

LAW

ON HIGHER EDUCATION

Pursuant to the Constitution 1992 of the Socialist Republic of Vietnam amended and supplemented under the Resolution No. 51/2001/QH10;

The National Assembly promulgates the Law on Higher Education.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law specifies the organization, duties and authority of higher education institutions, the activities of training, science and technology, international cooperation, higher education quality assessment and assurance, the lecturers, the students, the higher education institutions property and finance, and the State management of higher education.

Article 2. Subjects of application

This Law is applicable to colleges, universities, academies, regional universities, national universities, scientific research institutes eligible for doctorate training, other organizations and individuals related to higher education.

Article 3. The application of the Law on Higher Education.

The organization and operation of higher education institutions and higher education management agencies must comply with this Law, the Law on Education and other relevant law provisions.

Article 4. Interpretation of terms

In this Law, the following terms are construed as follows:

1. *Formal education* is the form of education in which full-time courses are provided at higher education institutions in order to implement a training program at a certain level of higher education.
2. *Continuing education, including in-service training and distance learning, is the form of education in which the classes and courses are provided at higher education institutions or associate education facilities depending on the students' demand in order to implement a college or university training program.*
3. *A training profession is a collection of knowledge and professional skills of a certain profession or science. A training profession includes various majors.*
4. *A majors is a collection of advanced professional skills and knowledge of a profession.*

5. *Transferring in higher education is a solution for training management by which the students may use their existing education results to study further in the same profession or when they shift to another profession or level.*

6. The skill and knowledge standards of the training program is the minimum requirement for knowledge and skills that a student must obtain after completing the training program

7. *Non-profit foreign-capitalized higher education institutions and private higher education institutions are higher education institutions of which the cumulative annual profit is not shared but to reinvest in the higher education institution development; the shareholders or contributors do not receive dividend or the dividend does not exceed the interest rate of the Government 's bonds.*

8. *Universities are higher education institutions including the colleges, universities, affiliated scientific research institutes belonging to different fields, separated into two levels for higher education.*

Article 5. The target of higher education

1. General target:

a) Training human resources, enhancing people's intelligence; doing science and technology researches in order to create knowledge and new products serving the socio-economic development, assure National defense and security and international integration;

b) Training students that possess political quality, ethics; possess knowledge and professional practical skills, possess capability of researching and applying science and technology corresponding to their grade; possess creativity, professional responsibility and adaptability to the working conditions; aware of

2. Specific target of college education, university education, master's and doctorate programs:

a) The college education provides students with the basic professional knowledge and proficient practical skills, the ability to understand the impacts of natural law principles on real life and the ability to solve the usual problems related to the trained profession;

b) The university education provides students with the comprehensive profession knowledge, thorough grasp of the natural – social law and principle, basic practical skill and the ability to work independently, creatively and solve the problems related to the trained profession;

c) The master's program provides students with fundamental scientific knowledge and advanced research skills of a certain science or a certain profession, with the ability to work independently, creatively and the capability of detecting and solving the problems related to the trained profession;

d) The doctorate program provides the graduate students with advanced knowledge of theoretical and practical skills, with the ability to do researches independently and creatively in order to develop new knowledge, discover new natural—social laws and principles, solve new scientific and technological problems, guide the science research and professional activities.

Article 6. The levels and training forms of higher education

1. The levels of higher education include: college, university, master's and doctorate.

The Minister of Education and Training shall cooperate with other Ministries and Heads of ministerial-level agencies to specify the training of practical skills and advanced application for the graduates in a number of special profession.

2. The levels of higher education are provided in 2 forms being formal education and continuing education.

Article 7. Higher education institutions

1. The higher education institutions in the national educational system include:

- a) Colleges;
- b) Universities, academies;
- c) Local universities, national universities (hereinafter referred to as universities);
- d) Scientific research institutes eligible of doctorate training.

2. The Vietnam's higher education institutions are organized in the following forms:

- a) State-owned public higher education institutions of which the facilities are invested and built by the State;
- b) Private higher education institutions possessed by social organizations, socio-professional organizations, private economic organizations or individuals, invested and built by social organizations, socio-professional organizations, private economic organizations or individuals.

3. Higher education institutions invested by foreigners include:

- a) Higher education institutions 100% invested by foreigners
- b) Joint higher education institutions invested by foreigners and domestic investors.

Article 8. National universities

1. National universities are scientific and technological training and research centers of various professions, prioritized to develop by the State.

2. National universities have the initiative in the activities of training, doing scientific, financial, international relation research and organize their own structure. National universities are under the State management of the Ministry of Education and Training, or the Ministries and sectors, People's Committees all levels where the national universities are located as prescribed by the Government and law provisions.

National universities are entitled to directly work with Ministries, ministerial-level agencies, Governmental agencies, People's Committees of central-affiliated cities and provinces to solve the issues related to the national universities. If necessary, the directors of national universities shall send reports to the Prime Minister on the issues related to the operation and development of national universities.

3. The council president, the director and deputy director of a national university is designated and discharged by the Prime Minister.

4. The Government shall specify the functions, tasks and power of national universities.

Article 9. Higher education institution classification

1. Higher education institutions are classified in order to serve the higher education institution network planning consistent with the socio-economic development requirements and the plan for developing and improving the capability of scientific research and training of the higher education institutions; perform the State management.
2. The higher education institutions are ranked in order to assess the prestige and quality, serving the State management and investment priority for the State budget.
3. The higher education institutions are classified and ranked under the following criteria:
 - a) Their positions and roles in the higher education system;
 - b) Their scales, professions and training levels;
 - c) Their science, technology and training mechanism;
 - d) The quality of training and scientific research;
 - dd) The higher education quality assessment results.
4. The higher education institutions are classified into
 - a) Higher education institutions towards research;
 - b) Higher education institutions towards application;
 - c) Higher education institutions towards practice;
5. The Government shall specify the standards of higher education institution classification; promulgate the higher education institution ranking bracket of each class and the standards of each rank in the bracket serving the State management and the priority of investment in higher education from the State budget.

The Prime Minister shall accredit the rankings of universities; the Minister of Education and Training shall accredit the rankings of colleges. Depending on the rankings, competent State management agencies shall make decisions on the plan of investment priority, the objectives and special management mechanism of the higher education institutions consistent with the demands for the workforce and the national socio-economic development in each period.

Depending on the rankings, the Ministry of Education and Training shall cooperate with People's Committees of central-affiliated cities and provinces (hereinafter referred to as provincial People's Committees) where the higher education institutions are located or where their training activities are organized in order to support the private higher education institutions in land, credit and employee training.

Article 10. Language in higher education institutions

Vietnamese is the official language in higher education institutions

Basing on the Prime Minister's provision, the higher education institutions shall make decisions on using foreign languages in school.

Article 11. Higher education institution network planning

1. Higher education institution network planning is the arrangement of the system of colleges, universities, academies with appropriate professions and training levels for the population,

geographical locations nationwide and locally in each period, consistent with the strategy for socio-economic development and National defense and security.

