

Decree-Law N° 107/2008, of 25 June

Two years after the publication of Decree-Law N° 74/2006, dated March 24, 2006, the implementation of the Bologna Process, using the organization model of higher education with three cycles, already reached in 2007-2008 a level of roughly 90% of courses being completed. As was forecast for up until 2010 this included the adoption of the European Credit Transfer System (ECTS) based upon work carried out by the students themselves.

Other goals set by the Bologna Process were also reached including the transfer from a system based upon the transmission of knowledge to a system based upon the development of student competences, where the components of experimental or project work and the acquisition of multi-purpose competences would play decisive roles.

Within this context the present diploma establishes that an annual, public report for each higher education institution is drawn up. This report is to detail the progress being made in relation to putting the principles of the Bologna process into practice in this area.

This report should include, through active participation and dialogue, the contributions of students and teaching staff and the promoting of such through the pedagogic and scientific or technical-scientific councils, as well as any indicative objectives adopted that underline the progress of changes witnessed in the institution and in each course.

The report should also include information relating to the scheme for qualifications adopted in the organisation of courses as well as the methodologies and indicators adopted for gauging the relationship, in each curricular unit, between the fixed credits and competences to be reached and the work methods adopted for both the integration of learning and the assessment of knowledge.

Ensuring, in this way, the profound implementation of the Bologna Process and a greater transparency of the progress of an institution with regard to reaching the set objectives, will form the basis for more informed choices on the part of students, of families and of society.

Therefore, the coming into force of Decree Law N° 62/2007 dated September 10, 2007 (the legal regime for higher education institutions) revoked by the Law of Autonomy for Universities, the Statute and Autonomy Law for Higher Education Polytechnic Establishments and the Statute for Private and Cooperative Higher Education, recommends, for greater clarity, the introduction of certain improvements to the transitory regime, set down under Decree Law N° 74/2006 dated March 24, 2006. These will include the putting into operation of new study cycles until the Agency for the Assessment and Accreditation of Higher Education comes into being, which is also to be undertaken through the current diploma.

At the same time, the simplification and the de-bureaucratization of procedures, recommended through the experience of applying Decree Law N° 74/2006 dated March 24, 2006, is to be promoted.

Among the modifications introduced the following should be underlined:

The cessation of the transitory system for registering alterations to study plans, being substituted by the sending of the same, by the higher education institution for publication in *Diário de República* (Official State Gazette) while simultaneously being sent to the General Directorate of Higher Education;

The introduction of a system for tacit deferment, only in relation to the transitory regime for authorization the operation of new study cycles in private and public higher education institutions;

In the transitory system for authorizing the operation of study cycles, recourse to commissions of specialists when they are deemed necessary within the field of technical verification procedures for satisfying the requirements set down by law;

The removal of any doubts whatsoever which may have existed whilst not being subject to the requests for registering the “mestrado” study cycles in question and to all doctorate study cycles relating to presentation deadlines;

Clarification of the area regarding training which, with the view of accreditation in the area of study cycles in higher education, can be subject to appreciation and which naturally include any type of previous training whatsoever.

On a par with these alterations some measures of major importance are to be taken in order to guarantee greater flexibility in accessing higher education. Therefore the following is established:

The possibility of enrolment in separate courses, on the part of any interested party, with, in the case of approval, a guarantee of both certification and accreditation, if and when that party enrolls in a course that includes;

The possibility of students enrolling in a higher education course in any higher education establishment whatsoever, in subjects which do not include a plan of studies in their courses, with a guarantee of certification, in cases of ratification, and which are included in the supplement to the diploma;

Also introducing an important measure for assisting “licenciados” and Masters who after having obtained their degree, are undertaking a professional placement or internship, which for a period of 24 months allows them some of the rights, without payment of any fees or other charges whatsoever, of the students in the institution where they obtained their degree. These include, namely, identification cards, Access to school social programmes, including study grants, and Access to libraries and information resources.

At the same time, promoting the simplification of procedures for proving the authenticity of degrees, which will be ensured by a diploma, thereby making the solicitation and payment of documents of a traditional nature, such as “cartas de curso” and “cartas doutorais” .more permissible.

Finally, alterations to Decree Laws 42/2005, dated February 22, 2005, (the regulating principles for measures governing the creation of a European area of higher education) and 67/2005, dated 15 March, 2005, (“Erasmus Mundus” masters), which are seen as ensuring an improved functioning between these diplomas and Decree Law N° 74/2006, dated March 24, 2006.

The Council of Portuguese University Rectors, The Coordinating Council of Higher Polytechnic Institutes and the Portuguese Association of Private Higher Education were heard.

