

THE PRIME MINISTER

THE SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

No. 70/2014/QĐ-TTg

Hanoi, December 10, 2014

DECISION

PROMULGATING THE UNIVERSITY CHARTER

Pursuant to the Law on Government Organization dated December 25, 2001;

Pursuant to the Law on Education dated June 14, 2005; the Law on amending and supplementing the Law on Education dated November 25, 2009;

Pursuant to the Law on Higher Education dated June 18, 2012;

Pursuant to the Government's Decree No. 75/2006/ND-CP dated August 02, 2006, elaborating and providing guidance on the implementation of a number of articles of the Law on Education;

Pursuant to the Government's Decree No. 141/2013/ND-CP dated October 24, 2013 on providing instructions on the implementation of several articles of the Law on Higher Education;

At the request of the Minister of Education and Training,

The Prime Minister hereby decides to promulgate the university charter.

Article 1. Issuing the university charter enclosed herewith.

Article 2.

This Decision shall come into force from January 30, 2015 and replace the Decision No. 58/2010/QĐ-TTg dated September 22, 2010 promulgated by the Prime Minister on issuing the university charter; the Prime Minister's Decision No. 61/2009/QĐ-TTg dated April 17, 2009 on the Prime Minister on promulgating Regulations on organization and operation of private universities issued together with the Decision No. 61/2009/QĐ-TTg dated April 17, 2009 issued by the Prime Minister.

Article 3. Ministers, quasi-ministerial bodies, Heads of Governmental agencies, the President of the People's Committees of centrally-affiliated cities and provinces, relevant organs and organizations shall be responsible for enforcing this Decision./.

THE PRIME MINISTER

Nguyen Tan Dung

UNIVERSITY CHARTER

(Issued together with the Prime Minister's Decision No.70/2014/QD-TTg dated December 10, 2014)

Chapter I

GENERAL PROVISIONS

Article 1. Governing scope and Applicable entities

1. This Charter shall provide for duties and powers; organization and management of universities; training, science and technology, and international cooperation activities; lecturers and learners; finance and asset; relationship among universities, families and society; implementation of the university Charter.

2. This Charter shall be applied to public or private universities or academies eligible to hold bachelor, master and doctorate degree programs (hereinafter referred to as universities) in the national education system. Member universities of the Vietnam National University shall apply this Charter, and statutes and regulations of the Vietnam National University and member higher education institutions promulgated by the Prime Minister. Member universities of the Regional University shall apply this Charter, and statutes and regulations of the Regional University and member higher education institutions promulgated by the Minister of Education and Training.

3. Foreign-invested universities shall comply with regulations on university's operations and rights of learners or students enshrined in this Charter while their other operating activities shall comply with the law on foreign cooperation and investment in the higher education sector. Particularly, statutory standards that lecturers, managerial and administrative officers of these universities are required to meet are not allowed to be lower than the equivalent standard stipulated in this Charter.

Article 2. Interpretation of terms

Terms used herein shall be construed as follows:

1. Tenured lecturers and administrative officers

a) Tenured lecturers and administrative officers of public universities refers to a public servant who is recruited, used and managed under legal regulations on public servants;

b) Tenured lecturers or administrative officers of the private university are employees who sign employment contracts of 3-year or indefinite duration in accordance with the Labor Code, are not officials or public servants, are not working under employment contracts of over-3-month duration with other employers; who are eligible to receive salary and other allowances under the regulation on employee's benefit in accordance with applicable regulations.

2. Capital contribution refers to the putting of assets in the charter capital of private universities. Share capital can be in Vietnamese dong, gold, foreign currency and value of land titles (land), value of intellectual property rights and other kinds of property, which is specified in the university's statutes and regulations. Total value of assets contributed by individuals shall be converted into Vietnamese dong at the exchange rate fixed by the State Bank by the time of capital contribution.

3. Charter capital refers to total value of share capital in Vietnamese dong (VND) of all shareholding members, which is specified in the university statutes and regulations. In the course of operation, the charter capital can be increased to meet the demand for the university construction and development.

4. Founding members refer to persons who are directly involved in proposing and making arrangement for the establishment of universities and are eligible to be present in the list of founding members enclosed in the documentation that requires to apply for the university's establishment; who are entitled to participate in the construction of the university and approve its first charter as well as take possession of share capital that can conform to the university's requirements.

5. Direct management agency of public universities refers to any bodies who are tasked with the management of the university in accordance with laws, including Ministries and central bodies; People's Committee of centrally-affiliated cities and provinces (hereinafter referred to as provincial People's Committees); political organizations, socio-political institutions and economic incorporations, and universities.

Article 3. Rules for naming universities

1. University's name shall include the following words and phrases:

a) Words and phrases used for defining the type of university: University or Institute;

b) Words and phrases used for defining the university type, training fields and programs (if any);

c) Specific name: Name of the place, famous persons in Vietnam's culture and history, individual or organization;

d) Phrases used for defining the quality and standard when necessary.

2. Universities must bear a Vietnamese name and a foreign name used for performing international transactions and translated under the consistent regulations enforced by the Ministry of Education and Training. The university's name is not allowed to be identical to or cause confusion with other higher education institutions.

Article 4. University statutes and regulations

The university statutes and regulations shall be issued by the President under the Decision of the University Council (with respect to public universities) or of the Management Board (with respect to private universities), which must serve the purpose of providing details for the implementation of this charter, correspond to specific conditions of each university, be not in breach of relevant laws, and must be publicly disclosed.

Article 5. Duty, authority, autonomy and social responsibilities of universities

1. Universities must assume duties and powers in accordance with regulations laid down in Article 28 of the Law on Higher Education.

2. Autonomy of universities shall comply with regulations set forth in Article 32 of the Law on Higher Education and several specific provisions as follows:

a) Decide developmental objectives, strategies and plans of universities;

b) Decide to establish the mechanism for organization, and develop the staff of lecturers and administrative officers in conformity with the developmental strategy and plan of universities;

c) Manage receipts, expenditures, and make investment in facilities to ensure the educational quality conform to requirements set out in legal regulations; decide tuition fees which correspond to the requirements for assurance of educational quality of high-quality training programs, and the regulations on the financial autonomy of universities;

d) Enroll students and develop training programs; design or choose teaching materials that can meet the objectives of each training program; print diploma templates, manage and award degrees and certificates to learners in accordance with laws;

dd) Engage in science and technology activities, international cooperation in accordance with developmental strategies and plans of universities; maintain the training quality; appoint an education quality assessment organization to be provided with assessment services.

3. Social responsibility of universities is shown through such activities as reporting, disclosing and clarifying university activities to the regulatory bodies and interested parties in accordance with laws; fulfilling their commitments to the regulatory bodies and bearing the responsibility for performing all of their activities to gain commitments; prohibiting any misuse of their reputation and facilities of universities in order to perform acts in breach of legal regulations and provisions laid down in these statutory Regulations.

Chapter II

ORGANIZATION AND MANAGEMENT STRUCTURE OF UNIVERSITIES

Section 1: ORGANIZATION STRUCTURE OF UNIVERSITIES

Article 6. Organization structure of universities

1. Organization structure of universities must comply with provisions laid down in Article 14 of the Law on Higher Education.

The establishment and dissolution of affiliates of universities; organization structure, duties and authority of each affiliate must comply with legal regulations, these statutory Regulations and must be clearly specified in the university statutes and regulations.

2. Foreign-invested universities must autonomously establish their organization structure; take responsibility for disclose and submit a report on organization structure and representatives of universities to the Ministry of Education and Training and People's Committees of provinces where the headquarters of such universities are located.

Article 7. University branches

University branches shall be established under provisions laid down in Article 21 of the Law on Higher Education and several specific provisions as follows:

1. A university branch shall have a director, a maximum of 02 vice directors and supporting departments suitable for the operation of a university branch. Standards of a director of a university branch must be equivalent to those of the university's vice president in charge of training tasks; standards of vice directors of a university branch must be equivalent to those of a university faculty's dean.

2. Duties and powers of a university branch shall be assumed within the scope of duties and powers that that university has been assigned and must comply with the general administration of that university's president. Any training professional branches at the higher education level shall be launched only if competent agencies give their permission. Organization and operation of university branches must be specifically stipulated in the university statutes and regulations.

3. Foreign-invested university branches in Vietnam shall be established under the law on foreign cooperation and investment in the field of education and training.

Article 8. Change of university's name

1. Name of a university is likely to be changed if this change is necessary and conforms to the principles of naming a university in accordance with the regulations laid down in Article 3 hereof.

2. Documentation required to apply for the change of a university's name includes a petition for change of university's name; proposal for change of a university's name which must clearly state the necessity, functional change, tasks, mechanism, investments in the development of a university's facilities (if any), as well as the significant influence over workforce training to serve the purpose of socio-economic growth, planning for network of universities, potential impacts on students and staff of the university and other interested entities; a written consent from the direct management agency and the People's Committee of the province where main office of that university is located; resolution of the University Council or the Management Board and the Shareholders' General Council (in terms of private universities); a draft of new university statutes and regulations.

3. Appropriate steps in processing application documents: within a period of 45 working days as from the receipt of full documentation in accordance with Clause 2 of this Article, the Ministry of Education and Training is required to assess such documentation, which shall be then submitted to the Prime Minister to obtain the decision. In case the documentation does not conform to required requirements set out in Clause 2 of this Article, the Ministry of Education and Training must send a written notification to the university.

Section 2: ORGANIZATION AND MANAGEMENT STRUCTURE OF PUBLIC UNIVERSITIES

Article 9. University Council

University Council must be established under provisions laid down in Article 16 of the Law on Higher Education and several specific provisions as follows:

1. Duty and authority of the University Council

a) Submit annual or unscheduled reports or explanation to the direct management agency and regulatory bodies on the requirements for quality assurance, operating results and fulfillment of commitments and financial obligations of universities;

b) Request competent authorities to approve the plan for supplementing, discharging or replacing members of universities' management council;

c) Approve regulations on employment quantity, structure and position; policies on recruitment, management, use and development of permanent and contract staff working for universities;

d) Recommend qualified staff to take up the position as a University President and Vice President, which must conform to the statutory appointment processes; assess the work performance of a University President and Vice President on an annual basis; request competent authorities to discharge a University President and Vice President; when necessary, conduct a mid-term or unplanned poll to measure trust in a University President and Vice President;

dd) Request the University President to explain any faults and shortcomings which breach the resolution enforced by the University Council, if any. Where the University Council disagrees

with the University President's explanation, the university direct management agency must be informed.