2. Principles of higher education institution network planning

a) Consistent with the strategy and planning for socio-economic development of the country, the sectors and the localities; assuring the profession structure, level structure and locality structure; satisfying the people's demand for education;

b) Assuring the diversity and uniformity of the higher education system, combining training with scientific research, production and services; step by step enhance the training quality, serving the industrialization, modernization and international integration.

c) Consistent with the investment capability of the State and the resource mobilization of the society; creating favorable conditions for everyone to participate in the higher education institution construction.

d) Prioritizing the investment in the primary objectives, the key higher education institutions and key professions, key economic regions and impoverished areas.

3. The higher education institution network planning include the following contents:

a) The higher education system framework and the training scale by profession, training level and form of higher education institutions;

b) Locating higher education institutions basing on their properties and the local socio-economic characteristics;

c) The teaching staff and education management staff;

d) Material and technical facilities.

4. The Prime Minister shall approve the higher education institution network planning.

Article 12. The State policies on higher education development

1. Higher education development for training the qualified and quality workforce in order to satisfy the demand for socio-economic development and assure the National defense and security.

2. Increasing the budget for higher education; concentrating the investment in high quality higher education institutions towards basic science, hi-tech and key socio-economic professions in order to reach the world-class level.

3. Socializing the higher education, offer incentives for land, tax, credit and employee training in order to encourage non-profit foreign-capitalized higher education institutions and private higher education institutions; prioritizing the establishment of private higher education institutions with intensive investment, assure the establishment conditions as prescribed by law. It is prohibited to misuse the higher education activities for earning illegal profit.

4. Combining training with research and application of science and technology; boosting the cooperation between higher education institutions, scientific research organizations and enterprises.

5. The foreign shall place orders and assure the budget for the fulfillment of scientific and technological duties of higher education institutions that show high potential of science and technology.
6. Agencies, organizations and enterprises are entitled and responsible for receiving and facilitating the lecturers' and students' study, practice, scientific research and technology transfers, contributing to the training quality improvement.
7. Formulating appropriate attraction and benefit policy in order to built and improve the teaching staff's quality, concentrate on the teaching staff with PhD degree and associate professor, professor title in higher education institutions.
8. Implementing the preferential policies on subjects of social policies, subjects in ethnic areas, areas with poor socio-economic conditions and the subjects learning special profession satisfying the workforce demand for socio-economic development; achieving sexual equality in higher education.

Article 13. The Communist organizations, and social organizations in higher education institutions

1. The Communist organizations in higher education institutions are established and operated as prescribed in the Charter of the Communist Party of Vietnam within the scope of the Constitution and Law.
2. The social organizations in higher education institutions are established and operated under the Constitution, the Law and their own charter.
3. Higher education institutions are responsible for facilitate the establishment and operation of Communist organizations and social organizations as prescribed in Clause 1 and Clause 2 this Article.

Chapter II

ORGANIZATIONS OF HIGHER EDUCATION INSTITUTIONS

Section 1. The organizational structure of higher education institutions

Article 14. Organizational structure of colleges, universities and academies

1. The organizational structure of public colleges, universities includes:
 - a) The school council;
 - b) The Principal, Deputy Principal of the college or the university; the Director, Deputy Director of the academy;
 - c) Functional Departments;
 - d) Faculty, academic department; science and technology organizations;
 - dd) Other organizations serving the training, scientific and technological research; production, trading and service facilities;
 - e) Other campuses (if any);
 - g) The Science and training council, the advisory councils.

2. Colleges, universities affiliated to the university of which the organizational structure complies with the organization charter and the university operation.
3. Private colleges, universities with organizational structure as prescribed in Point b, c, d, dd, e and g Clause 1 this Article that have the Board of Directors, the Control Board.
4. Foreign-capitalized higher education institutions with independent organizational structure.

Article 15. The organizational structure of universities

1. The university council;
2. Director, Deputy Director.
3. Offices, functional departments;
4. Affiliated universities, affiliated scientific research institutes.
5. Affiliated colleges, scientific and technological research faculties and centers.
6. Other organizations serving the training, scientific research; production, trading and service facilities;
7. Other campuses (if any);
8. The Science and training council, the advisory councils.

Article 16. The school council;

1. The school councils are established at public colleges, universities and academies.
2. The school council is the administrative organization representing the school ownership. The school council has the following duties and authority:
 - a) Resolving the development plans, strategies, planning and the regulations on the school organization and operation;
 - b) Resolving the orientation of operation, training, science and technology, international cooperation, assuring the education quality;
 - c) Resolving the organizational structure and the development roadmap of the school;
 - d) Resolving the establishment, merger, division, separation, dissolution of the organizations affiliated to the higher education institution;
 - dd) Supervising the implementation of the School council's resolutions, the implementation of the democratic regulations on the school activities.
3. The School council members;
 - a) The principal, deputy principals, the Party Committee Secretary, the Union's president, the Secretary Communist Youth Union of Ho Chi Minh City ; the representatives from a number of faculties, the representatives from the authorities in charge of the higher education institution;
 - b) A number of members working in education, science, technology, production and trading.
4. The President of the School council is designated by the Head of the competent State agency.

The standards of the President of the School council are similar to that of the principal as prescribed in Clause 2 Article 20 of this Law.

5. The tenure of the School council is 05 years and attached to the principal's tenure.

The School council works on the principle of collectives and under the majority rule.

6. The procedures for establishing, the quantity and the member framework, the duties and authority of the School council, the duties and authority of the President, the Secretary of the School council, the designation and discharge the President and other School council members are specified in the School Charter.

Article 17. Board of Directors

1. The Board of Directors are established at private colleges and universities.

2. The Board of Directors is the only representative organization of the school ownership. The Board of Directors has the following duties and authority:

a) Organizing the implementation of the resolutions of the Shareholder general assembly;

b) Resolving the development plans, strategies, planning and the regulations on the school organization and operation;

c) Resolving the orientation of operation, training, science and technology, international cooperation, assuring the education quality;

d) Resolving the issues related to the organizations, personnel, finance, property and the orientation of the school investment and development;

dd) Supervising the implementation of the Board of Director's resolutions, the implementation of the democratic regulations on the school activities.

3. The Board of Directors' members;

a) The representatives of organizations, individuals of which the shares are ample as prescribed;

b) The Principal, the representatives from local authorities where the offices of the higher education institution are located; the representatives of the Communist Party organizations; the representatives of the lecturers.

4. The President of Board of Directors is elected by the Board of Directors under the majority rule and ballot.

The President of Board of Directors must hold a Bachelor's degree or above.

5. The tenure of the Board of Directors is 05 years. The Board of Directors works on the principle of collectives and under the majority rule.

6. The procedures for establishing, the quantity and the member framework, the duties and authority of the Board of Directors, the duties and authority of the President, the Secretary, the recognition and non-recognition of the Board of Directors, the President of Board of Directors and other members of the Board of Directors are specified in the Charter and Regulation on the school organization and operation.

Article 18. The University Council;

1. The University Council has the following duties and authority:

a) Approving the university development plans, strategies and planning;

- b) Resolving the orientation of operation, training, science and technology, international cooperation, assuring the education quality;
- c) Resolving the organizational structure and the development roadmap of the university;
- d) Resolving the establishment, dissolution, merger, division and separation of the organizations specified in Clause 3, 5, 6, 7 Article 15 of this Law; passing the plans on the establishment, dissolution, merger, division and separation of the organizations specified in Clause 4 Article 15 of this Law;
- dd) Supervising the implementation of the University Council's resolutions, the implementation of the democratic regulations on the university activities.