Therefore:

In developing the legal regime established under Law N° 46/86, dated October 14, 1986 (The Basic Law for the Education System), altered by Law N° 115/97, dated September 19, 1997 and Law N° 49/2005, dated August 30, 2005 and under the terms of line c) of point 1 of Article 198 of the Constitution, the Government decrees the following:

Article 1

Alteration to Decree-Law N° 74/2006, dated March 24, 2006

1 - Articles 14, 26, 38, 45, 49, 67, 69, 71, 72, 73, 74, 77, 80 and 83 of Decree-Law N° 74/2006, dated March 24, 2006 will be altered to include the following wording:

Article 14

[...]

...

a) ...

b) ...

c) ...

d) ...

e) ...

f) ...

g) ...

h) Features that obligatorily constitute the diplomas and degree certificates

i) Deadline for issuing the diploma, the course letter and the supplement to the diploma;

j) [Previous point i).]

Article 26

[...]

...

a) ...

- b) ...
- c) ...
- d) ...
- e) ...
- f) ...
- g) ...
- h) ...
- i) ...
- j) ...
- l) ...
- m) ...
- n) Features that obligatorily constitute the diplomas and “cartas de curso”;
- o) Deadline for issuing the diploma, the degree certificate and the supplement to the diploma;
- p) [Previous point o).]

Article 38

[...]

...

- a) ...
- b) ...
- c) ...
- d) ...
- e) ...
- f) ...
- g) ...
- h) ...

i) ...

j) ...

l) Features that obligatorily constitute the diplomas and “cartas doutorais”;

m) Deadline for issuing the diploma, the “carta doutoral” and the supplement to the diploma;

n) [Previous point m).]

Article 45

[...]

1 - ...

a) ...

b) ...

c) Recognition of, by attributing credits, professional experience and other training not covered under the previous points.

2 - ...

3 - ...

Article 49

Record of degrees and diplomas, certificates and letters

1 – The degree and diploma awarded is a drafted written record produced by the legal body of the officially recognised authority of the higher education establishment.

2 – The authenticity of the title of degrees and diplomas is proven by the certified record referred to under the previous point, generically termed a diploma, and is also for the purposes of students who require it:

a) For a degree certificate, for the degrees of “licenciado” and Masters;

b) For a Doctorate diploma, for the Doctorate degree.

3 - The documents referred to in point 2 can be multi-lingual.

4 – In accordance with the approved guidelines coming under the auspices of the Bologna Process, and under the terms found in article 40 of Decree-Law N° 42/2005, dated February 22, the issuing of any documents whatsoever referred to under point 2 is to be accompanied by the issuing of a supplement to the diploma.

5 – The issuing of a certified record cannot be deemed as reason for asking for payment in relation to the documents referred to in lines a) and b) of point 2.

6 – The charge for issuing any documents whatsoever referred to in point 2 may not exceed the cost of the respective service.

Article 67

[...]

...

a) In public university teaching establishments, the regime is in force from the date of publication of the present decree-law;

b) In public polytechnic teaching establishments, the regime is fixed under articles 69 and 74 of the present decree-law;

c) In private or cooperative teaching establishments, the regime is fixed under articles 69 and 74 of the present decree-law;

Article 69

[...]

1 - The Ministry of Science, Technology and Higher Education authorises, through a proposal from the director-general of Higher Education, the operation of new cycles of studies under the terms expressed in the present chapter.

2 - ...

Article 71

[...]

1 - ...

2 - ...

3 – Within the realms of verifying the satisfactory requirements, the General Directorate of Higher Education can hear from specialist commissions, when deemed necessary, which are appointed by despatch from the Director-General of Higher Education and includes teachers of higher education, researchers, specialists with recognised experience and Professional competence, who are either Portuguese or foreigners, but are not less than three in total.

4 – The members of the commissions are independent in exercising their duties.

Article 72

[...]

1 – The decision regarding requests for authorization of operation is expressed:

a) In relation to the cycle of studies conducent the degree of “licenciado”, within a maximum four month deadline from the date of reception;

b) In relation to the rest of the cycles of studies, the maximum deadline is seven months after it is received.

2 – Surpassing the deadline referred to under the previous point, those requests for authorization to operate cycles of studies will be considered tacitly null and void.

3 – Operating a cycle of studies with a view to awarding an academic degree without prior authorisation will result in deferment of the request.

4 - (Previous point 3.)

Article 73

Notification and publication

1 – The despatch of deferment is to be notified in writing by the requesting entity.

2 - The despatch of deferment, in relation to the cycle of studies, includes:

a) The name of the higher education institute and, if applicable the inherent department, that administers it;

b) The academic degree awarded;

c) The name;

d) The organization of alternative pathways, when applicable;

e) When relating to degrees of “licenciado” and Masters:

i) The number of credits, following the European credit transfer system (ECTS), and the accumulation of credits necessary for obtaining a degree;

ii) The normal duration of the cycle of studies;

iii) The credits, by scientific area, that should be accumulated for obtaining a degree.

