

THE GOVERNMENT

Decree No. 141/2013/ND-CP of October 24, 2013, detailing and guiding a number of articles of the Law on Higher Education

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

*Pursuant the June 14, 2005 Education Law and the November 25, 2009 Law
Amending and Supplementing a Number of Articles of the Education Law;*

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

At the proposal of the Minister of Education and Training,

*The Government promulgates the Decree detailing and guiding a number of
articles of the Law on Higher Education.*

Article 1. Scope of regulation and subjects of application

1. This Decree details and guides a number of articles of the Law on Higher Education regarding entities subject to university or college charters; regional universities; higher education programs and forms of training; assets of and policies for private and foreign-invested non-profit higher education institutions; and policies for lecturers.
2. This Decree applies to colleges, universities, academies, regional universities and national universities; scientific research institutes licensed for doctoral training; other education institutions within the national education system; and organizations and individuals involved in higher education activities.

Article 2. University charter, college charter

1. The university charter promulgated by the Prime Minister applies to all universities, including also member universities of regional or national universities and academies licensed for bachelor, master or doctoral training.
2. The college charter promulgated by the Minister of Education and Training applies to all colleges.

Article 3. Regional universities

1. A regional university is a public higher education institution attached to the Ministry of Education and Training and functioning to provide training in multiple disciplines at different levels of higher education, and conduct scientific research and technology transfer to meet local, regional and national socio-economic development requirements.

2. The university board chairperson, director and deputy directors of a regional university are appointed and dismissed by the Minister of Education and Training.

Rectors and vice rectors of member higher education institutions and heads of units attached to a regional university are appointed and dismissed by the director of the regional university.

Article 4. Training programs and forms of training

1. College training programs are developed to be practice-oriented and applied to formal education and continuing education.

2. Bachelor training programs are developed to be research- and application-oriented and applied to formal education or continuing education.

3. Master training programs are developed to be research- or application-oriented and applied to formal education.

Research-oriented master training programs apply to full-time courses at higher education institutions.

Application-oriented master training programs apply to full-time or part-time courses at higher education institutions.

4. Doctoral training are developed to be research-oriented and applied to full-time training courses of formal education at higher education institutions. Postgraduate students shall devote all the prescribed time period to study and research activities, including at least one year of full-time training at higher education institutions.

Article 5. Assets and asset value of private higher education institutions

1. Assets under indivisible common ownership by integration of a private higher education institution include:

a/ Assets accumulated from the deductions at least 25% of the difference between revenues from and expenses for annual training and scientific research activities of the higher education institution;

b/ The value of assets formed from profits accumulated in the course of operation of the higher education institution;

c/ The value of assets which are invested or allocated or of which the use rights are assigned by the State;

d/ The value of assets financed or donated;

dd/ The value of assets transferred from people-founded higher education institutions (if any).

2. Assets under indivisible common ownership by integration may be used only for education activities to expand the scope and raise the quality of training and

scientific research activities, build physical foundations, procure equipment, train and retrain lecturers, civil servants and education administrators, serve learners' study and day-to-day activities, for charitable purposes, or to perform social responsibility. Assets which are invested in, allocated to, or of which the use rights are assigned by the State to private higher education institutions must be properly used and managed in accordance with the Law on the State Budget.

3. Capital sources under indivisible common ownership by integration must be accounted in a clear and transparent manner in compliance with the accounting principles applicable to private higher education institutions and reported publicly at annual Shareholders' General Meetings.

4. The boards of directors of private higher education institutions shall elaborate plans and methods of using assets and capital sources under indivisible common ownership by integration defined in Clause 2 of this Article in accordance with current regulations of the State and the organization and operation regulations of the institutions.

5. The principles and methods of accounting assets and capital sources under indivisible common ownership by integration of private higher education institutions comply with the Ministry of Finance's regulations.

Article 6. Private or foreign-invested non-profit higher education institutions

1. A private higher education institution is regarded as a non-profit one when fully meeting the following conditions:

a/ The institutional or individual owner of investment capital receive no yields or receive an yield not exceeding the government bond interest rate applied in the same period;

b/ The difference between the institution's revenues from and expenses for annual training and scientific research activities constitutes an asset under indivisible common ownership by integration used to develop physical foundations and the contingent of lecturers and scientific researchers; train administrators; serve scientific research activities; and grant student scholarships, or for other purposes serving community interests;

c/ The institution commits in writing with the Ministry of Education and Training and the provincial-level People's Committee of the locality where it is headquartered that it operates for non-profit purposes. The contents of this commitment must be publicized according to Points a and b, Clause 1 of this Article.

2. A foreign-invested higher education institution is regarded as a non-profit one when fully meeting the following conditions:

a/ The institution commits with the Ministry of Education and Training and the provincial-level People's Committee of the locality where it is headquartered that it operates for non-profit purposes;

b/ The difference between the institution's revenues from and expenses for annual training and scientific research activities is not remitted abroad but used to expand or improve physical foundations; develop the contingent of lecturers and scientific researchers; train administrators; serve scientific research; or grant student scholarships; or for other purposes serving community interests.