2. Members of the University Council must be odd numbers and not less than 15 out of which 01 Chairperson and 01 Council Secretary are required. Composition of the University Council must have:

a) A University President, Vice Presidents, Communist Party Committee Secretary, Chairperson of Trade Union, Secretary of Communist Youth Union of Ho Chi Minh City;

b) Representatives of lecturers and academics working for several faculties and institutes;

c) Representatives of the university direct management agency;

d) Several entities, who do not serve in the mentioned university, are not tenured lecturers or administrative officers, shall be eligible to become members of the University Council if they manage to fulfill the statutory requirements such as their current involvement in education, science, technology, production and business sectors, connected with regulated functions and duties of the mentioned university, and no family relationship like real fathers, mothers, wives, husbands, sons or daughters, brothers, sisters, with members of the University Council. If any of aforesaid members is not an official or a public servant, (s)he is not entitled to hold the position as a Chairperson or Secretary of the University Council. The number of members of this type is not permitted to make up less than 20% of total council membership;

dd) The number and structure of members, processes and procedures for selecting council members and electing the Chairperson and Secretary of the University Council must be explicitly specified in the university statutes and regulations.

3. The Pr must be elected amongst council members by the University Council by means of a secret ballot, and must obtain more than 50% of the vote from all of members in the University Council. The Chairperson of the University Council is not be entitled to take up the post as a University President or Vice President, and shall be assigned with duties and powers as follows:

a) Convene the conference of the University Council;

b) Make a decision on the conference agenda, and preside over the conference as well as conduct a vote in the conference;

c) Take control of the University Council's performance of tasks or duties stipulated in Article 16 of the Law on Higher Education and Clause 1 of this Article.

4. The Secretary of the University Council must be recommended amongst council members by the University Council, and must be appointed under the approval of the University Council after receiving more than 50% of the vote from all of members in the University Council. The Secretary of the University Council is not be entitled to take up the post as a University President

or Vice President, and shall directly assist the University Council in exercising their powers and performing their duties as follows:

a) Compile and submit a report on the university's performance to the Chairperson of the University Council; prepare the conference agenda, content, handouts, and send invitation letters as well as take the minutes of the University Council's meetings; create, improve and store documents of the University Council;

b) Prepare reports and explanations within the University Council's duties and functions for submission to regulatory bodies and relevant authorities;

c) Perform other tasks assigned by the Chairperson of the University Council.

5. Council members shall be responsible for performing the tasks assigned by the University Council as well as other tasks specified under the university statutes and regulations.

Article 10. Processes for establishing the University Council and appointing the Chairperson of the University Council; operation of the University Council; dismissal of the Chairperson and other council members

1. Processes for establishing University Council and appointing the Chairperson of the University Council

a) If a university has not established its University Council yet, the establishment of the first-term University Council shall be carried out as follows: Pursuant to regulations laid down in Clause 2 Article 9 hereof, the University President must preside over the conference attended by the Secretary of the Communist Party Committee of that university, Vice Presidents, Chairperson of the Trade Union of that university, Secretary of the Communist Youth Union of Ho Chi Minh City, in order to determine total membership of the University Council and the number of delegates coming from each composition of the University Council; hold an election to find the representative of lecturers and academics; request the university direct management agency to send their delegates to attend the University Council; verify the list of members who are not tenured lecturers or administrative officers of that university; submit the list of the council membership to the university direct management agency. After a period of 10 working days that begins on the reporting date, unless otherwise permitted by the university direct management agency, the University President is obliged to hold a meeting attended by members specified in the aforesaid list with the intent of electing council members as the Chairperson of the university council. Given the resolution passed in this meeting, the University President shall send a written request to the university direct management agency to grant the Decision to establish the University Council and appoint the Chairperson of the University Council;

b) If a university has already established its University Council, the establishment of the next-term University Council shall adhere to the process mentioned herein: The incumbent Chairperson of the University Council must observe regulations set forth at Point a of this Clause to establish the next-term University Council in compliance with provisions enshrined in this Charter and the university statutes and regulations;

c) Necessary documentation that a university must file for establishment of the University Council and appointment of the University Council's President shall include: a petition for establishment of the University Council in which steps to be taken in determining members of the University Council must be clarified; list and curriculum vitae of the President and council members; letter of accreditation of the university direct management agency's delegates that serve as members of the University Council; written acceptance of participation in the University Council confirmed by council members who are not tenured lecturers and administrative officers of that university; meeting minutes, vote count record, ballots for the Chairperson of the University Council and delegates from faculties and institutes of that university;

d) Procedures for finding a replacement for the incumbent Chairperson and members of the University Council: In case the Chairperson of the University Council voluntarily resigns from the University Council or is not able to continue to hold his/her office, or is dismissed as stipulated in Clause 3 of this Article, the University President must convene the meeting to elect one of council members as a new Chairperson of the University Council and file a set of documents as a proof of this replacement to the university direct management agency for their consideration and decision. A set of documents shall include a written explanation for the election of this replacement for a new Chairperson, and supporting documents pertaining to the incumbent Chairperson, meeting minutes, vote count record and ballots for the new Chairperson.

Where any member of the University Council is missed out on account of dismissal, removal, death, retirement, or transfer of their work position which is no longer appropriate for his/her membership, the Chairperson of the University Council must decide the replacement for that missing member with reference to his/her composition of members in accordance with provisions enshrined at Point a of this Clause. Documentation that must be filed for supplementary membership and replacement for any council member shall comprise a written explanation for such supplementation and replacement, minutes of the university council's meeting, vote count record, ballots and other relevant documentary evidences (if any);

dd) Required processes and procedures: Within a period of 30 working days that begins on the date of receiving a full set of documents from the applicant, the Head of the direct management agency of the mentioned university must grant a decision on establishment of the University Council and appointment of the Chairperson, supplementary membership or replacement for council members. In case the university submits an adequate documentation or fails to conform to statutory regulations, the competent authority in charge of document verification must send a written response to that university and clearly state the reasons for their rejection.

2. Operation of the University Council

a) The University Council shall convene the periodic meeting that recurs at least once every 6 months and unscheduled meeting whenever more than 30% of total membership of the University Council, the University President or the Chairperson of the University Council sends a written request for such meeting.

The meeting of members of the University Council shall be considered legitimate if at least two-thirds of membership agree to participate. The resolution of the University Council shall be only

valid if more than 50% of council members in the approved list of members votes for it. All meetings must be made into the minutes and sent to the university direct management agency within a period of at least 15 working days that begins on the meeting date;

b) The University Council is entitled to use the stamp and organization mechanism in order to deal with the University Council's works;

c) Chairperson of the University Council is entitled to the same rate of post allowance as that of the University President; the secretary of the University Council is entitled to the post allowance equal to that of a department head; benefits granted to other council members must comply with the university statutes and regulations, and internal financial rules of the university.

Expenditures on the University Council's operations, post allowances paid to the Chairperson, Secretary and benefits paid to other members (if any) shall be included in the operating budget of the university;

d) In respect of authorization for the management duties of the University Council, if the Chairperson of the University Council is, for some reason, unable to work over a period of time stipulated in the university statutes and regulations, (s)he is obligated to grant an authorization to one of the other council members eligible to act on his/her behalf to perform the assigned duties. The proof of authorization must be sent to the university direct management agency and made known to the public. The authorization validity is not permitted to exceed 6 months.

3. Dismissal of the Chairperson and members of the University Council

a) University Council members shall be dismissed if they fall into one of the following cases: filling the letter of resignation from the University Council; having limited capability to perform civil acts; being not in good health to take on assigned duties, or quitting their job positions to undergo a over-6-month treatment but still remaining incapable of working; being subject to the court judgement; receiving more than 50% of total membership's written requests for this dismissal; committing other violations against provisions enshrined in the university statutes and regulations;

b) The University Council shall be responsible for considering and resolving to dismiss its Chairperson and members, and submitting a set of documents to the university direct management agency to request their decision. This set of documents includes the written explanation for this dismissal and other supporting documentary evidences;

c) Within a period of 30 working days that begins on the date of receiving a full set of such documents, the Head of the university direct management agency must grant the decision on this dismissal; in case of refusal, a written response to the University Council must be made with a clear statement on reasons for that refusal.

Article 11. University President

Pursuant to Article 20 of the Law on Higher Education and several specific provisions hereunder, the President of a university is defined as follows:

1. A University President is the person who takes charge of a university. If the person is transferred from other organizations or agencies to take up the position as the President of a university, then this President must be a tenured lecturer or administrative officer of that university.

2. Duties and powers of the University President are stipulated in Clause 3, Article 20 of the Law on Higher Education, and several of them are specified as follows:

a) Sketch out the developmental strategy and plan for training and scientific researches of his university for submission to the university council for their approval;

b) Draw up regulations on employment quantity, structure and position, recruitment, management, use and development of the staff of lecturers, academics, administrative officers and employees for submission to the University Council for their approval;

c) Organize the recruitment, management and effective use of the staff of lecturers, administrative officials, officers and other employees in accordance with laws;

d) Assessing lecturers, administrative officials, officers and other employees on the annual basis;

dd) Consult with the Science and Training Board before making a decision on issues subject to this Board's consultancy. If the University President disagrees with this consultancy, (s)he is entitled to make his/her own decision, or assumes sole responsibility for this decision, and then report it in front of the University Council in the successive meeting;

e) Implement the resolution adopted by the University Council; confer with the Chairperson of the University Council to enter into mutual agreement on handling any possible violation against legal regulations or any adverse impact on common activities of the university. Where any discrepancy occurs, the University President must send a report to the university direct management agency.

3. Appointment or dismissal of the University President:

a) The appointment of the University President must comply with the regulations laid down in Article 20 of the Law on Higher Education as well as other applicable laws. The person eligible to be appointed as the University President is not older than 55 and 50 years of age for men and women respectively in the month when the appointment process takes place; in some special cases, under certain circumstances, the Prime Minister must be informed before making a decision on appointment;

b) The dismissal of a University President shall happen in one of the following cases: filling the letter of resignation; having limited capability to perform civil acts; being not in good health to take on assigned duties, or leaving their job positions to undergo a over-6-month treatment but

still remaining incapable of working; facing a criminal prosecution; using fake degrees, diplomas or certificates that are not attested by competent authorities; receiving more than three-fourths of total membership's written requests for this dismissal; committing other violations against provisions enshrined in the university statutes and regulations;

c) Documentation and procedures for appointment or dismissal of the University President must comply with applicable laws.

Article 12. Vice President of a university

1. Vice President of a university is the assistant to the president in charge of management and administration of all operating activities of the university. Each university consists of at least 03 Vice Presidents. Under some circumstances, if the university has the scale of more than 20,000 regular students and is assigned the task of offering master's and doctoral training programs, 01 or 02 more Vice President(s) shall be needed after receiving consent from the Minister of Education and Training.

2. Vice President of a university must have political credentials, good personal ethics and good health, reliability, and proven capability of doing or be involved in administrative work at the level of an academic department or higher in a university for a period of at least 5 years; must obtain the doctorate degree. If persons that obtain doctorate degrees can not meet the personnel demand, those who hold master degrees shall be appointed instead but shall not be assigned the training, scientific and technological tasks. If the person is transferred from other organizations or agencies to take up the position as the Vice President of a university, then this Vice President must be a tenured lecturer or administrative officer of that university.

3. The university's Vice President shall be directly assigned to take charge of several tasks by the university's President; act on behalf of the university's President to deal with and be held accountable to the university's President and assume legal responsibility for his/her assigned tasks; shall be responsible for submitting a report to the university's President on their work performance.

4. Term, appointment and dismissal of the university's Vice President: Term of the university's Vice President shall be the same as the term of the university's President and may be reappointed. The university's Vice President shall be appointed and dismissed in the same manner as the university President in this regard in accordance with regulations laid down in Clause 3 Article 11 hereof.

Article 13. Science and training council

The science and training council of a university shall be established, organized and operated under provisions laid down in Article 19 of the Law on Higher Education and several specific provisions as follows:

1. The science and training council shall be for 5-year term identical to the term of the university President, and advise the university President on the tasks such as renewing and designing

training programs; orientate the development of scientific and technological researches as well as international cooperation; assessing training programs; considering granting the recognition of credit conversion; planning the cooperation with training institutions, scientific research, production and business units, domestic and foreign organizations and individuals in order to carry out operations pertaining to training, scientific and technological issues; proposing the list of members of the council for professor title at the grassroots level; appointing professor and associate professor titles in the university; conferring honorary professor or doctor titles of the university on individuals; selecting the university quality assessment organization; deciding on the method for testing and assessing student's outcomes of learning and extracurricular activities, improving the training quality and the outflow quality; appraising lecturers, the quality of information-based website, magazines or journals of science and technology (if any), training organization and management, scientific and technological activities of faculties or departments in the university.

2. The science and training council shall employ the persons who hold the position as a Chairperson, Secretary and members; the odd number of members shall range from 11 to 25 persons including the university President and several Vice Presidents; Deans or Heads of departments, faculties and functional rooms of the university; agents for lecturers and academics who hold the professor or associate professor titles, or obtain the doctoral degrees; several agents for scientists involved in training, scientific research activities of the university, and agents for those who are not tenured lecturers or administrative officers of the university (when necessary). Specific provisions concerning the science and training council of the university must be specified in the university statutes and regulations.

3. The Chairperson of the science and training council must be elected amongst members of this council by means of a secret ballot, and must obtain more than 50% of the vote from all of members specified in the list approved by the council; the Chairperson of the council is entitled to designate one of council members as the council secretary.

4. The meeting of science and training council shall be convened once every academic term by the Chairperson. The content of such meeting must be notified in advance to all of council members for a period of at least 03 days; the meeting is considered valid if at least two-thirds of membership is present; the conclusion reached in the meeting shall become effective if more than 50% of members specified in the list approved by the science and training council votes for it. The meeting minutes shall be submitted to the university President within a period of 10 working days as from the starting date of the meeting.

Article 14. Advisory council

The university President is able to establish the advisory council in charge of giving advice on several important issues or those relating to the formulation and implementation of the tasks assigned by the university. The council shall be hired to carry out work-based task and shall not be entitled to any salary or wage.

The advisory council is composed of members inside or outside of the mentioned university who are operating in the field pertaining to that university's operating activities.

Establishment, operation and task of the advisory council must be specified in the university statutes and regulations.

Article 15. Faculties

1. Faculty is an academic department of a university, which is assigned the following tasks:

a) Manage lecturers, other employees and learners who belong to the faculty in accordance with the university President's authority designation;

b) Plan and carry out educational and training activities in accordance with the general proposal of the university, including: Designing training programs of each subject group or professional branch assigned by the university; working out the detailed syllabus in related subjects in order to ensure the consistency and avoid the overlapping among subjects of the training program or training levels; creating the training programs, developing proposals, composing teaching books and materials in accordance with the university's developmental orientation; studying how to improve the teaching and learning methodology; developing and adopting the method for testing and evaluating the student's outcome of learning and extracurricular activities, ensuring the accepted quality of student outflow as set out in the announced commitment, meet demands for the human resource in the labor market. Design and revision of training programs, teaching course books and materials must conform to regulations laid down in the Ministry of Educations and Training;

c) Plan and perform scientific, technological activities and international cooperation; cooperate with scientific and technological organizations, production and business units concerning a group of subjects or disciplines to be taught in the training programs, and mobilize enterprises in the training process of the faculty;

d) Draw up the plan to developing the staff of lecturers, group of subjects and majors, and facilities used for supporting training and scientific research activities as well as provide necessary conditions for training quality assurance;

dd) Plan and carry out the task of educating lecturers, employees and learners on politics, ideology, ethics and lifestyle; draw up the plan to train and hold refresher courses for lecturers and other employees working for a university faculty;

e) Appraise administrative officers, lecturers and academics at a university faculty, and participate in the regulated assessment of the university's administrative officers.

2. Dean and deputy dean

a) Dean of a university faculty must gain a doctoral degree suitable for professional branches of the university faculty. As regards a university faculty that mainly offers a single professional or specialized academic branch and confers one of the bachelor, master or doctorate degrees, if there is no doctor, the university President can consider appointing the person who holds the

master degree as the Dean of the university faculty. The Dean must be responsible for fulfilling the tasks stipulated in Clause 1 of this Article;

b) Each university faculty shall not have more than 02 Vice Deans who can assist the Dean in managing and controlling all activities of the university faculty. As regards the university faculty assigned the task of offering professional and specialized academic programs at master and doctorate degree levels and providing academic opportunities for more than 500 regular students, 01 or 02 more Vice Dean(s) shall be needed but must be permitted by the university council.

Vice Dean must gain the academic level equal to or higher than master degrees while Vice Dean who is in charge of training, scientific and technological activities must obtain the doctoral degree. As regards a university faculty that does not mainly offer a single professional or specialized academic branch and confers one of the bachelor, master or doctorate degrees, if there is no doctor, the university President can consider appointing the person who holds the master degree as the Vice Dean of the university faculty in charge of training, scientific and technological activities;

c) Dean and Vice Dean must be qualified as a lecturer who can teach students at the university level, have relevant experience in lecturing, scientific research and managerial competence. If they are transferred from other organizations or agencies to take up the position as the Dean or Vice Dean of a university faculty, then this Dean or Vice Dean must be a tenured lecturer of that university. Dean shall hold his office during the term of 5 years and can be re-appointed for less than two consecutive terms. The Dean's term in office can be correspondent to the university President's term in office and must be specifically stipulated in the university statutes and regulations. The Vice Dean's term in office shall be aligned with the Dean's term in office and can be renewed. The age at which the Dean and Vice Dean hold their office for the first term is not more than 55 for male and 50 for female by the month when the appointment occurs.

The process for introducing, appointing and dismissing the Dean and Vice Dean shall be specifically enshrined in the university statutes and regulations.

3. Faculty council

a) The faculty council is established to advise the Dean on the implementation of the faculty's tasks stipulated in Clause 1 of this Article, or on the renewal of administrative, training, scientific research and technology transfer activities of the university faculty. Faculty council must be chaired by the Chairperson and attended by members appointed by the university President with reference to the request of the Dean; there must be the odd number of members and at least 7 members attending the faculty council, including the Dean, Vice Deans, Heads of an Academic Departments, several lecturers, academics of the university faculty who are professors, associate professors, doctors, and several members outside of the faculty or university who have reached academic levels and gained experience pertaining to the academic development of the faculty (when necessary);

b) The Chairperson of the faculty council must be elected amongst members of this faculty council by means of a secret ballot, and must obtain more than 50% of the vote from all of members specified in the list approved by the faculty council;

c) The meeting of the faculty council shall be convened once every academic term by the Chairperson. The content of such meeting must be notified in advance to all of council members for a period of at least 03 days; the meeting is considered valid if at least two-thirds of membership is present; the conclusion reached in the meeting shall become effective if more than 50% of members specified in the list approved by the faculty council votes for it. The meeting minutes must be enclosed with equivalent proposals of the Dean for submission to the university President for his/her consideration and decision in terms of issues concerning the personnel, training, scientific and technological activities of the university faculty;

d) The number and structure of members, processes and procedures for selecting council members, organizing and operating the university faculty must be specifically enshrined in the university statutes and regulations.

4. The university faculty can establish the advisory councils for academic disciplines under the decision made by the university President with reference to the request of the Dean, which serves the purpose of providing any necessary advice for the Dean in order to support the task of managing and leading the university faculty within their assigned tasks and duties. The advisory council for academic disciplines can be attended by members outside of the faculty or university, or those who are not tenured lecturers, administrative officers of the university (when necessary), performs the work-based tasks and receive no salary or wage. Procedures for establishment and operation of the advisory council for academic disciplines shall be regulated in the university statutes and regulations.

5. An academic department of a university shall be organized and operated under the same provisions as those applied to an academic subject group of a faculty in accordance with the provisions enshrined in Article 16 hereof and in conformity with several duties and powers that a university faculty assumes in this Article. Specific provisions on an academic department of the university must be set forth in the university statutes and regulations.

Article 16. Academic departments or subject groups

1. Academic department or subject group is an academic unit of a faculty affiliated to a university. Regulations on organization and operation of an academic department shall be specifically enshrined in the university statutes and regulations.

2. An academic department shall be assigned the following tasks:

a) Bear responsibility for the course content, teaching quality, timeline and progress of subjects defined in the training program and general teaching plan developed by a university or a university faculty;

b) Design and improve the content of learning subjects; write course books, teaching materials, and outline reference books which are appropriate for the learning subjects, tasked by the Dean and university President;

c) Conduct researches with the aim of reforming teaching methods; examine and evaluate the learning effort and outcome of a student in accordance with the university statutes and regulations;

d) Conduct scientific researches, enhance technological development, and science and technology services according to the plan of a university and a faculty;

dd) Formulate the plan to increase the number of academic departments; get involved in the task of training and educating lecturers and academics in terms of their professional eligibility;

e) Assess administrative work, training programs, science and technology activities of an individual, academic department, faculty and the university itself with reference to the request of the University Council, President and Dean.

3. Head of an academic department must be qualified as a lecturer who is able to teach students at the university level, has relevant experience in lecturing, scientific research, managerial competence, and obtains the doctorate degree. In respect of an academic department that only offers general courses, if there is no doctor, it is possible to designate a person who holds the master degree as the Head of that department. If the person is transferred from other organizations or agencies to take up the position as the Head of an academic department, then this Head must be a tenured lecturer of that university.

The Head of an academic department shall hold the office for the term of 5 years and can be re-appointed. The Head's term in office can be correspondent to the Dean's term in office and must be specifically enshrined in the university statutes and regulations. The age of the Head of an academic department is required to ensure that (s)he is competent to fulfill his/her assigned tasks for at least half of his/her term in office. The process for introducing, appointing and dismissing the Dean and Vice Dean shall be specifically enshrined in the university statutes and regulations. The Head of an academic department shall exercise the rights and take on duties to perform the tasks stipulated in Clause 2 of this Article;

4. Vice Head of an academic department must obtain the master or higher degree. Other regulations applied to the Vice Head of an academic department shall be the same as those applied to the Head of an academic department, and specifically set forth in the university statutes and regulations.

5. An academic department of a university can establish an advisory council for specialized academic branches with reference to the request of the Dean and under the decision made by the University President with the intent of advising the Head of that academic department on necessary issues concerning the implementation of their tasks and duties. The advisory council for specialized academic disciplines can be attended by members outside of an academic department, faculty or university (when necessary), or performs the work-based tasks and receive

no salary or wage. Establishment, operation and task of the advisory council for specialized academic branches must be enshrined in the university statutes and regulations.

Article 17. Functional offices

1. Functional offices shall be assigned to advise and assist the University President in managing, collecting and proposing opinions, and implement tasks within the duties and powers allowed by the University President.

2. The Head of functional offices must obtain the bachelor or higher degree. In particular, the Head of the training, science and technology office must keep the doctorate degree and have at least 5 years' experience in teaching at the university level; the Head of the office of international relation and personnel administration must gain at least 5 years' experience in teaching at the university level.

3. Vice Head is an assistant to the Head in management and administration of each office's activities in accordance within the assigned tasks and duties. The Vice Head of a functional office must obtain the bachelor or higher degree. Each functional office in a university must employ from 02 to 04 Vice Heads, depending on its assigned tasks and duties as well as the training scale of that university, which is specifically enshrined in the university statutes and regulations.

4. The Head and Vice Head shall hold their office for the term of 5 years and can be re-appointed. The age at which the Head and Vice Dean hold their office for the first term is not more than 55 for male and 50 for female by the month when the appointment occurs. If the person is transferred from other organizations or agencies to take up the position as the Head or Vice Head of a university's functional office, then this Head or Vice Head must be a tenured lecturer or administrative officer of that university.

Article 18. Library, information-based website, and science and technology periodicals

1. Library, information and documents center of a university shall be tasked with the provision of scientific and technological information and documents which serve teaching, research and learning purposes for lecturers and students; retention or storage of originals of master's thesis and doctoral dissertation defended in the university, results of scientific research as well as the university's publications. Library, information and documents center shall operate under the rules introduced by the University President, in compliance with the law on library, storage and relevant applicable legislation.

2. Information-based website of the university shall be assigned the task of posting information pertaining to the university's activities and ensure a required amount of information stipulated by the Ministry of Education and Training. Information-based website must organize an editorial board that bears its responsibility for information quality and system management, and operates and provides information in conformity with legal regulations on information technology, internet-based information management and other relevant laws.

3. Science and technology periodicals of a university that release research works in order to serve the training and study purposes in that university must organize an editorial and administrative board. The university that offers the training program at doctoral level must maintain its own science and technology periodical. All of articles or news printed on such periodical must undergo the examining process. The examining process and requirements that must be satisfied to post an article must be publicly disclosed. Science and technology periodicals can be published in the form of a print or electronic copy in accordance with applicable laws on publication. The Head of an editorial board or editor-in-chief must assume responsibility for scientific information and reliability of their periodical.

Article 19. Research and development organizations; administrative divisions; production, trading and service business units

1. Research and development organizations; administrative divisions; production, trading and service business units in the university shall be established and operated under laws with the aim of supporting training, scientific research and technological development, and international relation concerning the professional branches of the university; divided into affiliates of the university in the following forms and tasks:

a) Research and development organizations shall be organized in the form of research institutes in order to perform science and technology tasks as well as apply scientific and technological advances to an increase in training quality, support for the socio-economic growth, security and national defence;

b) Administrative divisions shall be organized in the form of centers, print factories, publishing houses and some of other units which serve the purpose of performing activities relating to intellectual property; get involved in organizing refresher courses or intensive training classes to improve knowledge for any individuals inside or outside of the university; promote the international cooperation, keep close contact with enterprises and former students of the university; provide printing and publication services;

c) Trading and service business units shall be organized in the form of service enterprises or centers in order to provide information and consultancy services; publicize and apply scientific and technological knowledge to the practice of production; provide student and community care services and those that meet the social demand;

d) Those mentioned in this Clause shall not function as training or joint programs that can confer any diplomas or degrees, except for the case in which the research institute of the university is competent and is entitled by the university to hold master or doctorate degree programs, and shall be subject to specific provisions enshrined in the university statutes and regulations or those on the tasks and duties of the university's affiliates.

2. The establishment, dissolution, organization and operation of these entities regulated in this Article shall comply with applicable laws and must be specifically enshrined in the university statutes and regulations.

Section 3: ORGANIZATION AND MANAGEMENT STRUCTURE OF PRIVATE UNIVERSITIES

Article 20. Shareholders' General Council of private universities

1. Shareholders' General Council is constituted by shareholding members who invest their paid-in capital in private universities.

2. Shareholders' General Council shall assume the following powers and duties as follows:

a) Elect shareholding members to the Management Board; elect or dismiss members of the Control Board of the university; deal with any request for any supplementation and change to members of the Management Board being a shareholding member's agents; request the Management Board to refuse to accept shareholding member's agents into the Management Board;

b) Approve strategies and plans for infrastructural investment and development of the university, proposed by the Management Board;

c) Approve annual financial statements of the university, and relevant financial provisions enshrined in the university statutes and regulations;

d) Approve internal financial rules of the university;

dd) Approve the resolution on an increase or reduction in the charter capital, and plans for capital mobilization in any form;

e) Universities shall assume other duties and powers in accordance with the university statutes and regulations.

3. Shareholder's General Council shall convene the annual or unscheduled meetings; all of the costs incurred from the guest invitation and meeting organization shall be funded by the operating expenditures of the university.

The Shareholders' General Meeting must become an obligatory event that must be held once a year within a period of first 4 months of a fiscal year. The unscheduled meeting of the Shareholders' General Council shall be convened if the following requirements are met:

a) It is held under the decision made by the Chairperson of the Management Board, or at least two-thirds of membership of the Management Board files their petition for organization of the meeting;

b) There is a need of the Management Board' supplementation to or replacement for any shareholding member;

c) Individuals or group of shareholding members who take possession of more than 30% of total share must file a petition for organization of this meeting whenever the Management Board commits any serious violation against shareholder's legal rights, makes a decision beyond their agreed authority, or infringes upon the university statutes and regulations, and internal financial rules of the university;

d) Though the 6-month term of the Management Board has expired, there is no meeting about the election of new term of Management Board to be called;

dd) Other cases stipulated in the university statutes and regulations.

4. Necessary conditions for the Shareholders' General Meeting

a) The Shareholders' General Meeting is considered legitimate if total shareholding membership whose shares account for at least 65% of total share is present at the meeting;

b) When the meeting is aimed at dealing with the same work content due to the first meeting's failure to comply with the regulations laid down at Point a of this Clause, then within a period of 30 days since the first meeting, the Shareholders' General Council is permitted to convene the second meeting which is considered legitimate on conditions that at least 51% of total shareholding members is present at the meeting; in case the second meeting of the Shareholders' General Council continues to be illegitimate, after 20 days since the second meeting, the Shareholders' General Council shall be permitted to hold the meeting without reliance on the number and proportion of shares of shareholding members present at the meeting;

c) The meeting of the Shareholders' General Council (on the annual and unscheduled basis) shall be convened by sending the written call; the written call for such meeting must enclose meeting agenda content proposal and other related materials, and must be sent to all of the shareholding members via registered or courier mails and verified by the recipient's signatures within a period of at least 7 days before the meeting;

d) All of the annual or unscheduled meetings must be convened by the Chairperson of the Shareholders' General Council; where the Chairperson of the Management Board fails to convene the meeting as planned or in compliance with the petition stipulated in Clause 3 of this Article, after 30 days since the proposed opening date of the meeting or after 60 days since the receipt of the petition for unscheduled meeting, shareholding members who have filed their petition for calling the meeting as prescribed in at Point c Clause 3 of this Article shall be entitled to designate a member of the Management Board or the Control Board to convene the Shareholders' General Meeting, and the meeting so convened shall be considered legitimate.

5. All of the meeting contents must be entirely recorded into the meeting minutes and passed at the meeting with the signature of the meeting chairperson and secretary, which serves the filing purpose. Decision of the Shareholders' General Meeting must be passed in the form of voting or secret ballot, which shall be then sent to each shareholding member, member of the Management Board and the Control Board within a period of 15 days as from the date when such decision is passed.

6. Decision that has been successfully passed by the Shareholders' General Meeting shall become effective if this receives consent from total shareholding members whose shares account for at least 65% of total shares of members present at the meeting, unless otherwise stipulated by further provisions enshrined in laws, this Charter, or the university statutes and regulations. The election of a shareholder's agent to the Management Board and the Control Board must be held according to the method of cumulative voting by which each shareholding member is entitled to the vote per his/her share multiplied by the number of members elected to the Management Board or the Control Board, and shareholding members are vested with the right to cast all of their votes toward one candidate or several candidates.

7. Within a period of 90 days since the date when the aforementioned decision has been passed, members of the Management Board and the Control Board have the right to request competent agencies to consider withholding the Decision of the Shareholders' General Meeting in the following cases: this meeting has been convened without compliance with provisions enshrined in this Article or any decision content infringes upon laws, or has committed any violations against the university statutes and regulations.

Article 21. Management Board of private universities

Management Board of private universities is established under the provisions set out in Article 17 of the Law on Higher Education as well as other specific regulations as follows:

1. Duties and powers of the university President is stipulated in Clause 2, Article 17 of the Law on Higher Education, and several of them are specified as follows:

a) Prepare proposed agenda and materials for the Shareholders' General Meeting; convene the annual or unscheduled Shareholders' General Meeting in accordance with regulations laid down in Article 20 hereof;

b) Approve regulations on employment quantity, structure and position, recruitment, management, use and development of the staff of lecturers, academics, administrative officers and contract employees of the university;

c) Formulate and submit infrastructural investment strategy, developmental plan and internal financial rules of the university to the Shareholders' General Council for their approval;

d) Approve strategies and plans for training development and scientific research proposed by the University President;

dd) Resolve to set, amend and supplement the university statutes and regulations; adopt contents included in the university statutes and regulations under which the Shareholders' General Council and the science and training board have respectively passed regulations pertaining to finance, enrollment, training, scientific research and international cooperation;

e) Request the provincial People's Committee not to recognize, supplement or replace the membership of the Management Board; hold an election to choose the University President and

request the provincial People's Committee to grant the decision on recognition in accordance with legal regulations; make a decision to appoint or dismiss Vice Presidents with reference to the request made by the University President;

g) Draw up the annual report on operating activities and financial statements of the university for submission to the Shareholders' General Council for their consideration and approval;

h) Send an annual or unscheduled report to the regulatory bodies, and give clear explanations for the university's operating activities and fulfillment of commitments between the university and related parties.