2. The members of the University Council include:

- a) The Director, Deputy Director, the Party Committee Secretary, the Union's president, the Secretary Communist Youth Union of Ho Chi Minh City ; the Principals of the affiliated colleges and universities; the Directors of the affiliated scientific research institutes;
- b) The representatives of State management agencies; a number of members working in education, science, technology, production and trading.

3. The tenure of the University Council is 05 years and attached to the Director's tenure. The University Council works on the principle of collectives and under the majority rule.

4. The procedures for establishing, the quantity and the member framework, the duties and authority of the University Council, the standards, duties and authority of the President, the Secretary of the School council, the designation and discharge the President and other members of the University Council are specified in the Charter on the University organization and operation.

Article 19. The Science and Training Council

1. The Science and Training Councils are established under the decisions from the principals of colleges and universities, the Directors of the academies and universities, in charge of counseling the principals and directors on the construction of:

- a) The regulations and provisions on the training, science and technology activities, the standards of recruiting lecturers, researchers, library workers, laboratory workers;
- b) The plans on developing the teaching staff and researching staff;
- c) The plans on training new professions and majors, deploying and canceling the training programs; guiding the scientific and technological development, the plans on science and technology activities, assigning the training, science and technology duties.

2. The Science and Training Council includes: the Principals, the Deputy Principals in charge on training and scientific research; the heads of training and scientific research units; the reputable scientists being the representatives from various professions.

Article 20. The Principal

1. The principals of colleges, universities, the directors of academies and universities (hereinafter referred to as principals) are the representatives of higher education institutions before the law, being responsible for the management of the activities of higher education institutions. The principals are designated or accredited by competent State agencies.

The tenure of a principal is 05 years. The principals are designated and re-designated by tenure and not exceeding two consecutive tenures.

2. The standards of principals;

a) Having political credentials, having strong sense of dignity, having prestige within the science and education community, having capability of management and having participated in faculty management or department management in at least 05 years.

b) The principals of universities, the directors of academies and universities must have the doctorates; the principals of colleges must have the master's degree or above

c) Having good health. The age of a designated principal of a public higher education institution must be adequate for at least a principal's tenure

3. The duties and authority of principals:

a) Promulgating the regulations and provisions of the higher education institutions under the resolutions from the School Council, the Board of Directors or the University Council;

b) Making decisions on the merger, division, separation, dissolution of the organizations affiliated to the higher education institution under the resolutions from the School Council, the Board of Directors or the University Council; designating, discharging the chiefs and deputies of the organizations affiliated to the higher education institution;

c) Organizing the implementation of the resolutions from the School Council, the Board of Directors or the University Council;

d) Planning the development of teaching staff and management staff;

dd) Organizing the training, scientific researches, international cooperation, assuring the higher education quality;

e) Implementing the information and report regulations, subject to the supervisions and inspections as prescribed;

g) Building and implementing the internal democratic regulations; obtaining opinions and subject to the supervisions from individuals and organizations in the higher education institution;

h) Reporting the duty fulfillment of the principal and the management board to the School Council, the Board of Directors, the University Council;

i) Other duties and authority as prescribed by law provisions.

4. The principals of public higher education institutions, the President of Board of Directors of private higher education institutions are the account owners and shall be responsible for the financial management and property management of the higher education institutions; enjoy the autonomy and bear the transparent financial responsibility as prescribed by law provisions; observing the provisions on accounting and audit. The principals of private higher education institutions authorized to represent the account owners shall have the authority and duties similar to that of the account owners as authorized.

Article 21. Higher education institution campus

1. The branches of a higher education institution belong to its organizational structure and subject to its management. The branches of a higher education institution do not have

independent legal status, situated in other provinces or cities different from that where the head office of the higher education institutions is situated, subject to the management of the provincial People's Committee where the branches are situated.

2. The branches of a higher education institution shall fulfill their duties under the management of the principal and shall report their activities to the principal, report the activities related to the local management authority to the provincial People's Committees where the branches are situated.

3. The branches of a higher education institution are established under the decisions from the Minister of Education and Training when the conditions specified in Article 22 of this Law are satisfied:

Section 2. THE ESTABLISHMENT, MERGER, DIVISION, SEPARATION, DISSOLUTION OF HIGHER EDUCATION INSTITUTIONS: AUTHORIZING, SUSPENDING THE TRAINING ACTIVITIES

Article 22. Conditions for establishing or approving the establishment of higher education institutions

1. A higher education institution is established or authorized to be established when the following conditions are satisfied:

- a) Having the establishment project consistent with the socio-economic development planning and the approved higher education institution network planning;
- b) Having the written consent from the provincial People's Committee where the head office of the higher education institution is situated about the establishment of the higher education institutions and the certification of the land tenancy;
- c) Having the certification of the financial capability of the investment in the construction of the higher education institution from competent agencies;
- d) For foreign-capitalized higher education institutions, the Investment certificate from competent agencies is required.

2. After 04 years as from the decision on the establishment or the decision on approving the establishment takes effect, if the higher education institution is banned from training activities, the decision on the establishment or the decision on approving the establishment shall be invalidated.

Article 23. Conditions for training activities

1. A higher education institution is allowed to do training activities when the following conditions are satisfied:

- a) Having the decision on the establishment or the decision on approving the establishment of the higher education institution;
- b) Having land, facilities, equipment, dorms, PE facilities serving the demands for training activities; the construction location must satisfy the pedagogic principles, must be safe for students, teachers and other workers under the committed project;
- c) Having the training programs and teaching materials as prescribed;

- d) Having adequate full-time teaching staff and management staff that are professionally qualified ;
 - dd) Having sufficient financial resources for sustaining and developing the higher education institution operation;
 - e) Having the regulations on the organization and operation of the higher education institution.
2. After 03 years as from the decision on authorizing the training activities takes effect, if the higher education institution does not engage in the training activities, such decision shall be invalidated.

Article 24. Merging, dividing, separating higher education institutions

The merger, division and separation of higher education institutions must satisfy the following requirements:

1. Conformable with the higher education institution network planning;
2. Satisfying the demands for socio-economic development;
3. Assuring the interests of lecturers, officials, employees and students;
4. Contributing to higher education quality and efficiency improvement.

Article 25. Suspending the training activities of higher education institutions

1. The higher education institution shall have their training activities suspended in the following cases:

- a) Committing fraud acts in order to get the approval for the establishment or the training activities;
- b) Not satisfying one of the conditions specified in Clause 1 Article 23 of this Law;
- c) The person in charge of approving training activities is not competent;
- d) Committing violations of law provisions on education that are liable to administrative sanctions being suspending the operation;
- dd) Other cases as prescribed by law provisions.

2. The decision on suspending the training activities must specify the reasons, the duration and the measures for assuring the lawful interests of the lecturers, the employees and the students. The decision on suspending the training activities must be publicly announced on means of mass media

3. After the suspension expires, if the causes of the suspensions are remedied, the person competent to make the decision on suspension shall make the decision on continue the training activities.

Article 26. Dissolving higher education institutions

1. The higher education institution shall be dissolved in the following cases:

- a) Seriously violating the law provisions;
- b) Failing to remedy the cause of the suspension after it expires;

c) The operation contents and target in decision on the establishment or the decision on approving the establishment of the higher education institution are no longer appropriate for the socio-economic development requirements;

d) The dissolution is requested by the organizations and individuals that establish the higher education institution;

dd) Failing to fulfill the commitment of the approved project after 05 years as from day the decision on the establishment or the decision on approving the establishment takes effect.

2. The decision on dissolving the higher education institution must specify the reasons, the duration and the measures for assuring the lawful interests of the lecturers, the employees and the students. The decision on dissolving the higher education institution must be publicly announced on means of mass media

Article 27. Procedures and authority for establishing, approving the establishment, the training activities, suspending the training activities, merging, dividing, separating and dissolving higher education institutions

1. The Prime Minister shall specify the conditions and procedures for establishing, approving the establishment, the training activities, suspending the training activities, merging, dividing, separating and dissolving universities, academies and foreign-capitalized higher education institutions

The Minister of Education and Training shall specify the conditions and procedures for establishing, approving the establishment, the training activities, suspending the training activities, merging, dividing, separating and dissolving colleges.

2. The Prime Minister shall make decisions on establishing public universities and academies; decisions on approving the establishment of private universities and foreign-capitalized higher education institutions

The Minister of Education and Training shall make decisions on establishing public colleges; decisions on approving the establishment of private colleges.

3. The persons competent to establish or authorize the establishment of higher education institutions are also competent to make decisions on the merger, division, separation, dissolution of higher education institutions.

4. The Minister of Education and Training shall make decisions on approving, suspending the training activities of colleges, universities, academies, scientific research institutes eligible for doctorate training and foreign-capitalized higher education institutions.

Chapter III

DUTIES AND AUTHORITY OF HIGHER EDUCATION INSTITUTIONS

Article 28. Duties and authority of colleges, universities and academies

1. Formulating the university development plans and strategies;

2. Deploying the science, technology and training activities, international cooperation, assuring the education quality;

3. Developing the training programs towards the determined target; assuring the connection among the training programs and levels.

4. Organizing the mechanism, recruitment, management and improvement of the teaching staff, the management staff and other employees.
5. Managing the students; assuring the lawful rights and interests of the lecturers, management staff, other employees and students; allocating budget for the implementation of social policies on subjects of social policies, subjects in ethnic areas, areas with poor socio-economic conditions and the subjects learning special profession satisfying the workforce demand for socio-economic development; assuring the pedagogic environment.
6. Actively assessing the training quality and subject to the education quality inspections.
7. Using land and facilities allocated or leased out by the State; enjoying tax exemption and reduction as prescribed by law.
8. Mobilizing, managing and using the resources; building and enhancing the facilities, investing in equipment.
9. Cooperating with domestic and foreign economic, educational, cultural, sports, medical, scientific research organizations
10. Implement the regulations on information and reports, subject to the inspections from the Ministry of Education and Training, relevant Ministries, sectors and provincial People's Committees where the higher education institutions are situated or organize training activities as prescribed.
11. Other duties and authority as prescribed by law provisions.

Article 29. Duties and authority of universities

1. Duties and authority of universities

- a) Formulating the university development plans and strategies;
- b) Managing, operating, organizing the training activities of universities;
- c) Mobilizing, managing and using the resources; sharing the facilities of universities;
- d) Implement the regulations on information and reports, subject to the inspections from the Ministry of Education and Training, the Governmental Inspectors, relevant Ministries, sectors and provincial People's Committees where universities are situated as prescribed.
- dd) Enjoying the autonomy in the activities of training, researches of science, technology, finance, international relation and organizational mechanism;
- e) Other duties and authority as prescribed by law provisions.

2. The Prime Minister shall promulgate the Regulation on the organization and operation of national universities and their affiliated higher education institutions; the Minister of Education and Training shall promulgate the Regulation on the organization and operation of regional universities and their affiliated higher education institutions.

Article 30. Duties and authority of scientific research institutes eligible of doctorate training.

1. Fulfilling the duties and exercising the authority as prescribed by law provisions on doctorate training.

2. Having specialized units being faculties or departments to organize and manage doctorate training.

Article 31. Duties and authority of foreign-capitalized higher education institutions

1. Building and achieving the objectives, carrying out the training programs, scientific research; building the teaching staff, facilities, equipment and teaching materials; assuring the quality and carrying out higher education quality inspections; organizing the training activities, awarding qualifications and certificates as prescribed by law.

2. Organizing and operating under the decisions on approving the establishment, the training activities.

3. Publicly offering guarantee of the training quality, disclosing the resources and finance

4. Subject to the State management of education of the Ministry of Education and Training.

Periodically reporting the operation and making explanations at the request from the Ministry of Education and Training, relevant Ministries, sectors and provincial People's Committees where the foreign-capitalized higher education institutions are situated.

5. Assuring the lawful rights and interests of the students, lecturers and other employees, including the early termination of operation.

6. Observing the Vietnam's law and traditions.

7. Having their the lawful rights and interests protected by the State as prescribed by Vietnam's law provisions and the International Agreements to which the Socialist Republic of Vietnam is a signatory.

8. Other duties and authority as prescribed by law provisions.

Article 32. The autonomy of higher education establishments

1. Higher education institutions are independent in the primary activities such as organization, personnel, finance, property, training, science and technology, international cooperation, assuring the higher education quality. Higher education institutions shall enjoying greater autonomy depending on the capability, the rankings and the education quality assessment results

2. Higher education institutions incapable of autonomy or committing law violations while enjoying the autonomy shall be handled as prescribed by law depending on the seriousness.

Chapter IV

TRAINING ACTIVITIES

Article 33. Training new professions and majors

1. The conditions for training new professions and majors at colleges, universities, or master's, doctorate level:

a) The professions and majors being trained are conformable with the demands for the workforce serving the socio-economic development of the locality, the region, the entire country or in each field;

b) Having structurally, quantitatively and qualitatively qualified full-time teaching staff and scientific staff;

- c) Having facilities, equipment, libraries and teaching materials sufficiently satisfying the teaching and learning requirements;
- d) The training programs can satisfy the standards of knowledge and skills of the students after graduated and satisfy the requirements for educational transfer among the levels and other training programs.

2. The Minister of Education and Training shall specify the conditions and procedures for establishing or suspending the profession training at college, university level, the profession training or major training at master's and doctorate level; make decisions on approving the establishment or suspending the profession training at college, university level, the profession training or major training at master's and doctorate level.

National universities, higher education institutions meeting national standards are entitled to be independent and responsible for the establishment of new profession training at college or university level, profession training or major training at master's and doctorate level within the list of profession training and major training that have been approved belonging to the scope of training of the school when the conditions are satisfied as prescribed.

Article 34. Enrolment targets and enrolment organization

1. Enrolment targets:

- a) The enrolment targets are set on the basis of the requirements for socio-economic development and the workforce development planning, consistent with the quantitative and qualitative conditions of the teaching staff, facilities and equipment.
- b) Higher education institutions shall autonomously determine the enrolment targets, be responsible for disclosing the enrolment targets, the training quality and the conditions assuring the training quality.
- c) Higher education institutions committing violations of the provisions on enrolment targets shall be handled as prescribed by law depending on the seriousness.

2. Enrolment organization:

- a) The methods of enrolment include: entrance exams, profile evaluation or combination methods;
- b) higher education institutions shall autonomously make decisions on the enrolment methods and bear responsibilities for the enrolment.

3. The Minister of Education and Training shall specify the determination of enrolment targets and promulgate the enrolment regulation.

Article 35. Training duration

- 1. The training duration at higher education levels shall be carried out in the form of formal education specified in Article 38 of the Law on Education.
- 2. The duration of credit-based are determined on the basis of quantity of subjects and credits of each program and level of training.

The principal of the higher education institution shall determine the quantity of subjects and credits of each program and level of training.

3. The training duration at each higher education level carried out in the form of continuing education must be at least one-semester longer than the training duration in the form of formal education.

Article 36. Higher education programs and textbooks

1. Training program:

a) The training programs at the college and university level include: the targets, skill and knowledge standards of students after graduated; the training contents, assessment methods of each subject, profession and training level; satisfying the requirements for educational transfer between the levels and other training programs;

b) Training programs at master's and doctorate level include: the targets, skill and knowledge standards of students and graduate students after graduated; the volume of knowledge, the structure of the Training programs at master's and doctorate level theses and dissertations

c) Higher education institutions are entitled to adopt foreign training programs of which the quality has been evaluated and recognized in order to serve the higher education training at different levels.

d) Higher education institutions are autonomous and responsible for the development, appraisal and introduction of the training programs at college, university, master's and doctorate levels;

dd) Foreign-capitalized higher education institutions are autonomous and responsible for the development and implementation of the training programs evaluated by a Vietnam's education quality assessment organization that do not harm the National defense and security, social interests, that do not distort history or negatively impact the culture, ethics, good customs, good traditions and solidarity of Vietnam's communities as well as the world peace and security, that do not contain religious propagation;

e) The contents of training programs in the form of continuing education are similar to that of the training programs in the form of formal education.

2. Higher education textbooks:

a) Higher education textbooks must specify the requirements for knowledge and skills in the training program of each subject and each profession, aiming for the targets of the training level

b) The Ministry of Education and Training shall organize the compilation of the textbooks for the political theory and National defense subjects;

c) The principals of higher education institutions shall organize the compilation or select and approve the higher education textbooks in accordance with the appraisal from the textbook appraisal council established by the principal;

d) Higher education institutions must implement the provisions on intellectual property and copyright during the use of textbooks and announcement of scientific research works.

3. The Minister of Education and Training shall specify the minimum knowledge volume and requirements that the student must reach after graduated regarding each training level of higher education; specify the compulsory subjects in the training programs of foreign-capitalized higher education institutions; specify the compilation, selection, appraisal, approval and use of higher education textbooks and teaching documents.

Article 37. Training organization and management

1. The training organization and management are carried out by year or by credit.
2. Higher education institutions are autonomous and responsible for the by course, by academic year and by semester, implement the regulations and training programs of each training level and training form.
3. Higher education institutions are only allowed to cooperate in college and university education in the form of continuing education with other universities, colleges, vocational intermediate schools, provincial continuing education centers, schools affiliated to State agencies, political organizations, socio-political organizations, the People's armed forces as long as the associate educational institutions can satisfy the requirements for pedagogic environment, facilities, libraries and management staff.
4. The Minister of Education and Training shall promulgate the regulations on training and associate training.

Article 38. Higher education diplomas

1. The higher education diplomas are issued to students after graduated from a training level under a training form, including: College degree, university degree, master's degree and doctorate degree.
 - a) The students completing the college program shall take the final exam or do the dissertation if eligible. If the exam is passed or the cumulative credit quantity is sufficient, and other out put standards of the higher education institution are satisfied, the principal shall issued the college degree;
 - b) The students completing the university program shall take the final exam or do the dissertation if eligible. If the exam is passed or the cumulative credit quantity is sufficient, and other out put standards of the higher education institution are satisfied, the principal shall issued the university degree;
 - c) The students completing the master's program shall do the dissertation if eligible. If the dissertation is passed, the principal shall issued the master's degree;
 - d) The graduate students completing the doctorate program shall do the dissertation if eligible. If the dissertation is passed, the principal shall issued the doctorate degree;
2. Educational institutions shall print and issued diplomas to students, disclosing the information about the diplomas on their websites.
3. The Minister of Education and Training shall specify the higher education diplomas form; the printing, management, issuance, recall and annulment of higher education diplomas; specify the responsibilities and authority for diploma issuance of Vietnam's higher education institutions in training cooperation with foreign higher education institutions; specify the responsibilities of foreign-capitalized higher education institutions issuing higher education diplomas in Vietnam; sign the mutual diploma recognition agreements with other countries and international organizations; specify the procedures for recognizing the higher education diplomas issued by foreign higher education institutions.
4. The Minister of Education and Training shall take lead and cooperate with other Ministries and Heads of ministerial-level agencies to specify the diplomas for recognizing the practice and

application skills of persons that undergo extensive training after university graduation in a number of special profession.

Chapter V

SCIENCE AND TECHNOLOGY ACTIVITIES

Article 39. The targets of science and technology activities

1. Improving the higher education quality, the science and technology research and application capability of lecturers, researchers, management staff and other employees.
2. Building and developing the scientific research capability for students; spotting and cultivating talent in order to satisfy the requirements for skilled workforce.
3. Creating new solution, knowledge and technology for scientific and educational development, contributing to socio-economic development, assure the National defense and security.

Article 40. The contents of science and technology activities

1. Doing basic science, social science, educational science and technology researches for creating new knowledge and products.
2. Applying the technology transfer and research results to the practice production and life.
3. Building the laboratories and research institutions serving scientific research, training, and technological cultivation, integrating technological development with new product creation.
4. Participating in the recruitment, consultation, performance of the science and technology contracts, duties and other ordered duties.

Article 41. Duties and authority of higher education institutions in science and technology activities

1. Formulating the science and technology development plans and strategies;
2. Doing scientific and technological researches for improving the training quality.
3. Doing scientific research and technology transfers in order to create new solutions, technology and knowledge, contributing in socio-economic development consistently with the science and technology capability of the school.
4. Being independent and responsible for the science and technology contract conclusion; performing the science and technology duties, participating in the selection and performance of science and technology duties.
5. Using money, property, intellectual property and other lawful revenues to perform the science and technology duties, production and business.
6. Establishing organizations of research and development, organizations of science and technology services, science and technology enterprises.
7. Having the intellectual property rights protected; being entitled to transfer the results of science and technology activities, announcing the results of science and technology activities.
8. Protecting the interests of the State and the society; the lawful rights and interests of organizations and individuals engaging in science and technology activities; protecting the science and technology confidentiality as prescribed by law.

9. Other duties and authority as prescribed by law provisions.

Article 42. The responsibilities of the State for scientific and technological development

1. The Government shall specify the investment in developing the potential and encouraging science and technology activities in higher education institutions, prioritizing the higher education institutions with great potential workforce of research and application.