3. Grounds for assessment of the observance of the commitments on non-profit operations by private or foreign-invested higher education institutions are their annual financial statements and periodical audit reports.

4. Private and foreign-invested higher education institutions that have committed to operate for non-profit purposes but fail to comply or properly comply with Clauses 1 and 2 of this Article shall be deprived of the rights to enjoy priority policies applicable to private and foreign-invested non-profit higher education institutions; and shall refund all financial supports received from the State and retrospectively pay taxes applied to private and foreign-invested non-profit higher education institutions.

Article 7. Priority policies for private and foreign-invested non-profit higher education institutions

1. Priority policies for private and foreign-invested non-profit higher education institutions include:

a/ Tax incentives and exemption from and reduction of enterprise income tax, import duty and export duty in accordance with tax laws;

b/ Priority in land allocation or lease; land use levy exemption or reduction; land and water surface rent exemption or reduction in accordance with law;

c/ Support for training and scientific research activities and development of lecturing staff;

d/ Shared use and operation or exemption from or reduction of expenses for shared use and operation of common resources invested by the State for higher education as well as economic, cultural, scientific-technical and social welfare facilities at the central and local levels to serve training, scientific research and technology transfer activities;

dd/ Priority in receiving development investment and training and scientific research capacity building projects on a competitive basis like public higher education institutions; eligibility for participating in bidding for state-ordered tasks in the fields of development investment and training and scientific research capacity building like public higher education institutions;

e/ Priority in the allocation of funds for performance of training, scientific research and technology transfer tasks in the fields in which the institutions have advantages.

2. The Ministry of Education and Training shall assume the prime responsibility for, and coordinate with related ministries and sectors in, detailing and guiding the application of incentive policies to private and foreign-invested non-profit higher education institutions.

Article 8. Policies toward lecturers

1. The system of lecturer titles and their standards are used as the grounds for grading professional titles of, and implementing regimes and policies toward, lecturers of higher education institutions. The Minister of Education and Training shall stipulate standards of lecturer titles.

2. Wage scales and levels applicable to lecturers shall be specified with clear distinction between five titles: instructor, lecturer, principal lecturer, associate professor and professor as prescribed in the Law on Higher Education. The title of associate professor is ranked the 1st in the sub-grade of civil servants' professional titles and entitled to the wage scale and rank levels similar to those applied to the rank of senior specialists. The title of professor is ranked the 1st in the sub-grade of civil servants' professional titles and entitled to the wage scale and rank levels similar to those applied to the rank of senior specialists.

3. Private and foreign-invested higher education institutions may apply regulations on wages, allowances and other policies toward lecturers in public higher education institutions to devise policies toward their lecturers, which must not be lower than wages and allowances of lecturers of the same standard degree and seniority in public higher education institutions.

Article 9. Extension of working duration for lecturers reaching the retirement age

1. A lecturer holding the title of associate professor or professor or a lecturer holding a doctoral degree working in a higher education institution may continue working beyond the retirement age to teach and conduct scientific research if they fully meet the following conditions:

a/ He/she is physically fit and voluntarily continues working;

b/ The higher education institution needs and accepts him/her.

2. The extended working duration is 5 year at most for lecturers holding a doctoral degree; 7 years at most for lecturers holding the title of associate professor, or 10 years at most for lecturers holding the title of professor.

The above-said persons whose working duration is extended may request to stop working to enjoy the retirement benefits according to regulations.

3. Order and procedures for considering the extension of working duration:

a/ The head of the higher education institution managing the lecturer wishing to continue working identifies the need and assesses the talent and health of the lecturer and discusses with the lecturer. The lecturer specified in Clause 1 of this Article sends his/her written opinion to his/her managing unit and the head of the higher education institution for consideration.

b/ The head of the higher education institution issues a decision to extend the lecturer's working duration according to his/her competence or requests a competent superior agency to do so.

c/ The consideration of extension of the working duration of a lecturer who reaches the retirement age should be notified to the lecturer 3 months before the time he/she retires. The personal records of the lecturer whose working duration is to be extended and the agency's or unit's written request must be completed and sent to the agency competent to consider and decide on the extension of working duration at least 2 months before the time he/she retires.

4. Policies toward lecturers during the extended working duration:

a/ To be regarded as full-time lecturers of higher education institutions;

b/ To enjoy salaries and other policies and regimes as prescribed for lecturers.

Article 10. Effect

This Decree takes effect on December 10, 2013.

Article 11. Responsibilities to implement the Decree

1. The Minister of Education and Training shall guide this Decree.

2. Ministers, heads of ministerial-level agencies, heads of agencies attached to the Government, chairpersons of People's Committees of provinces and centrally run cities and related agencies shall implement this Decree.-

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG