

Pursuant to Article 5 paragraph 1 of the Memorandum of Association of the Agency for Control and Quality Assurance of Higher Education (Official Gazette of Montenegro, 78/17), the Steering Committee of the Agency for Control and Quality Assurance of Higher Education, at its session held on 5 July 2019 passes the

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

Article 1

In Articles of Association of the Agency for Control and Quality Assurance of Higher Education, number 01-4/2018 of 11 January 2018 and number 01-5/2018 of 29 January 2018, in Article 13 and after paragraph 1 a new paragraph shall be inserted, worded as follows:
"Terms of office of the Steering Committee members shall last for four years".
Previous paragraphs 2 and 3 shall become paragraphs 3 and 4.

Article 2

In Article 14 paragraph 1 indent 3, after the words "initiative" the word "to the Government" shall be added.
Indent 4 shall change as follows:
"adopts the annual work programme of the Agency".
Indent 8 shall change as follows:
"proposes the amount of fee for rendered services".
In indent 11, words "by the law, this Articles of Association" shall be replaced by words "by the law and this Articles of Association".

Article 3

In Article 15, after paragraph 8, two new paragraphs shall be added, worded as follows:
"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".
Previous paragraph 9 shall become paragraph 11.

Article 4

In Article 18 paragraph 2 indent 1 the word "plan" shall be replaced by the word "programme".
After indent 5, three new indents shall be added and worded as follows:
"-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.
Indent 8 shall be deleted.
Previous indents 6, 7, 9, 10 and 11 shall become respectively indents 9, 10, 11, 12 and 13.

Article 5

In Article 19 paragraph 1, indent 2 shall be replaced as follows:

“-at least five years of professional experience in the managerial tasks or nine years of working experience in other tasks”.

Article 6

In Article 20 paragraph 1 indent 1 word “plan” shall be replaced by word “programme”.

Indent 6 shall be deleted.

Previous indents 7 and 8 shall become respectively indents 6 and 7.

Article 7

In Article 22 paragraph 2, the word “sector” shall be replaced by “and organizes work in the sector”.

In paragraph 5, the word “Ministry” shall be replaced by “Director of the Agency in accordance with the Law”.

Paragraph 6 shall be amended to read:

“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”.

Article 8

In Article 23, words “the consent to which is granted by the Government” shall be replaced by “established by the Government following the Director’s proposal”.

Article 9

In Article 24 paragraph 3 the words “final accounts” shall be replaced by “annual financial report”.

Article 10

This Decision shall enter into force on the eighth day following its posting on the Agency’s notice board, after obtaining the Government’s consent.

Number:
Podgorica, 5 July 2019

STEERING COMMITTEE OF THE AGENCY
President
Doc. Dr Saša Vujošević

Explanation

I. Legal grounds

Legal grounds for the adoption of this decision shall be Article 5 paragraph 1 of the Memorandum of Association of the Agency for Control and Quality Assurance of Higher Education.

II. Reasons of adoption

Amendments to the Articles of Association have been accessed for the purposes of harmonizing the Law on Civil Servants and State Employees (Official Gazette of Montenegro, 2/18).

Furthermore, there has been a need to execute amendments in making the provisions pertaining to the competences of the Steering Committee and Director of the Agency more precise.

III. Explanation of provisions

By provision of Article 1 – in Article 13 a new paragraph shall be inserted defining that terms of office of the Steering Committee shall last for four years.

By provisions of Article 2-in a part relate to competences of the Steering Committee, the Article 14 paragraph 1 indent 3 stipulates that initiative for dismissal of President or a member of the Steering Committee shall be submitted to the Government.

Indent 4 stipulates that annual work plan of the Agency shall be adopted.

Indent 8 shall be amended in a way that the Steering Committee shall propose the amount of the fee for rendered services.

By provisions of Article 3 –in Article 15 two new paragraphs shall be inserted after paragraph 8. The above paragraphs shall stipulate that administrative –technical jobs for the needs of the Steering Committee shall be performed by the Agency. It shall also be determined that jobs of the Secretary of the Steering Committee shall be performed by an employee of the Agency appointed by the Director.

By provisions of Article 4- in Article 18 three new indents shall be inserted after indent 5. Namely, in accordance with the above presented, the Director shall advertise a public call based on which he/she will set out a list of experts for study programmes accreditation, i.e. reaccreditation of institutions; shall set up the commissions for the needs of implementing the procedures stipulated by the Law from the scope of Agency's work; shall designate a Secretary among the employees for performing administrative and professional tasks for the needs of the expert commissions.

By provisions of Article 5- in Article 19 paragraph 1, indent 2 shall be amended and the same shall stipulate that a person having at least five years of working experience in management jobs or nine years of working experience in other jobs can be appointed as Director of the Agency.

By provisions of Article 7 - in Article 22 paragraph 6 shall be amended so that a person having VII1 level of educational qualifications and minimum three years of working experience in managing jobs or eight years of working experience in the same or similar jobs in relation to the jobs of the job position the tender has been advertised for can be appointed as Assistant Director.

By provisions of Article 8- Article 23 stipulates that internal organization of the Agency, number of executors and description of tasks shall be governed in more details by the act on internal organization and systematization of job positions of the Agency, which is determined by the Government following the Director's proposal.

By provisions of Article 9- in Article 24 paragraph 3 stipulates that the Steering Committee shall adopt the annual financial report.

The Decision shall enter into force on the eighth day following its posting on the notice board of the Agency, after obtaining the Government consent.

Overview of provisions to be amended

Steering Committee Article 13

Steering Committee is the managing authority of the Agency.

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 for dismissal of a President or a member of the Steering Committee;
- passes the annual work plan 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;
- determines the types of services rendered by the Agency with a fee and establishes the amount of the 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, 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, the 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 the 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.

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

Director of the Agency Article 18

Director of the Agency is managing its work.

Director of the Agency:

- proposes the annual work plan, 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;
- hires associates for expert jobs with regard to the activities of the Agency;
- enters into cooperation contracts and agreements;
- proposes internal rules and procedures;
- 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 Director Article 19

Director of the Agency can be a person who:

- has the qualification of minimum VII₁ level of Qualifications Framework;
- has five years of working experience in the area of education;
- has knowledge of local and international rules and practices in the area of providing the higher education quality;
- has managerial and organizational capacities in appropriate positions;
- has knowledge of at least one foreign language.

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 plan;
- 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;
- the Steering Committee does not adopt the annual financial report;
- he/she files the request for dismissal; and

- the conditions arise under which his/her employment terminates by force of law.

Assistant Director Article 22

Director may have one or more Assistant Directors.

Assistant Director manages 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 Ministry.

A person meeting the requirements for the Director 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, the consent to which is granted by the Government.

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 final accounts of the Agency.

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