2. The Management Board is constituted by the odd number of membership but restricted to at least 7 members. The number and composition of membership of the Management Board, and the university's election of agents for shareholding members, tenured lecturers and other regulations on operations of the Management Board must be specified in the university statutes and regulations.

3. The Chairperson of Management Board must be elected amongst members of Management Board by means of a secret ballot, and must obtain more than 50% of the vote from all of members specified in the list approved by the Management Board. Chairperson of the Management Board shall assume the following powers and duties as follows:

a) Act as the account holder of the university;

b) Design the program and plan for operations of the Management Board; prepare agenda, contents and materials for the meeting of the Management Board; convene and preside over meetings of the Management Board; hold a vote on and held accountable for resolutions proposed by the Management Board; supervise the process for implementing these resolutions; preside over the Shareholders' General Meeting;

c) Direct the Management Board to fulfill their tasks stipulated in Clause 1 of this Article;

d) Send a written request with his/her signature appended hereto to competent authorities to make their decision to recognize the University President;

dd) Assume other duties and powers stipulated in the university statutes and regulations.

4. Members of the Management Board shall be responsible for performing the tasks assigned by the Board, and be entitled to proper allowance under the university statutes and regulations.

Article 22. Procedures for establishing and recognizing the Management Board; operating activities of Management Board; refusal to recognize the Chairperson and members of the Management Board

1. Procedures for establishing and recognizing the university's Management Board

a) With regard to a new private university: After receiving the Decision on establishment of new private university, the representative who file a petition for establishment of that university (hereinafter referred to as petitioner) must convene and chair the meeting attended by founding and shareholding members in order to determine the membership and the number of members coming from different composition of the Management Board; request the People's Committee of the province where main office of the university is located to delegate a person to become a member of the Management Board; request Communist Party associations or unions in the university to delegate their persons to become members of the Management Board; hold an election in which shareholding members and lecturers shall vote for their representatives participating in the Management Board; make a report on the list of the Management Board's members for submission to the provincial People's Committee.

After a period of 10 working days that begins on the reporting date, unless otherwise permitted by the provincial People's Committee, the petitioner shall convene the meeting of members defined in this list to elect the Chairperson of the Management Board; sign and file the petition to the provincial People's Committee for the grant of decision to recognize the Management Board, Chairperson and the Board's members;

b) With regard to a private university transformed from a community college: After receiving the Decision on this transformation, the Chairperson of the Management Board of that community college must convene the Board's meeting in order to determine total membership and the number of members coming from each composition of that private university's Management Board; implement the rest of regulations laid down at Point a of this Clause so as to establish the private university's Management Board;

c) With regard to a private university that has already established the Management Board, pursuant to the regulations enshrined in Clause 2 Article 21 hereof, the incumbent Chairperson of the Management Board shall follow steps in establishing the Management Board for the successive term as prescribed at Point a of this Clause.

d) Documentation required to apply for the recognition of the Management Board, Chairperson and the Board's members, enclosing a written request for recognition of the Management Board in which steps in determining the Board's membership must be clearly stated; the list of the Chairperson and the Board's members; curriculum vitae of the Board's members; letter of accreditation of a person, working for the People's Committee of the province where the university's main office is located, to the Management Board; the meeting minutes, vote counting record, votes for the Board's Chairperson, agents for shareholding organizations or individuals and tenured lecturers;

dd) Where election of the Board's Chairperson has not been conducted yet, or the Board's Chairperson is not able to continue to hold his/her post, or is subject to the request for refusal to grant recognition in accordance with Clause 3 of this Article, the private university designate one of the Board's members as the acting Chairperson; election and recognition of the acting Chairperson shall be performed in the same manner as these of the Board's Chairperson, and the Decision on recognition of the acting Chairperson shall be valid within a period of 6 months as from the grant date;

e) Where any member of the Management Board is absent on account of being subject to refusal to grant recognition or being transferred to another work position which is no longer appropriate for their membership, the Chairperson of the Management Board shall consider which composition missing members belong to with the aim of following the process for finding replacements in accordance with regulations laid down at Point a of this Clause, and shall send a written request for recognition of supplementary and replacement members present in the Management Board to the People's Committee of the province where the university's main office is located. Documentation that must be filed shall include a written explanation for such supplementation and replacement, minutes of the university council's meeting, vote count record, ballots and other relevant documentary evidences (if any). The University President shall be certainly recognized as the supplementary member of the Management Board after receiving the competent authority's recognition of the University President;

g) Within a period of 30 working days from the date of receiving such full package of documents, the President of the People's Committee of the province where the main office of that university is located must make a decision on recognition of the Management Board, Chairperson and the Board's members. In case of refusal, a written response must be sent, which encloses clear reasons.

2. Operation of the Management Board

a) The Management Board shall convene its tri-monthly meeting. The unscheduled meeting shall be decided by the Chairperson of the Management Board but must receive the consent from at least one-third of the Board's membership. The call for the Management Board's meetings must be enclosed with the meeting agenda and materials, and must be sent to the Board's members by registered or courier mails to which the recipients must append their signature for a period of at least 05 days ahead of the starting date of the meeting;

b) The Management Board's meetings shall be considered valid if at least 75% of membership agrees to participate. Resolution of the Management Board shall be passed in the form of voting behind the following principle: Each of the Management Board's members shall keep a vote; such resolution shall become effective if more than 50% of the Management Board's membership vote for it, and shall be sent to the Board's members within a period of 10 days from the date on which that resolution is passed;

c) Within a period of 90 days since the date when the resolution is passed by the Management Board, any shareholding members or members of the Management Board and Control Board have the right to request competent agencies to consider withholding such resolution in the following cases: Such meeting has been convened without compliance with provisions enshrined at Point a and b of this Clause or any content of the resolution has infringed upon laws or the university statutes and regulations;

d) The Management Board's Chairperson shall be vested with the power to use the organization mechanism and university's stamp to serve his/her operating activities within a scope of the duties and powers of the Management Board as well as append his/her signature on documents, resolution and decision of the Management Board;

dd) In case the President of the Management Board is present within a period of time stipulated in the university statutes and regulations, one of the remaining members of the Management Board shall be authorized to take up the post as the Management Board's Chairperson during this absence. This authorization must be in writing, made known to the public and sent to the competent management agency. The authorization validity is not permitted to exceed 6 months.

3. Refusal to grant recognition of the Chairperson and members of the Management Board

a) Refusal to grant recognition of the Chairperson and members of the Management Board shall occur in the following cases: These persons submit a petition for resignation from the Management Board; have limited capability to perform civil acts or become incapable of fulfilling their assigned tasks by reason of illnesses and accidents but is not fully restored to the normal working condition though they have quit their job to undergo a 6-month treatment; obtain more than 50% of the Board's membership granting their written consents to this refusal.

b) The Management Board shall consider and resolve on the grant of recognition of the Board's Chairperson and members, and file a written request for the decision of the People's Committee of the province, including a written explanation for the refusal to grant recognition and any supporting evidence for the reasons for this refusal;

c) Within a period of 30 working days from the date of receiving such full package of documents, the President of the People's Committee of the province where the main office of that university is located must make a decision on recognition of the Board's Chairperson and members. In case of refusal, a written response must be sent, which reasons for this refusal must be clearly stated.

Article 23. Shareholding members who make their investment in the construction of private universities

1. Shareholding members are organizations and individuals who make their investment in the construction of private universities.

2. Shareholding members shall be vested with the following rights:

a) Attend and deliver their speech at the Shareholders' General Meetings, and exercise their right to cast their vote equal to the percentage of the share capital that they own in a direct manner or through their authorized agents;

b) Receive annual dividends on the percentage of the share capital they own in the charter capital of the university at the rate stipulated in annual financial statements of the university;

c) Be given priority to make their capital contribution whenever the university needs an increase in its charter capital; be given priority to repurchase the assigned share capital equal to the percentage of the share capital they own;

d) Take priority to be offered proper jobs or managerial positions which match their capability in accordance with laws, university statutes and regulations;

dd) Exercise the discretion in transferring or disposing of, bequeathing, assigning or donating their own share capital in accordance with laws, university statutes and regulations; when a shareholding member has died or has been legally declared dead by the Court, his/her heir shall act as the shareholding member of the university;

e) Be provided with annual financial statements of the university; have the right to request the Chairperson of the Management Board to provide full and correct information about the performance and operating results of the university; in particular, a shareholder or a group of shareholders who takes possession of more than 10% of total share capital shall be eligible to view and copy minute and resolution books of the Management Board, financial statements, reports made by the Control Board and other documents of the university as stipulated by the university statutes and regulations;

g) Be entitled to receive a share of the residual asset of the university out of the distributable assets under joint ownership, equal to the percentage of their share capital included in the charter capital of the university after dissolution;

h) Exercise other rights in accordance with legal regulations and the university statutes and regulations.

3. Shareholding members must take on the following obligations:

a) Pay a full amount of share capital as agreed upon in commitments within a period of 90 days as from the date when the policy on establishment of the university has been adopted; bear responsibility, within the amount of their share capital, for debts and other financial obligations incurred by the university;

b) Comply with statutes and regulations as well as internal management provisions of the university;

c) Observe resolutions and decisions of Shareholders' General Council and Management Board;

d) Fulfill other obligations in accordance with legal regulations and the university statutes and regulations.

Article 24. The Control Board

1. The Control Board of a private university shall be composed of agents for shareholding members in accordance with regulations set forth in the university statutes and regulations. The Control Board shall be composed of by 3 to 5 members in which at least one member is skilled at accounting. The Head of the Control Board shall be directly elected by the Shareholders' General Council.

The Control Board shall be held accountable to the Shareholders' General Council for its performance of tasks in accordance with legal regulations, shall assume responsibility for reports and their own activities.

2. The Control Board's members must be Vietnamese nationals; must not be members of the Management Board, University President, Chief Accountant (or Chief Financial Officer), and fathers, mothers, wives or husbands, natural sons or daughters, or siblings of the Management Board's members, University President and Chief Accountant (or Chief Financial Officer) of the university.