2. The Ministry of Science and Technology shall take lead and cooperate with the Ministry of Education and Training, the Ministry of Planning and Investment and the Ministry of Finance in formulating the policies on investment in scientific and technological development in higher education institutions.

3. The Ministry of Education and Training shall take lead and cooperate with the Ministry of Science and Technology, other relevant Ministries and sectors in elaborating the science and technology activities in higher education institutions.

Chapter VI

INTERNATIONAL COOPERATION

Article 43. The targets of international cooperation

1. Improving the higher education quality towards modernizations, approaching the develop higher education in the region and in the world.

2. Facilitating the sustainable development of higher education institutions, training skilled and qualified workforce serving the country's industrialization and modernization.

Article 44. The forms of international cooperation of higher education institutions

1. Associate training.

2. Establishing representative offices of foreign higher education institutions in Vietnam.

3. Cooperating in scientific research and technology transfers, organizing science conventions and seminars.

4. Counseling, sponsoring, investing in the development of facilities and equipment.

5. Training, exchanging lecturers, researchers, management staff and students.

6. Connecting libraries, exchanging information serving the training, science and technology activities; providing training programs; exchanging the documents and results of training, science and technology activities.

7. Participating in regional and international science, education organizations and professional associations.

8. Establishing representative offices of Vietnamese higher education institutions in other countries.

9. Other forms of cooperation as prescribed by law provisions.

Article 45. Training association with foreign parties

1. Training association with foreign parties is the development and implementation of the training association program between a Vietnamese higher education institution and a foreign

higher education institutions in order to issue diplomas or certificates without establishing new legal entities.

2. The training programs in association with a foreign party are formulated by both parties. The training program is completely implemented in Vietnam or partially in Vietnam and partially overseas.

3. The higher education institutions in association with foreign parties must satisfy the conditions for teaching staff, facilities, equipment, training programs and contents, legal status; the quality assessment certificate issued by foreign quality assessment agencies or by the Ministry of Education and Training; the training license of the associated field.

4. The Minister of Education and Training shall approve the training programs in association with foreign parties at the college, university, master's and doctorate level.

The university directors shall approve the training programs in association with foreign parties at other levels apart from the college, university, master's and doctorate level provided at the universities.

5. The enrolment and operation of training programs in association with foreign parties shall be suspended if the conditions specified in Clause 3 this Article are not satisfied. Higher education institutions must assure the lawful interests of lecturers, students and employees; reimburse the school fee, pay the teaching remuneration and other benefits of lecturers and employees under the signed labor contract or collective labor agreement, pay the tax debts and other debts (if any).

6. Higher education institutions must publicly disclose the information about the training programs in association with foreign parties on the school websites and means of mass media

Article 46. Representative offices

1. Representative offices of foreign higher education institutions represent the foreign higher education institutions.

2. A representative office has the following duties and authority:

a) Enhancing the cooperation with Vietnamese higher education institutions by expediting the formulation of cooperation programs and projects on higher education.

b) Organizing the information exchanges, consultation, seminars and exhibition of higher education in order to introduce the foreign higher education institutions;

c) Expediting and supervising the implementation of the higher education cooperation agreement signed with Vietnamese higher education institutions;

d) It is prohibited to engage in higher education activities that directly generate incomes in Vietnam, to establish branches of the representative offices in Vietnam.

3. Foreign higher education institutions are licensed to establish representative offices in Vietnam when the following conditions are satisfied:

a) Having legal status;

b) The duration of higher education operation in the home country is 05 years or longer;

c) Having specific goals, principles and charter of operation;

d) having regulations on the organization and operation of the representative office planned to be established in Vietnam in accordance with Vietnam's law

4. The Minister of Education and Training shall license the establishment of representative offices of foreign educational institutions that engage in higher education.

5. The operation of representative offices of foreign higher education institutions is terminated in the following cases:

a) The license expires;

b) The termination is request by the foreign higher education institution that established the representative office.

c) The license is withdrawn because of no operation after 06 months as from the date of licensing, or 03 months as from the date of license extension;

d) The forgeries in the application for licensing the representative office establishment are detected;

dd) Engaging in activities contrary to the license;

e) Violating other Vietnam's law provisions;

Article 47. Duties and authority of higher education institutions in international cooperation

1. Performing the forms of cooperation as prescribed in Article 44 of this Law.

2. Observing the Vietnam's law provisions and the International Agreements to which the Socialist Republic of Vietnam is a signatory.

3. Having their the lawful rights and interests protected as prescribed by Vietnam's Law provisions and the International Agreements to which the Socialist Republic of Vietnam is a signatory.

Article 48. Responsibilities of the State for international cooperation

1. The Government shall formulate appropriate policies on implementing the bilateral and multilateral agreements in order to facilitate the development of international cooperation among the higher education institutions towards satisfying the requirements for socio-economic development in accordance with the higher education development strategies and planning; enhancing the management of higher education association with foreign parties.

2. The Prime Minister shall formulate the policies on investment and preferential treatment in order to attract Vietnamese scientists overseas to participating in the sponsorship, training, scientific research and technology transfers; specify the conditions and procedures for international cooperation prescribed in Point 44, 45, and 46 of this Law.

3. The Minister of Education and Training shall specify the encouragement to higher education institutions to invest in and expand the international cooperation in training, scientific research, technology transfers with foreign parties; specify the management of foreign higher education institutions in Vietnam, the association between Vietnamese higher education institutions and foreign higher education institutions.

Chapter VII

HIGHER EDUCATION QUALITY ASSURANCE AND ASSESSMENT

Article 49. Targets, principles, and subjects of higher education quality assessment

1. The targets of higher education quality assessment:
 - a) Assuring and improving the higher education quality;
 - b) Verifying the fulfillment of the higher education duties in each period of the higher education institutions or the training programs;
 - c) Forming the bases for higher education institutions to provide explanation for competent State management agencies and for the society about the actual training quality;
 - d) Forming the basis for students to choose higher education institutions, training programs and for the recruitment of employers.
2. The principles of higher education quality assessment:
 - a) Independent, objective and lawful;
 - b) Truthful, public and express;
 - c) Equitable, compulsory and periodic
3. The subjects of higher education quality assessment:
 - a) Higher education institutions;
 - b) The training programs of higher education

Article 50. Duties and authority of higher education institutions in higher education quality assurance

1. Establishing the organizations specialized in higher education quality assurance.
2. Formulating and implementing plans for higher education quality assurance;
3. Actively assessing, innovating and improving the training quality; periodically registering for the assessment of the training program and the higher education institution.
4. Sustaining and developing the conditions for training quality assurance, including:
 - a) The teaching staff, management staff and employees;
 - b) The training programs, textbooks and teaching materials;
 - c) The classrooms, offices, library, information technology system, laboratories, workshops, dorms and other amenities;
 - d) The financial resources.
5. Publicly announcing the conditions for assuring the training quality, scientific research and training results, the quality assessment and assurance results on the websites of the Ministry of Education and Training, the higher education institution and means of mass media.

Article 51. Duties and authority of higher education institutions in higher education quality assessment

1. Subject to the education quality assessment at the request from State management agencies in charge of education.

2. Implement the regulations on information and report on higher education quality assessment.
3. Being entitled to choose an education quality assessment organization among the education quality assessment organizations accredited by the Ministry of Education and Training to carry out the assessment of the higher education institution quality and the training program quality.
4. Being entitled to complain and denounce to competent agencies about the decisions, conclusions and illegal acts of organizations and individuals that carry out higher education quality assessment.

Article 52. Education quality assessment organizations

1. Education quality assessment organizations are responsible for to assess and recognize the qualification of higher education institutions and the training programs.

Education quality assessment organizations are legal entities and bear responsibilities before the law for the higher education quality assessment.

2. Education quality assessment organizations are established after the establishment projects are made in accordance with the education quality assessment organization network planning; The education quality assessment is granted when the facilities, equipment, finance and the assessment staff satisfy the requirements for higher education quality assessment.
3. The Minister of Education and Training shall promulgate the national standards of higher education institutions; specify the standards of higher education quality assessment, the standards of training programs of higher education, the minimum requirements for implementing the training program; the process and period of higher education quality assessment; the principles of operation, the conditions and standards of organizations and individuals engaging in education quality assessment; the issuance and withdrawal of education quality assessment certificate; the decision on the establishment or the decision on approving the establishment of education quality assessment organizations; granting the education quality assessment.

Article 53. Using the higher education quality assessment results.

The higher education quality assessment results shall be used as the basis for determining the higher education quality, the reputation and prestige of higher education institutions, the entitlement autonomy and independent responsibilities; the investment support and duty allocation; as the basis for the State and the society to supervise the operation of higher education institutions.

Chapter VIII

LECTURERS

Article 54. Lecturers

1. The lecturers in higher education institutions are people with clear backgrounds, good qualities and conscience, good health on occupational demand; professionally qualified as prescribed in Point e Clause 1 Article 77 of the Law on Education
2. The lecturer's titles include: assistant lecturer, lecturer, senior lecturer, associate professor, professor.
3. The standard degree of university lecturers is master's degree or above. Other special cases of special profession shall be specified by the Minister of Education and Training .

The principals of higher education institutions shall prioritize the recruitment of people that possess the master's degree or above.

4. The Minister of Education and Training shall introduce the pedagogic technique improvement programs, specify the lecturer cultivation and employment.

Article 55. Duties and authority of lecturers

1. Teaching consistently with the targets and the training program, fully and efficiently implement the training program.

2. Studying, developing technology transfers and science application, assuring the training quality.

3. Periodically attending the courses in improving political theory, profession and teaching methods.

4. Preserving the credentials, reputations and honor of lecturers

5. Respecting the students' dignity, treating students equitably, protecting the lawful rights and interests of students.

6. Participating in managing and supervising the higher education institution, participating in the Party's activities, collective activities and other works.

7. Being entitled to sign visiting lecturer and scientific research contracts with higher education institutions and scientific research institutions as prescribed by law.

8. Being given lecturers' titles, awarded the "People's educator", "Elite educator" titles and get commendation as prescribed by law.

9. Other duties and authority as prescribed by law provisions.

Article 56. Policies on lecturers

1. The lecturers in the higher education institution shall be sent to attend profession improvement courses, enjoy salaries and occupational benefits, seniority pay and other benefits as prescribed by the Government.

2. The teachers in the higher education institutions located in poor areas shall enjoy accommodation incentives, preferential benefits and other incentive policies as prescribed by the Government.

3. The State shall formulate the policy on mobilizing and sending lecturers to higher education institutions located in poor areas; encouraging lecturers in favorable areas to work at higher education institutions located in poor areas and facilitate their tasks.

4. Healthy lecturers holding doctorate degrees, professor or associate professor titles working at higher education institutions may extend the working time when reaching the retirement age in order to continue teaching and doing scientific research if such extension is demanded by both the higher education institution and the lecturers themselves.

5. The Prime Minister shall specify the policy on lecturers in higher education institutions.

Article 57. Visiting lecturers and speakers

1. Visiting lecturers in higher education institutions are specified in Article 74 of the Law on Education

Visiting lecturers fulfill the duties and have the rights under the visiting lecturer contracts signed between the principal of the higher education institution and the visiting lecturer.

2. Higher education institutions are entitled to invite visiting lecturers and speakers being Vietnamese and foreign experts, scientists, business people and artists.

3. The Minister of Education and Training shall promulgate provisions on visiting lecturers and speakers .

Article 58. Prohibited acts of lecturers

1. Offending the honor, dignity and abusing the body of students and other people.

2. Cheating at training and scientific research

3. Misusing the educator's title and education activities to commit violations of law.

Chapter IX

STUDENTS

Article 59. Students

Students are people learning and doing scientific researches at higher education institutions including students learning college programs, university programs and master's program, graduate students doing doctorates.

Article 60. Duties and authority of students

1. Studying, doing scientific researches and training as prescribed.

2. Showing respect for the lecturers, the management staff and other employees at the higher education institution; working closely and collaboratively during the study and training

3. Participating in labor and social activities, environment protection, preserving the order and security, preventing and fighting misconduct and cheating in study and examinations, preventing and fighting crimes and social evils.

4. Being equitably respected and treated without sexual, religious and racial discrimination, being provided with sufficient information about learning and training.

5. Enjoying favorable conditions for learning and participating in science and technology activities, sports and cultural activities

6. Offering opinions and participating in managing and supervising the education activities and other conditions for education quality assurance.

7. Prioritized subjects shall benefit from preferential policies.

8. Other duties and authority as prescribed by law provisions.

Article 61. Prohibited acts of students

1. Offending the honor, dignity, abusing the body of lecturers, management staff, employees, other students at higher education institutions and other people.

2. Cheating at study, examination and enrolment.
3. Engaging in activities of social evils or disturbances in higher education institutions or at public places and other acts of violations of law.
4. Organizing or participating in illegal activities.

Article 62. Policies on students

1. The students in higher education institutions shall enjoy the policies on scholarships and social benefits, direct entry regulations, public charge exemption and reduction as prescribed in Article 89, 90, 91 and 92 of the Law on Education.
2. Students of special profession serving the requirements for socio-economic development, National defense and security are exempted from tuition fees, prioritized in scholarship consideration and social benefits
3. The Government shall specify the preferential policies on students being subjects of priority and social policies.

Article 63. Fixed-term work obligations under the State's mobilization

1. The students of higher education programs from of whom the scholarship and training costs are covered by the State or sponsored by foreign parties under the Agreements with Vietnam must obey the mobilization from the State for a time being at least twice as long as the time benefiting from the scholarship and supported training costs. Otherwise, the scholarship and the training costs must be reimbursed.
2. Within 12 months as from the graduation is recognized, competent State agencies are responsible for to assign task to the graduated students. If they do not receive any assignment after that time limit, the reimbursement of scholarship and training costs are not required
3. The Government shall specify the reimbursement of scholarship and tuition fees

Chapter X

FINANCE AND PROPERTY OF HIGHER EDUCATION INSTITUTIONS

Article 64. Financial sources of higher education institutions

The financial sources of higher education institutions include:

1. The State budget (if any);
2. Tuition fees and enrolment charges;
3. Revenue from the activities of associate training, scientific and technology; production, trading and services;
4. Sponsorship, aid, gift and presents from domestic or foreign organizations and individuals;
5. Investment from domestic or foreign organizations and individuals;
6. Other legal revenues as prescribed by law provisions.

Article 65. Tuition fees and enrolment charges

1. Tuition fees and enrolment charges are the amount the students must pay to higher education institutions for defraying the training costs.

2. The Government shall specify the content and method for fixing the tuition fees and enrolment charges, the tuition fee and enrolment charge bracket at public higher education institutions.
3. Higher education institutions are entitled to independently determine the tuition fees and enrolment charges within the tuition fee and enrolment charge bracket specified by the Government..
4. Private higher education institutions and foreign-capitalized higher education institutions are entitled to independently determine the tuition fees and enrolment charges as prescribed by law.
5. The rates of tuition fees and enrolment charges must be disclosed simultaneously with the enrolment notice.
6. Higher education institutions providing high quality training programs are entitled to collect tuition fees equivalently to the training quality.

The Minister of Education and Training shall specify the criteria for identifying high quality training programs and bear responsibilities for managing and supervising the tuition fees equivalent to the training quality

Article 66. Financial management of higher education institutions

1. Higher education institutions shall implement the regulation on finance, accounting, audit, tax and financial disclosure as prescribed by law.
2. Higher education institutions using the State budget to perform the duties assigned by the State are responsible for managing and using the State budget in accordance with law provisions on the Law on State budget
3. The financial difference between the incomings and outgoings from the activities of training and scientific research of private higher education institutions shall be used as follows:
 - a) At least 25% is used for investing in higher education institution development, in education activities and improving facilities, purchasing equipment, training lecturers, employees and the management staff serving the learning and the life of students or for charity purposes and social responsibility. This amount is exempted from tax;
 - b) The rest, if being distributed to investors and employees of the higher education institutions, is taxable as prescribed by law provisions on tax.
4. The value of cumulative property during the operation of private higher education institutions and the value of donated property are not distributable and managed on the principal of preservation and development.
5. The capital withdrawal and transfer of private higher education institutions must comply with the Prime Minister's provisions, assuring the stability and development of higher education institutions.
6. The Government shall specify the methods and criteria for allotting the State budget to higher education institutions and specify the finance of foreign-capitalized higher education institutions engaging in education activities.
7. The Ministry of Education and Training, Ministries, ministerial-level agencies and provincial People's Committees shall inspect the management and proper use of the financial sources at higher education institutions.

Article 67. Property management and utilization of higher education institutions

1. Higher education institutions shall manage and use the property invested from the State budget in accordance with law provisions on the management and utilization of State-owned property; be responsible for the management and utilization of the property from other sources.
2. The property and land allocated to private higher education institutions and property donated to private higher education institutions must be used properly without changing the use purpose and converted into private ownership in any form.
3. The property of foreign-capitalized higher education institutions are protected under the Vietnam's Law provisions and the International Agreements to which the Socialist Republic of Vietnam is a signatory.
4. The Ministry of Education and Training, Ministries, ministerial-level agencies and provincial People's Committees shall inspect the management and utilization of the State-owned property at higher education institutions as prescribed by the Government.

Chapter XI

STATE MANAGEMENT OF HIGHER EDUCATION

Article 68. The contents of the State management of higher education

1. Formulating and guiding the higher education development plans, policies, planning and strategies;
2. Promulgating and organizing the implementation of legal documents on higher education.
3. Determining the volume and structure of training programs, the minimum output standards of students after graduation, the standards of lecturers, facilities and equipment of higher education institutions; the compilation and publication of textbooks and teaching materials, the regulations on examinations and diploma, certificate issuance.
4. Managing the higher education quality assurance, specifying the standards of higher education quality assessment, the national standards of higher education institutions, the standards of training programs of higher education, the minimum requirements for implementing the training program; the process and period of higher education quality assessment; the State management of higher education quality assessment.
5. Making the statistics and providing information about the of higher education organization and operation.
6. Organizing the higher education management mechanism.
7. Organizing and guiding the training and management of lecturers and the management staff.
8. Mobilizing, managing and using the resources for higher education development.
9. Organizing and managing the science and technology researches and application, the production and business of higher education.
10. Organizing the international cooperation in higher education.
11. Specifying the title award for people that make enormous contribution to higher education.

12. Inspecting the observance of law, settling complaints and denunciation, handling the violation of law provisions on higher education.

Article 69. State management agencies in charge of higher education

1. The Government shall unify the State management of higher education.
2. The Ministry of Education and Training are responsible to the Government for the State management of higher education.
3. Ministries, ministerial-level agencies shall cooperate with the Ministry of Education and Training in the State management of higher education *intra vires*.
4. Provincial People's Committees are in charge of State management of higher education under the decentralization by the Government; inspecting the observance of law provisions on education of the local higher education institutions; socializing higher education; satisfying the requirements for expansion and improvement of the quality and efficiency of local higher education.

Article 70. Inspection

1. The inspection of higher education includes:
 - a) Inspecting the implementation of law and policies on higher education;
 - b) Detecting, preventing and handling *intra vires* or request competent State agencies to handle the violations of law provisions on higher education;
 - c) Verifying and requesting competent State agencies to settle complaints and denunciation about higher education.
2. The Inspectorate of the Ministry of Education and Training shall fulfill the duties and authority to carry out administrative inspections and professional inspections of higher education.
3. The Minister of Education and Training shall direct, guide and organize the inspections of higher education. Ministries, ministerial-level agencies and provincial People's Committees shall cooperate with the Ministry of Education and Training to carry out inspections of higher education under the assignment and decentralization by the Government.
4. Higher education institutions shall actively carry out inspections as prescribed by law. The principals of higher education institutions are responsible for the inspections of higher education institutions.

Article 71. Handling violations

Organizations and individuals committing one of the following acts shall be liable to administrative sanctions depending on the nature and extent of the violations; individuals may also be liable to criminal prosecution and pay compensation for the damage (if any) as prescribed by law:

1. Establishing higher education institutions or organizing education activities illegally;
2. Violating the provisions on the organization and operation of higher education institutions.
3. Illegally publishing, printing and issuing materials;

4. Forging profiles, violating regulations on the enrolment, examinations and issuance of diplomas or certificates.
5. Offending the dignity or the body of lecturers, educational managers; mistreating students;
6. Violating provisions on higher education quality assurance and assessment
7. Causing disturbance in higher education institutions;
8. Causing budget loss, misusing higher education activities to gain profit illegally;
9. Causing damage to the facilities of higher education institutions;
10. Other acts of violations of law provisions on higher education.

Chapter XII

IMPLEMENTATION PROVISIONS

Article 72. Effect

This Law takes effect on January 01, 2013.

Article 73. Implementation guidance and elaboration

The Government and competent agencies shall elaborate and guide the implementation of the assigned Articles and Clauses in this Law.

This Law has been passed on June 18, 2012 by the National Assembly of the 8th Socialist Republic of Vietnam, in the 3rd session.

	<p>THE PRESIDENT OF THE NATIONAL ASSEMBLY</p> <p>Nguyen Sinh Hung</p>
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