3 – Receipt of notification of deferrment, by the requesting party preceded by publication of an official notice in the 2nd series of Diário da República (Official State Gazette).

4 – The publication includes a supplement, when relating to the degrees of “licenciado” and Masters, the plan of studies, indicating, for each curricular unit, the scientific area involved, the length of the semester in question, annual or otherwise and the total hours and contact hours of work as well as the ECTS number.

5 – In tacit compliance with what has taken place under the terms of point 2 of the previous article, the requesting party proceeds with publishing an announcement in the 2nd series of Diário da República (Official State Gazette), which includes in relation to the cycle of studies in question, the features referred to in points 2 and 4, as well as the date on which that the request was sent to the General Directorate of Higher Education and the date when the concession was tacitly granted.

6 – On the date on which the announcement was sent for publication in Diário da República (Official State Gazette), the requesting party should forward a copy of the same announcement to the General Directorate of Higher Education.

Article 74

[...]

1 - ...

2 – The decision to cancel authorisation to operate due to the Ministry of Science, Technology and Higher Education under proposal from the General Directorate of Higher Education is preceded by a prior audience with the interested parties and is published in the 2nd series of Diário da República.

3 -...

Article 77

Initiation of operation

Alterations to the commencement of operations are subject to prior communication to the General Directorate of Higher Education and are published in the 2nd series of Diário da República.

Article 80

Publication of alterations

The publication of alterations should expressly mention the date of communication of the same to General Directorate of Higher Education.

Article 83

[...]

1 - ...

2 – The procedures referred to under the previous number are to be carried out by the end of the 2010/2011 academic year.

2 – The quotation in chapter II of title V shall read “Transitory system for the authorisation of operating new cycles of studies”

Article 2.

Addition to Decree-Law N° 74/2006, dated March 24, 2006

1 – Articles 46-A, 46-B, 46-C and 74-A are additions to Decree-Law N° 74/2006, dated March 24, 2006, and include the following wording:

Article 46-A

Enrolment in curricular units

1 – The teaching establishments carry out the enrolment for curricular units that are administered by them.

2 – Enrolment should be made by the students who enrol in the higher education course or by other interested parties.

3 – Enrolments should be undertaken subject to availability.

4 – The curricular units in which the student enrolls subject to availability and in which they obtain approval:

a) Are subject to certification;

b) Are obligatorily credited, under terms of article 45, in cases where the title has or will acquire the status of a student in a cycle of studies of higher education

c) Are included in the supplement to the diploma that will be issued.

5 – For enrolment under the terms of this article proportional amounts are due which have been fixed by the legally and officially authorised body of the higher education establishment.

Article 46-B

Professional placements

1 – The titles of “licenciado” or Masters degrees which, in a period of 24 months after obtaining the degree, if they included a professional placement or internship under the terms fixed by the present article, the rights of the students of the higher education institution which awarded the degree.

2 – Assigning the rights is independent of whether the professional placement or internship is salaried or not and is conditioned by enrolment in a higher education establishment which awarded the degree.

3 – The enrolment referred to under the previous point is not subject to any payment of fees or any other charges whatsoever.

4 – Trainees on placements have the right to:

a) The issuing of an identity card from the higher education institute;

b) Access to school social activities under the terms of the students of the institution, including the eventual granting of a study scholarship;

c) Access to the resources of the institution, such as the library and information resources under the terms given to students.

Article 46 – C

Part-time students

1 – Higher education establishments provide their students with enrolment and attendance on their study cycles on a part time basis.

2 – The legal and officially authorised body of the higher education establishment approves the normal regulations in relation to the part time system of studies, including, namely:

- a) The conditions for enrolment for part time studies;
- b) The change in conditions between full time and part time systems;
- c) The fee system, which should result in the correct amount of general rules being applied to the cycle of studies in question;
- d) The regime prescribing the rights of enrolment, which should result in the correct amount of general rules being applied to the cycle of studies in question;

Article 74-A

Deadlines

1 – The deadlines in which the requests for registering authorization the operation of new “licenciatura” study cycles included in “mestrado” should be presented for each academic year are set by despatch from the Director General of Higher Education, heard by The Council of Portuguese University Rectors, the Council of Polytechnic Higher Education Institutes and The Portuguese association of Private Higher Education.

2 – The following are not subject to the deadlines for presenting requests for registration:

- a) The study cycles for Doctorates;
- b) The study cycles for masters undertaken within the system of association with national or foreign institutions.”

2 – Title IV of Decree Law N° 74/2006, dated March 24, 2006, is added to in chapter V, with the expression “Concretização do Processo de Bolonha” (“Solidifying the Bologna Process”) to be included under article 66-A, with the following wording:

“Article 66-A

Report upon solidifying the Bologna Process:

1 – Higher education establishments draw up annually a report upon cementing the objectives of the Bologna Process.

2 – The report should include information about the changes undertaken, namely in pedagogical matters, in the sense of training geared toward developing student competence, which is organised and based upon the European Credit Transfer System (ECTS) and where, for example, the components of experimental or project work and the acquisition of varied competences should play a decisive role.

3 - The report should include information and indicators that underline the progress of changes witnessed in the institution and in each course and which afford a comparison with developments experienced in other institutions of the same nature.

4 - The report should include objective indicators which consider, namely, the development of the importance of the various work components of the student in terms of the total number of hours of work, principally the total contact hours, the experimental component and the Project component.

5 – The report should also refer to, namely:

- a) The measures of assistance to promote scholastic success;
- b) Assistance given in developing extra-curricular competences;
- c) Measures for encouraging engagement in an active life.

6 - The report should include the contribution of both students and teaching staff, through surveys or other forms of participation, regarding the putting into place of seen objectives, promoted by the pedagogic and scientific or technical-scientific councils.

7 – The report is to be developed for the 2006-2007 to 2010-2011 academic years, inclusive, and is to be published upon the education establishment website by December 31 following the end of the academic year which has been reported upon.”

Article 3.

Alteration to Decree-Law N° 42/2005, dated February 22, 2005

Article 6 of Decree Law N° 42/2005, dated February 22, 2005 is to include the following wording:

“ Article 6

Dissertations and other work:

The number of credits assigned to study cycles conducent to the level of Masters, or other means of putting into place the component referred to in line b) of point 1 of article 20 of Decree Law N° 74/2006, dated March 24, 2006, as well as other work of a similar nature envisaged for obtaining study cycle diplomas which do not grant degrees, is set taking into consideration the normal average time deemed necessary for preparation and assessment, measured in academic years or fractions thereof, where an academic year corresponds to 60 credits.”

Article 4.

Alteration to Decree Law N° 67/2005, dated March 15, 2005

Articles 3 and 6 of Decree Law N° 67/2005, dated March 15, 2005, are changed to include the following wording:

“Article 3

[...]

The degree of Master awarded through the masters course 'Erasmus Mundus' which has been completed under the auspices of a Portuguese higher education establishment and entitled under the terms set by Decree Law N° 74/2006, dated March 24, 2006.

Article 6.

[...]

The Portuguese higher education establishments who are partners in the organization and administration of 'Erasmus Mundus' masters courses may issue diplomas in conjunction with the other establishment partners, under the terms set down by article 43 of Decree Law N° 74/2006, dated March 24, 2006.”

Article 5.

Alteration to Decree Law N° 316/76, dated April 29, 1976.

The holders of degrees equivalent to “bacharel” degrees referred to in article 4 of Decree Law N° 316/76, dated April 29, altered by Decree Law N° 24/77, dated January 18, 1977, have the right to continue studies and to accreditation of their training and

Professional experience under the terms of article 45 of Decree Law N° 74/2006, dated March 24, 2006.

Article 6.

Norm annulment

The following are revoked:

- a) Articles 72, 73 and 99 of Decree Law N° 39 001, dated November 20, 1952;
- b) Articles 13, 25, 37, 70, 78 and 79 of Decree Law N° 74/2006, dated March 24, 2006.

Article 7.

Transitory features:

1 – Set down under articles 46-A, 46-B and 46-C of Decree Law N° 74/2006, dated March 24, 2006 are applicable from the 2008-2009 academic year, inclusive.

2 – The first report envisaged under article 66-A of Decree Law N° 74/2006, dated March 24, 2006 should be published by December 31, 2008, relating to the 2006-2007 and 2007-2008 academic years.

3 - Set down under point 2 of article 72 of Decree Law N° 74/2006, dated March 24, 2006, is only applicable:

a) To requests for authorization of the operation of new study cycles presented between January 1 and December 28, 2007, seen as coming into force of in the 2008-2009 academic year, counted in the deadline referred to in point 1 of article 72 from April 1, 2008;

b) To requests for authorization of the operation of new study cycles seen as coming into force in subsequent academic years, counting the deadline referred to in point 1 of article 72 commencing from the terms of the decline set for the presenting of requests.

Article 8

Re-publication

To be re-published in a supplement, with the wording given under the present decree law, Decree-Law N° 74/2006, dated March 24, 2006.

Article 9.

Coming into force

The present decree law comes into force the day after its publication.

Seen and approved by the Council of Ministers on April 30, 2008 - José Sócrates
Carvalho Pinto de Sousa - José Mariano Rebelo Pires Gago.

Promulgated on June 5, 2008.

To be published.

The President of the Republic, Aníbal Cavaco Silva.

Countersigned on June 6, 2008.

The Prime-Minister, José Sócrates Carvalho Pinto de Sousa.