3. The Control Board's term shall be identical to the Management Board's term.

4. The Control Board shall assume the following powers and duties as follows:

a) Supervise, verify the appropriateness and legality of the managerial and administrative tasks of the Management Board, University President, Vice President and other divisions of the university;

b) Check the suitability and legality for the recording of accounting books;

c) Evaluate the annual financial report of the university;

d) Send an annual or on-demand reports to the Management Board on their operating outcome and contents of reports, conclusions and recommendations of the Control Board before asking for the official approval from the Shareholders' General Council;

dd) Report the result of supervisory actions at the Shareholders' General Meeting; advise the Management Board or Shareholders' General Council on measures to be taken to modify, adjust or reform the organization structure for the purpose of management and administration of the university's activities;

e) Have the right to advise the competent management agency on issues pertaining to the organization and operation of the university; exercise the right to request the Management Board or its members, University President and other administrative officers of the university to provide sufficient, accurate and timely information and relevant materials in the course of performing assigned tasks;

g) Be entitled to receive materials prepared for the Management Board's meeting, reports submitted by the University President to the Management Board or other necessary materials released by the university at the same period of time and in the same manner as the Management Board's members;

h) The Control Board's members have the right to get access to the university's documents and materials; visit workplaces of the university's employees to practice their controlling rights and duties as planned;

- i) The Control Board has the right to provide independent consultancy in order to perform their assigned tasks;
- k) In the course of performing their tasks, all of the Control Board's activities shall not cause any obstruction or interference for any activities of the Management Board and the university;
- l) Assume other duties and powers in accordance with the university statutes and regulations.

Article 25. Private University President

1. Private University President must meet the accepted standards specified in Article 20 of the Law on Higher Education. If a person who are not a tenured lecturer or administrative officer of that private university is invited to take up the post as its President, and by the time (s)he obtains the decision on recognition granted by the President of the People's Committee of the province where its main office is located, (s)he must become a tenured lecturer or administrative officer.
2. Duties and powers of the private university President is stipulated in Clause 3, Article 20 of the Law on Higher Education, and several of them are specified as follows:
 - a) Draw up the strategy and plan for training development and scientific research of the university for submission to the Management Board for approval;
 - c) Set out regulations on employment quantity, structure and position; policies on recruitment, management, use and development of the staff of lecturers, academics, administrative officers and employees working in the private university, which will be then submitted to the Management Board for their approval;
 - c) Recruit lecturers, administrative officers and other employees; make a decision to accept, designate, change, and promote professional titles for employees in accordance with legal regulations; make a decision on recruitment, retirement, firing, work transfer, conclusion of employment contracts, implementation of employee benefit policies within his/her administrative authority in accordance with laws, university statutes and regulations;
 - d) Annually assess lecturers, administrative officers and other employees of the university;
 - dd) Consult with the Science and Training Board before making a decision on issues subject to this Board's consultancy. If the private university president disagrees with this consultancy, (s)he is entitled to make his/her own decision, or assumes sole responsibility for this decision, and then report it in front of the Management Board in the nearest meeting;
 - e) Implement the resolution adopted by the Management Board; confer with the Chairperson of the Management Board to enter into mutual agreement on handling any possible violation against legal regulations or any adverse impact on common operating activities of the university. Where any discrepancy occurs, the private University President must adhere to resolutions of the Management Board but be obliged to send a report to the President of People's Committee of the province where the main office of that university is located.

3. Private University President election, recognition and refusal to grant recognition

a) Private University President shall be elected through the Management Board according to the principle of secret ballot and must win more than 50% of the vote cast by membership of the Management Board; receive the decision on recognition from the President of the provincial People's Committee of the province where the main office of that university is located; hold his/her office during the same term as the Management Board, and possibly be reelected and re-recognized in accordance with the university statutes and regulations. To be eligible to take up the post as the President of a private university, his/her age is not more than 75 years for male and 70 years for female;

A package of documents used for the recognition of the private University President shall include a written request of the Management Board for the recognition of the University President; curriculum vitae, scientific profile and copies of doctorate degree (the doctorate degree conferred by foreign educational institutions must be accredited by the Ministry of Education and Training) of the person who has been recommended for the post as the private University President; meeting minutes and resolution of the Management Board;

b) Refusal to grant recognition to the private University President must observe the regulations the same as those on dismissal of the public University President stipulated in Clause 3 Article 11 hereof. The Management Board shall consider and resolve on the grant of recognition, and file a written request for refusal to grant recognition to the private University President to the People's Committee of the province where the main office of that university is located, including a written explanation for this refusal and any supporting evidence for these reasons.

c) Within a period of 30 working days that begins on the date of receiving such full package of documents, the President of the People's Committee of the province where the main office of that university is located must make a decision on recognition or refusal to grant recognition. Then, in case of such refusal, the written response in which clear reasons are stated must be sent to the applicant.

Article 26. Vice President of a private university

1. Vice President of a private university must meet the accepted standards specified in Clause 2 Article 12 hereof. The number of Vice Presidents of a private university shall be enshrined in specific provisions set out in the university statutes and regulations. If a person who are not a tenured lecturer or administrative officer of that private university is appointed by the President to take up the post as Vice President, and by the time (s)he obtains the appointment decision, (s)he must become a tenured lecturer or administrative officer.

2. Appointment or dismissal of the Vice President:

a) To be eligible to take up the post as the President of a private university, his/her age is not more than 75 years for male and 70 years for female;

b) The Chairperson of the Management Board shall make a decision to appoint or dismiss a Vice President of a private university with reference to the request of the President of that private university to which more than 50% of the Management Board's membership gives their consent.

3. Other related contents shall comply with regulations laid down in Article 12 hereof.

Article 27. Divisions of a private university

Regulations on divisions of a private university shall be the same as those of a public university as stipulated in Article 13, 14, 15, 16, 17, 18 and 19 hereof. Dean, Vice Dean, Head or Vice Head of a division, Head or Vice Head of an academic subject in a private university is not more than 75 years old for male and 70 for female.

Section 4. ORGANIZATION AND MANAGEMENT OF NON-PROFIT PRIVATE UNIVERSITIES

Article 28. Non-profit private university

1. Non-profit private universities must adhere to specific provisions laid down in this Section, general provisions hereof applied to private universities and relevant laws.

2. Non-profit private universities shall not organize the Shareholders' General Council.

3. Non-profit private universities and non-profit foreign-invested universities shall have access to incentive policies on training, scientific research and development of the staff of lecturers; be entitled to tax incentive, reduction and exemption in accordance with the tax legislation; be given priority to receive an assigned or leased land, investment projects, place orders to fulfill their tasks of training, scientific research, technology transfer in terms of the university's core sectors.

Article 29. The Management Board of non-profit private universities

1. The Management Board of non-profit private universities is an organization that manages or represents joint ownership of the university's community, as well as the most powerful organ of the university.

2. Duties and powers of the Management Board of the non-profit private university comply with regulations laid down in Article 17 of the Law on Higher Education, and several of them are specified as follows:

a) Approve internal financial rules, other internal statutes and regulations of the university, including those on standard and selection of members of the Management Board, the Control Board, University President, Vice President, which must correspond to general provisions enshrined in laws;

b) Approve annual performance report and financial statements of the university;

c) Convene annual general meeting of the entire university; support the general meeting's fulfillment of tasks regulated in Article 33 hereof; review and approve the meeting agenda or handouts used for such general meeting; deliver the reporting speech on the performance of the university in the meeting;

d) Other tasks and duties stipulated in Article 21 hereof.

3. The Management Board of the non-profit private university is constituted by the odd number of membership but restricted to at least 15 members. Composition of the Management Board must comply with regulations laid down in Clause 3 Article 17 of the Law on Higher Education while the acceptance of other members in the university's Management Board must adhere to the university statutes and regulations in which shareholding members make up less than 20% of membership of the Management Board.

The membership of the Management Board, determination of agents for shareholding members, tenured lecturers and other specific provisions on the operating activities of the Management Board must be enshrined in the statutes and regulations of non-profit private university.

4. The Chairperson of the Management Board and members must be regulated in accordance with regulations laid down in Clause 3, Clause 4, Article 21 hereof. The Chairperson of the Management Board must preside over the general meeting.

Article 30. Process for establishing and recognizing the Management Board, operating activities of the Management Board, refusal to recognize the Chairperson and members of the Management Board of non-profit private universities

1. Required processes of establishment or recognition of the Management Board of a non-profit private university

a) With regard to a new private university: After receiving the Decision to establish the non-profit private university, the petitioner for such establishment shall refer to the regulations laid down in Article 22, 29 hereof to establish its Management Board;

b) With regard to a private university transformed into a non-profit private university: After receiving the written recognition of the non-profit private university, the incumbent Chairperson of the Management Board shall refer to the regulations laid down in Article 22 hereof to establish its Management Board;

c) Other related contents shall comply with regulations laid down in Article 22 hereof.

2. Operation of the Management Board and refusal to recognize the Chairperson and members of the Management Board in a non-profit private university shall comply with the regulations set forth in Article 22 hereof.

Article 31. The Control Board of a non-profit private university

1. The Control Board of a non-profit private university shall be composed of agents for shareholding members, employees of that university, and shall be elected at the general meeting and shall be composed of from 3 to 5 members out of which at least one member shall be skilled at accounting. The number of agents for shareholding members shall not be permitted to exceed 40% of total membership of the Control Board. The Head of the Control Board shall be directly elected at the general meeting.

The Control Board shall be held accountable to the general meeting for its performance of tasks in accordance with legal regulations, shall assume responsibility for reports and their own activities.

2. Members and term of the Control Board shall conform to the regulations laid down in Article 24 hereof.

3. The Control Board shall assume the following powers and duties as follows:

a) Send an annual or on-demand reports on their operating outcome and contents of reports, conclusions and recommendations of the Control Board to the Management Board before being publicly announced at the general meeting of the university;

b) Report the result of supervisory actions at the general meeting; advise the Management Board on measures to be taken to modify, adjust or reform the organization structure for the purpose of management and administration of the university's activities;

c) Other tasks and duties stipulated in Article 24 hereof.

Article 32. Shareholding members who invest their capital in the construction of non-profit private universities

1. Shareholding members shall be vested with the following rights:

a) Attend and deliver their speech at the university's general meeting, and exercise their right to vote in a direct manner or through their authorized agents;

b) Receive annual dividends on their share capital at the regulated rate (if any) specified in the university statutes and regulations, which do not exceed the interest rate of Government bonds at the same reporting period;

c) Exercise other rights stipulated at Point dd, h Clause 2 Article 23 hereof.

2. Shareholding members must take on the following obligations:

a) Pay a full amount of share capital as agreed upon in commitments within a period of 90 since the intention to establish the university is approved;

b) Comply with resolutions and decisions of the Management Board;

c) Fulfill other duties in accordance with laws, the university statutes and regulations.

Article 33. General meeting of non-profit private universities

1. The university's general meeting must be attended by:

a) Shareholding members;

b) Members of the Management Board and Control Board;

c) Administrative officers, lecturers and academics of the university. In case total administrative officers, lecturers and academics of the university are more than 300 persons, the number of delegates participating in the general meeting is not permitted to be less than 75% of total administrative officers, lecturers and academics of the university.

2. The university's general meeting shall assume the following powers and duties as follows:

a) Elect or dismiss the Head and members of the Control Board;

b) Give advisory opinions on the strategy for training, scientific research and infrastructural development of the university, developed by the Management Board, and the university statutes and regulations, as well as internal financial rules of the university;

c) Assume other duties and powers in accordance with the university statutes and regulations.

3. Annual general meeting shall be scheduled within a period of first 4 months of a fiscal year; all of the costs incurred from the convening and organization of such meeting shall be funded by the operating expenditures of the university.

4. Necessary conditions for the university's general meeting

a) The university's general meeting is considered legitimate if at least 65% of membership is present at the meeting;

b) The general meeting shall be convened by sending the written call; the written call for such meeting must enclose meeting agenda proposal and other related materials, and must be sent to all of the shareholding members, the Management Board's members and other relevant divisions of the university;

5. Contents of the general meeting must be fully recorded in the minutes and approved right after the meeting, bearing the signature of the chair and secretary of the meeting to serve the filing purpose. Resolution agreed by the general meeting must be passed by means of voting or secret ballot, which shall be then sent to relevant divisions, shareholding members, members of the Management Board and the Control Board within a period of 15 days as from the date when such resolution is adopted.

6. Resolution passed by the general meeting shall become effective if it is agreed by at least 65% of participants; participants shall have the same voting right.

7. Election of agents for administrative officers, lecturers and academics as delegates attending the university's general meeting and other specific provisions pertaining to the general meeting must be enshrined in the university statutes and regulations.

Article 34. Required documents and procedures for the recognition of non-profit private universities

1. As regards the establishment of new non-profit private university, in addition to the documents required to apply for the establishment of the university in accordance with laws, non-profit private universities need to submit further documents as follows:

a) An evidence for the university's first undistributable assets under joint ownership (if any);

b) A written commitment of organizations or individuals being shareholding members of the university (if any) on the receipt of dividends in accordance with Point a Clause 1 Article 6, and on the use of marginal income of the university in accordance with regulations laid down at Point b Clause 1 Article 6 of the Government's Decree No.141/2013/ND-CP.

2. Where private universities are transformed into non-profit private universities, a set of documents include:

a) A petition for this transformation in which guiding principles and objectives of the university's non-profit activities, share capital, undistributable assets under joint ownership, and commitment of the university on the use of marginal income in accordance with regulations laid down at Point b Clause 1 Article 6 of the Government's Decree No. 141/2013/ND-CP must be clearly stated;

b) Meeting minutes of the Shareholders' General Meeting in which the transformation of private universities into non-profit private universities must be approved. Such minutes must obtain the consent from delegates who take possession of at least 75% of total share capital of shareholding members, unless the higher rate is otherwise regulated in the university statutes and regulations;

c) A written commitment of organizations or individuals being the owners of invested capital as stipulated in Article 6 of the Government's Decree No. 141/2013/ND-CP;

d) A draft statutes and regulations, and internal financial rules as well as supporting evidence pertaining to the charter capital of the university.

3. With regard to required processes and powers of establishment or recognition of non-profit private universities:

The Ministry of Education and Training shall inspect all required documents in accordance with regulations laid down in this Article for submission to the Prime Minister to make a decision relating to non-profit private universities.

Chapter III

OPERATING ACTIVITIES OF A UNIVERSITY

Section 1: TRAINING OPERATIONS

Article 35. Training program, teaching and school materials

Training program and teaching materials shall comply with regulations laid down in Article 36 of the Law on Higher Education. Training program must conform to the specific structure and requirements as follows:

1. Training program shall be designed for a level of an academic or specialized branch into an orientation towards academic researches or practicality, including: Training levels; admission and graduation requirements; training objectives, outflow standards; training contents and methodology; methods for evaluating the learning outcome; conditions for offer of training programs.
2. The university shall be granted the responsible autonomy for design, assessment and execution of training programs, and must ensure the conformity to the following requirements:
 - a) Training programs in the form of regular education must meet regulatory standards for minimum knowledge density and requirements for the developed capability of learners after graduation, all of which must conform to the process for design, evaluation and execution; ensure the consistency in knowledge bases amongst subjects being taught at the entire training program; shall be periodically assessed, adjusted and updated in order to meet actual demands, development of academic disciplines and satisfy the requirements of the labor market; the high-quality training program shall be designed to conform to regulatory requirements set out by the Ministry of Education and Training;
 - b) Training programs designed in the form of continuing education shall have contents and outflow standards equal to training programs designed in the form of regular education;
 - c) Refresher courses serving the purpose of improving professional skills and career development for learners must meet the practical demand and must be connected with the international integration;
 - d) The foreign-invested university shall enjoy their responsible autonomy for developing and executing training programs in accordance with regulations laid down in Article 36 of the Law on Higher Education; the contents of these training programs must include compulsory subjects in accordance with the Ministry of Education and Training.

Article 36. Training organization, management, and evaluation of training process

1. The university shall organize and manage training tasks in accordance with Article 37 of the Law on Higher Education; offer training course in subjects and specialized disciplines at the

place which conforms to required conditions and is permitted by the competent authority; conduct the evaluation of training process and learning outcome of learners in accordance with the training regulations and statutes.

2. Organization, management and evaluation of training process of the joint training program with foreign partners shall comply with applicable laws on foreign cooperation, investment in the field of education and training.

3. Universities can enter into agreement or commitment on recognition, credit conversion and outcome of learning efforts and other contents pertaining to learning activities when the exchange between domestic and foreign students occurs on the basis of ensuring the acceptable density of knowledge to be acquired in the training program.

Article 37. Teaching assistant

1. Teaching assistants shall assist lecturers, main teacher, associate professor and professor in performing teaching activities, including preparation of lessons, extra-class tutoring, instructions on doing exercises, carrying out discussions, laboratory practices and marking tests;

2. Intern lecturers, teaching assistants, academics and postgraduate students who are conducting their study and research at the academic department, and students who achieve the outstanding learning result at the end of a training course, experienced persons inside or outside of the university and lecturers, can get involved in a teaching assistant's activities in the relevant professional field.

3. Assignment of a teaching assistant's tasks, duties and allocation of allowances to those who participate in a teaching assistant's activities shall be subject to specific provisions enshrined in the university statutes and regulations.

Article 38. Degrees or certificates

1. Regulations on degrees, printing of degree templates and awarding of degrees to learners or students must comply with Article 38 of the Law on Higher Education.

2. Degrees or diplomas are granted along with transcripts and certificates from the training program.

3. Students who have participated in the student exchange program between domestic universities and foreign universities, whenever both universities have already entered into the agreement to recognize such programs and undertake mutual credit conversion, are eligible to be granted additional degrees in the home country upon completion of the training program and after achieving the degree in the foreign country.

Article 39. Training quality assurance and assessment

1. Responsibilities, duties and powers of the university pertaining to the work of training quality assurance and assessment shall be stipulated in Article 50 and 51 of the Law on Higher Education.

2. Universities shall assume their responsibility for participating in the work of domestic and international quality assessment, getting involved in supervising operating activities of education quality assessment organizations, and ensuring the impartiality, transparency and equality for all educational and training activities.

Section 2: SCIENCE AND TECHNOLOGY ACTIVITIES

Article 40. Duties and powers of a university to perform science and technology tasks

The university shall assume their duties and powers to perform science and technology activities in accordance with regulations laid down in Article 41 of the Law on Higher Education, and several of them are specified as follows:

1. Perform science and technology activities as prescribed in regulations laid down in Article 40 of the Law on Higher Education, which conforms to the conditions of the university, meet the objectives of science and technology activities in accordance with regulations laid down in Article 39 of the Law on Higher Education and legal regulations.

2. Be involved in proposing, selecting, advising, examining science and technology tasks; provide help for establishment and protection of intellectual property rights, commercial right and intellectual right transfer in accordance with applicable laws.

3. Prepare and executing the investment projects for the scientific and technological development, projects for enhancement of research competence, main laboratory rooms for the interdisciplinary or specialized profession purposes.

4. Create multi- and inter-disciplinary research groups; set up researching – teaching groups which closely combine scientific research tasks with training activities; guarantee to provide necessary conditions for lecturers to fulfill their scientific research task; organize scientific research activities for learners.

5. Organize activities to stimulate domestic and foreign cooperation in terms of science and technology.

6. Establish the database and information system in respect of science and technology activities; exchange scientific and technological information with other domestic or foreign training and research institutions.

7. Make arrangement for the performance of scientific research tasks at all administrative levels, implementation of program and project for scientific research, technology transfer to meet the order placed by the State.

Article 41. Management of a university's science and technology activities

1. A full-time unit for management of science and technology activities of the university must be organized.
2. Issue the regulations on managing science and technology activities of the university on the basis of relevant legal regulations pertaining to science and technology activities.
3. Draw up and implement the plan for science and technology activities within a university, and those aimed at connecting the scientific research activities with bachelor, master and doctorate training activities.
4. Mobilize different financial sources to support science and technology activities, and set up a fund for development of science and technology in the university; manage, use financial sources according to the principle of disclosure and efficiency in accordance with laws.
5. Commend, honor and confer awards on administrative officers, lecturers, academics and students who obtain excellent achievement in their learning outcome.
6. Carry out inspection, assessment and conclusion of implementation of the plan to perform science and technology activities.

Section 3: INTERNATIONAL COOPERATION

Article 42. Duties and powers of a university to seek international cooperation activities

The university shall assume their duties and powers to perform international cooperation activities in accordance with regulations laid down in Article 47 of the Law on Higher Education, and several of them are specified as follows:

1. Prepare and implement the strategy, plan and program for short-term, medium and long-term international cooperation of the university, which must conform to the objective that international cooperation seeks to reach in accordance with Article 43 of the Law on Higher Education, policies and guidelines of the State to promote the international integration in terms of education and training sector.
2. Manage and implement programs and projects for international cooperation within the university's authority in an effective manner.
3. Negotiate and conclude cooperation agreements with foreign partners in accordance with laws.
4. Set up the database and information system in terms of international cooperation activities.

