency.

Use of the gender sensitive language
Article 2

Terms used in this Articles of Association for masculine natural persons include the same terms in feminine.

Name of the Agency
Article 3

The Agency operates under the name Agency for Control and Quality Assurance of Higher Education.

Abbreviated name of the Agency is AKOKVO.

Name of the Agency in English language is Agency for Control and Quality Assurance of Higher Education.

Abbreviated name of the Agency in English language is ACQAHE.

Founder
Article 4

Founder of the Agency is the Government of Montenegro (hereinafter referred to as: Government).

Registered office
Article 5

Registered office of the Agency is in Podgorica.

Seal
Article 6

Agency has a round shaped seal, diameter of 30 mm, with two concentric circles at 2mm space.

The seal contains: the coat of arms of Montenegro, name "Montenegro" and full name and registered office of the Agency: "Agency for Control and Quality Assurance of Higher Education" - Podgorica.

Text of the seal is inscribed in the inner concentric circle around the coat of arms of Montenegro.

Stamp Article 7

Agency has two rectangular stamps for receipt and dispatch acts, dimensions of 23 x 59mm, containing the name "Montenegro" and full name and registered office of the Agency: "Agency for Control and Quality Assurance of Higher Education" - Podgorica.

Name "Montenegro" and name and the registered office of the Agency are written horizontally with a blank space in between for writing the number of act and date of its filing.

The manner of use, keeping and destruction of the seal and the stamp, as well as other issues related to the application and use of the seal and the stamp, are determined by the act of Director of the Agency.

Logo Article 8

The Agency has its logo.

Visual image, contents and shape of the logo is determined by the Steering Committee, following the proposal of director of the Agency.

Memorandum Article 9

The Agency has its printed memorandum containing the: Agency logo (in the left upper corner), coat of arms of Montenegro (in the right upper corner), name of the Agency, registered office, contact telephone, web and e-mail address (under the dash, at the bottom of memorandum).

Visual image, contents and form of memorandum is regulated by the Steering Committee, following the proposal of the Director of the Agency.

Representation Article 10

Director of the Agency is acting for and on behalf of the Agency.

Director is responsible for the legitimacy of Agency's work.

Director can, within his/her powers, by written Power of Attorney, authorize another person to represent the Agency in legal transactions.

Competences of the Agency Article 11

The Agency is carrying out the tasks of quality assurance of higher education in accordance with the Law on Higher Education (hereinafter referred to as: Law), Founding Act and this Articles of Association.

Authorities of the Agency
Article 12

Authorities of the Agency are Steering Committee and Director.

Steering Committee
Article 13

Steering Committee is the managing authority of the Agency.
Terms of office of the Steering Committee members shall last for four years.
Steering Committee has a President and two members.
Steering Committee is composed of: two representatives of Founders and one representative of the state administration authority competent for educational affairs (hereinafter referred to as: Ministry).

Competence of the Steering Committee
Article 14

In addition to the competences laid down by the Law, the Steering Committee:

- adopts the Articles of Association, Act on internal organization and systematization of job positions and other acts in accordance with the Articles of Association;
- passes the decision on advertising tender for electing the director of the Agency;
- submits the initiative to the Government for dismissal of a President or a member of the Steering Committee;
- adopts the annual work programme of the Agency;
- adopts the annual financial plan;
- adopts the annual financial report, not later than 31 March of current year;
- adopts the annual operational report of the Agency, not later than 31 March of current year;
- proposes the amount of fee for rendered services;
- proposes internal audit of financial operation;
- passes the Rules of Procedure of its work;
- does other tasks laid down by the law and this Articles of Association and other acts of the Agency;

The Steering Committee sets up the permanent and temporary commissions or other operating bodies within its scope, determines its composition, scope and method of work, as well as other issues of relevance for their work.

Method of work of the Steering Committee
Article 15

The Steering Committee works and makes decisions at its meetings.
Meetings of the Steering Committee are convened and chaired by a President of the Steering Committee or, in case of his/her absence, a member authorized by a President.
The Steering Committee meeting can be held if more than half of the Steering Committee members attend it.
The Steering Committee makes decisions by majority vote of total number of its members.
The Steering Committee makes decisions by public vote.

Notwithstanding the paragraph 5 of this Article, Steering Committee can make decisions by secret vote, following the proposal of majority members of the Steering Committee.

Director of the Agency can take part in the Steering Committee work, without the right to decide, as well as other employees or other persons following an invitation.

In case a Director is prevented from coming or is absent from the meeting, a representative of the Agency authorized by the Director can attend the meeting.

Administrative-technical jobs for the needs of the Steering Committee shall be performed by the Agency.

Jobs of the secretary of the Steering Committee shall be performed by Agency's employee designated by Director.

A closer method of work, decision-making and other issues in respect of the Steering Committee work are governed by the Rules of Procedure.

President of the Steering Committee

Article 16

President of the Steering Committee:

- represents the Steering Committee;
- proposes the agenda of the Steering Committee meeting;
- signs the acts passed by the Steering Committee;
- does other tasks in accordance with the Law and Articles of Association of the Agency.

Terms of office of members of the Steering Committee

Article 17

Terms of office of the President and member of the Steering Committee terminates:

- by expiry of the period of appointment;
- on personal request;
- if by absolute court decision he/she has been convicted to an unconditional prison sentence in the duration of more than six months, or to a penalty for felony that make him/her unworthy of the position;
- by election to the position of Director, or Assistant Director of the Agency;
- by not serving his/her position for more than six months due to the loss of abilities.

Director of the Agency

Article 18

Director of the Agency is managing its work.

Director of the Agency:

- proposes the annual work programme, annual financial plan and is liable for their attainment;
- submits the Agency's work reports and other reports to the Steering Committee of the Agency;
- enforces the Steering Committee decisions;
- proposes the Articles of Association, act on internal organization and systematization of job positions of the Agency and adopts other acts from the scope of Agency's work;
- makes decisions on employment and termination of employment of Agency's employees in accordance with the law;
- advertises a public tender based on which the list of experts for study programme accreditation i.e. reaccreditation of institutions is established;

- sets up commissions for the needs of implementing the procedures stipulated by the Law, from the scope of the Agency's work;
- designates Secretary among its employees for performing administrative and professional tasks for the needs of expert commissions;
- hires associates for expert jobs with regard to the activities of the Agency;
- enters into cooperation contracts and agreements;
- provides occupational health and safety in accordance with the law;
- provides keeping and custody of records and documents in the Agency;
- does other jobs laid down by the law and Articles of Association of the Agency.

Director of the Agency is independent in performing jobs and is liable for his/her work to the Steering Committee and the Government.

Appointment of Directors Article 19

A person who:

- holds a qualification of at least VII₁ level of Qualifications Framework,
 - at least five years of professional experience in the managerial tasks or nine years of working experience in other tasks,
 - speaks at least one foreign language,
- may be appointed as Director of the Agency.

Termination of terms of office and dismissal of Director Article 20

Director can be dismissed from his/her duty before the expiry of a period he/she has been appointed for if:

- he/she fails in implementing the annual work programme;
- misuses his/her position;
- fails in executing work tasks, i.e. breaches the work duty;
- fails in executing the decisions of inspection authority;
- by his/her fault, i.e. by negligent work a major damage is caused to the Agency;
- he/she files the request for dismissal; and
- the conditions arise under which his/her employment terminates by force of law.

Acting Director Article 21

If duty of Director of the Agency terminates and if Director is not elected in the tender or if Director's duty terminates in accordance with Article 20 of this Articles of Association, the Government appoints the Acting Director for a period of six months.

Assistant Director Article 22

Director may have one or more Assistant Directors.

Assistant Director manages and organizes work in the sector, assists the Director in organizing and managing the Agency's work and performs tasks in accordance with the Agency's acts and Director's authorizations.

If being prevented from work, Director of the Agency can transfer his/her authorities to his/her Assistant.

Assistant Director is appointed based on the tender, for the period of four years.

Assistant Director is appointed by the Government, following the proposal of the Director of the Agency in accordance with the Law.

A person having the VII1 level of educational qualifications and at least three years of working experience in managerial tasks or eight years in the same or similar jobs with regard to those of the job position the tender has been advertised for can be appointed as Assistant Director.

Assistant is liable to the Director of the Agency and the Government for his/her work.

Act on internal organization and systematization of job positions

Article 23

Internal organization of Agency's work, number of executors and description of the tasks are governed in more details by the Act on internal organization and systematization of job positions of the Agency, established by the Government following the Director's proposal.

Funds of the Agency

Article 24

Funds for the Agency's work are provided from the Budget of Montenegro and its own revenues.

The annual financial plan of the Agency determines the amount of profit and expenditures by the end of September of current year for the next business year.

The Steering Committee adopts the annual financial report of the Agency.

Audit of annual financial statements of the Agency is conducted in accordance with the Law.

Operations of the Agency

Article 25

Agency has its gyro account.

Funds of the Agency are maintained in accordance with special regulations.

The Agency keeps the business books in accordance with the regulations governing the accounting of budgetary users.

Director of the Agency is liable for tidy keeping of business books.

Annual financial plan referred to in Article 14 paragraph 1 indent 5 of this Articles of Association is public and published on the webpage of the Agency.

General acts of the Agency

Article 26

General acts of the Agency are Articles of Association, rulebooks and other acts governing individual issues from the scope of Agency's competences in accordance with the law and the Articles of Association.

General acts of the Agency are posted on the notice board and webpage of the Agency.

General acts of the Agency enter into force the eight day following their posting on the Agency's notice board.

Publicity of work
Article 27

Work of the Agency is public.

Agency notifies the public of its work in printed and electronic media, by organizing round tables, conferences, by notifications on webpage of the Agency and in other appropriate manners providing the publicity of its work.

The Agency has its own webpage and information system.

Steering Committee and Director of the Agency are responsible for publicity of the Agency' s work.

Amendments to the Articles of Association
Article 28

Initiative or proposal for amendments to the Articles of Association can be submitted by President, member of the Steering Committee and Director of the Agency.

Entry into force
Article 29

This Articles of Association enters into force on the eighth day following its posting on the notice board of the Agency, after obtaining the Government's consent.