Article 43. Management of international cooperation activities

1. Full-time unit for international cooperation in the university must be organized.

2. Formulate and promulgate the rules of management of international cooperation activities of the university, which must conform to regulations laid down in this Charter and other relevant legal documents.
3. Arrange practical and effective cooperation activities; inspect, assess and overview the performance of international cooperation tasks of the university.
4. Cooperate with relevant regulatory bodies in ensuring social security, order and safety in terms of international cooperation activities.

Chapter IV

LECTURERS AND LEARNERS OF A UNIVERSITY

Section 1. LECTURERS

Article 44. University lecturers

1. University lecturers have been regulated in Article 54 of the Law on Higher Education.
2. The Minister of Education and Training shall promulgate regulations on setting standards of lecturer's titles as the bases for the recruitment process, implementing working regime, policies on improving and enhancing professional skills as well as other policies in accordance with laws.

Article 45. Duties and rights of lecturers

University lecturers shall assume their duties and rights in accordance with Article 55 of the Law on Higher Education and some of these duties and rights are specified as follows:

1. Comply with the university rules, statutes and regulations.
2. Implement regulations on the working regime applied to lecturer's titles promulgated by the Minister of Education and Training;
3. Be fully equipped with working supportive device, means and provide favorable conditions for performing their tasks stipulated by laws; be provided with relevant information pertaining to their assigned duties and powers.
4. Be entitled to salary, wage, allowance and benefit as well as other incentive policies in accordance with laws; public university lecturers who working in areas faced with difficult socio-economic conditions shall be entitled to allowance and incentive policies regulated by the Government.
5. Be provided with refresher courses to enhance and improve their professional practice as planned and depending on the university's conditions; have the right to take part in managerial

and administrative work in the university; be eligible to get involved in social activities in accordance with laws.

6. Lecturers who participate in science and technology activities shall be granted the rights stipulated in the Law on Science and Technology; lecturers who are in charge of administrative work in the university, if they decide to take up the teaching position, shall be entitled to benefits for lecturers as prescribed by laws and other university's legal regulations.

7. Get involved in managing learners and share part of social community responsibility

Article 46. Probation time of lecturers

1. Enrollees who are employed as a lecturer must experience 12 months' probation.

2. Those who used to teach at the university level for a period of at least 12 months shall not be required to experience the probation time; those who keep doctoral degrees and used to participate in teaching work during the time when they serve as postgraduates shall be considered to shorten the probation time by the University President.

3. Probation duration must be written in the employment contract or labor contract.

4. Workloads required during the probation duration

a) Grasp regulations on rights and obligations of lecturers and realize prohibited acts; learn and gain insight into internal rules, training regulations and statutes pertaining to the university where they are working, as well as duties and powers of those who are offered this work position;

b) Improve and enhance more knowledge about the academic subject that they are assigned to teach; preparation of lesson plans; teaching methodology and learning outcome; classroom management;

c) Observe classes, attend academic discussion among lecturers in the department, carry out teaching internship and perform their work described in the job offer;

d) Be awarded the certificate of teaching refresher course completion, if they have not received such a certificate.

5. No later than 07 working days from the date when teaching interns receive their jobs, the Head of academic department must assign lecturers who are skilled at teaching profession to instruct such interns.

Article 47. Appraisal of lecturers

1. This appraisal shall be carried out in accordance with the Charter promulgated by the Minister of Education and Training.

2. Such appraisal must mirror the actual capability and competence in teaching, scientific research, ethics and behaviors of a lecturer.

Section 2: LEARNERS

Article 48. University learners

University learners have been regulated in Article 59 of the Law on Higher Education, including: Students participating in different training programs; postgraduate students participating in doctoral training programs; academics participating in doctoral training programs; learners participating in intensive, practice-based and internship courses in the university.

Article 49. Duties and rights of learners

Learners shall assume the duties and rights stipulated in Article 60 of the Law on Higher Education and several of the duties and rights shall be specified as follows:

1. Conserve and protect assets of the university; make a contribution to the construction, protection and promotion of traditional values of the university. Show their respect for cultural and ethical values, traditional habits and customs.
2. Collect tuition fees and charges in accordance with legal regulations.
3. If learners entitled to receive scholarships and training expenditures derived from the state budget or foreign aids as agreed upon in the agreement with Vietnam's government fail to comply with task assignment carried out by the competent authority, they must reimburse the sum of scholarship and paid training expenses in accordance with the Government.
4. They are eligible to take part in teamwork activities, student's association and other social organization in accordance with legal regulations.

Chapter V

FINANCIAL AND ASSET-RELATED ISSUES OF THE UNIVERSITY

Article 50. Finance, asset, tuition and fee

Universities shall comply with regulations on financial sources; tuition and application fee; financial management; management and use of assets in accordance with regulations laid down in Chapter X of the Law on Higher Education and other relevant laws.

Article 51. Use of marginal income of private universities

A portion of marginal income gained from training activities and scientific researches of private universities shall be used in accordance with provisions enshrined in Clause 3 Article 66 of the Law on Higher Education and specific provisions as follows:

1. Fulfill their obligations to the state bank, and pay taxes stipulated by laws.
2. Pay dividends equal to the percentage of share capital to shareholding members after fulfilling obligations to the state bank, set up various funds in accordance with applicable regulations, internal financial rules and statutes of the university.
3. The amount of salary paid to employees and dividends paid to shareholding members as well as other expenses must comply with internal financial rules, statutes and regulations of the university.

Article 52. Assignment of share capital ownership and withdrawal of private universities

1. Assignment of share capital ownership of shareholding members in private universities shall be specifically regulated in statutes, regulations and internal financial rules of such universities, which must conform to legal regulations and stick to the principles of assignment as follows:

- a) Those who have the demand for assignment are responsible for advising the Management Board on the price, terms and conditions of such assignment
- b) The Management Board shall advise the rest of shareholding members on the price, terms and conditions of such assignment which must be publicly disclosed to university's employees, and remain valid within a period of at least 45 days;
- c) The assignment must follow the sequence such as assignment between shareholding members at the percentage equal to the share capital of each shareholding member; between the university's employees, if shareholding members refuse to purchase or agreed to purchase part of such share capital; assignment of share capital to those who are not the university's shareholding members and employees, if the university's employees refuse to purchase or agree to purchase part of such share capital.

2. In respect of non-profit private universities, the principles of assignment of ownership of share capital shall be regulated in the statutes, regulations and internal financial rules of the university without breach of applicable regulations.

3. Withdrawal and assignment of share capital ownership must comply with legal regulations, university statutes and regulations, and must ensure the stability.

4. In case of dissolution, financial and asset-related handling must conform to legal regulations.

Chapter VI

RELATIONS OF A UNIVERSITY

Article 53. Relations of a university with families and social classes

The university must establish the following relations:

1. Cooperate with political organizations, socio-political organizations, socio-political-vocational organizations, social organizations, socio-professional organizations, professional organizations in making learners reach the comprehensive educational targets; firmly connect the education of the university with the education of families and social communities.

2. Implement policies on get a lot of entities involved in the educational sector, invent solutions to attracting social organizations, human resource organizations, enterprises, and other relevant parties to invest in the construction and development of infrastructural facilities; advise the university on developmental planning, vocational and professional structure, training levels, development of training programs; provide financial support for learners and proper job positions for graduates, supervise educational operations and establish healthy educational environment.

3. Send out scientific knowledge to the public, carry out the transfer of scientific research achievements and technological advances.

Article 54. Relations of the university with Ministries, governmental departments, People's Committees at all levels, organizations and enterprises

1. Ministries, governmental departments, scientific and technological organizations, production and business establishments and non-business service providers shall be responsible for and facilitate field study, practice, internship and skill training for learners.

2. The university shall cooperate with regulatory agencies at the central and local level, relevant domestic and foreign enterprises and organizations in determining training demands, connecting training issues to employments and recruit graduates; sign training contracts, science and technology agreements; apply scientific and technological breakthrough to actual production and social life.

3. The university shall cooperate with cultural, arts and sports centers, mass media agencies in organizing cultural, arts and sports events, which serves the purpose of creating healthy educational environment; seek and nurture learners who are gifted at arts and sports.

4. The university shall promote the relation of its divisions and departments with political organizations, socio-political organizations, socio-political-vocational organization, social organizations, socio-professional organizations, vocational organizations, economic institutions and people's armed forces, People's Committees at all levels in order to make use of these relations to fulfill the following tasks:

a) Organize training, scientific and technological activities; carry out the transfer of scientific research achievements as well as apply technological and scientific breakthroughs to the production industry and human life;

b) Stimulate people to study by training incentive programs, and create healthy and positive educational environment; maintain safety, security and order during the learning process of learners; prevent narcotic drugs and other social problems from ruining the university;

c) Provide financial and material support within permitted capability for the task of educational development, improvement of living standards in terms of physical and mental life, learning conditions, task fulfillment of the university's officials, civil servants and learners.

Chapter VII

IMPLEMENTATION

Article 55. University's responsibility

Enforce this Charter; complete organization structure, review aspects of operation, accepted standards of lecturers and administrative officers in order to comply with regulations enshrined in this Charter; amend, adjust or promulgate new university statutes, regulations and internal rules in conformity with regulations set out in this Charter.

Article 56. Responsibility of the Ministry of Education and Training

1. Direct the implementation of this Charter throughout the entire system of universities nationwide; make statistical reports and set up the database of universities.
2. Consult with the direct management agencies and provincial People's Committees in the course of implementing this Charter as well as dealing with difficulties, complaints or discrepancies in order to ensure the consistency throughout the system of universities.
3. Inspect and supervise the implementation of the Charter of universities, and handle any violation against legal regulations; remove or propose removing any decision in breach of these regulations enshrined in this Charter and legal regulations on university education.

Article 57. Responsibility of the university direct management office

1. Directly carry out or cooperate with the Ministry of Education and Training in the direction of implementation of the university's Charter at university affiliates.
2. Work with the Ministry of Education and Training to manage university affiliates; handle difficulties and discrepancies in accordance with legal regulations.
3. Conduct administrative inspection and supervision of the task of implementing this Charter and handle violations committed by university affiliates in accordance with laws.

Article 58. Responsibility of provincial People's Committees

1. Directly carry out or cooperate with the Ministry of Education and Training in the direction of implementation of the university's Charter at university affiliates; grant recognition of the Management Board, President of the university as well as other regulations applied to private universities located within the territory of that province;

2. Cooperate with the Ministry of Education and Training in management of universities in the area; handle difficulties and discrepancies in accordance with legal regulations.
3. Inspect and supervise the implementation of the Charter of universities within their delegated authority; handle any violation committed by universities throughout the province in accordance with laws./.

*This translation is made by **LawSoft** and for reference purposes only. Its copyright is owned by **LawSoft** and protected under Clause 2, Article 14 of the Law on Intellectual Property. Your comments are always welcomed*