Ministry of higher education and scientific research act

No. 40 in 1988

Chapter (I)

Validity and goals

Article (1)

This act applies to the ministry of higher education and scientific research (called a ministry later) and its administrative formations and educational and research institutions related to).

Article (2)

The ministry aims at bringing out quantitative and qualitative changes in the scientific, technical and cultural movement and directing research work in a way that creates constant interaction between thought and practice towards the achievement of authenticity, scientific sobriety and interaction with human experiments and experiences taking into account the specificity of our society and our unique experience to build new generations armed with science and knowledge, absorbed with high principles and values, having faith in the objectives of Arab nation, its civilized history and its humanitarian role to be an active and influential force in community able to continue to carry the message and keep the achievements of the revolution of 17 – 30 of July and its objectives of unity, freedom and socialism and fulfill the needs of development plans in all branches of human knowledge and the requirements of community development. Also the ministry aims to developing the scientific, cultural and artistic with Arab countries to achieve harmony and integration in the fields of science and knowledge towards the achievement of cultural unity, expanding and strengthening cooperation bonds in these areas all over the world.

Article (3)
The task of the ministry center is to plan and follow-up of higher education and scientific research, coordination and approval of plans made by universities and the body of technical institutes and unifying them in one plan on the state level, supervising on, holding public conferences, administration of scholarship affairs and international cultural relations.

**Article (4)**

1. Ministry center consists of:
   A. Minister of higher education and scientific research (called later as minister).
   B. Undersecretary.
   C. Supervision and scientific evaluation body.
   D. Department of studies, planning and follow-up.
   E. Department of cultural relations.
   F. Legal and administrative department.
   G. Research and development department.

2. Ministry center assumes the following specialties:
   A. Scientific specialties:

      First: Approval of admission plans for primary and graduate studies and follow-up its implementation.

      Second: Approval of scientific, educational cultural and technical plans for universities and the body of technical institutes.

      Third: Organizing scientific, artistic and technical cooperation with Arab and foreign countries, organizations and institutions through signing of conventions.

      Fourth: Approval of inauguration of a new college or institute and recommending the inauguration of a university.

      Fifth: Approval of curricula.

      Sixth: Determining the foundations of appraisal of Arab and foreign certificates and scientific degrees following the secondary stage and
recognition of Arab and foreign academic university institutions and determination of academic and honorary titles and certificates and terms of granting them.

Seventh: Approval of study leaves, missions, fellowships, scholarship and lending services for faculty members.

Eighth: Holding educational and evaluative conferences.

B. Administrative and financial specialties:

First: Approval of annual budget projects, final accounts and import plan of the ministry center.

Second: Implementation of missions and fellowships curricula.

Third: Assignment of instructors with a doctorate degree or equivalent in a way that meets the actual needs of universities and the body of technical institutes.

Fourth: Transfer of instructors within universities and the body of technical institutes in accordance with applicable regulations.

Fifth: Proposal of draft laws, decrees, regulations and issue of instructions.

Sixth: Assignment of employees of cultural departments.

**Article (5)**

1 – The minister is the first figure in the ministry responsible of its works and directing its policies made by him, all resolutions, orders and instructions related with the tasks of the ministry, its formations and its authorities and all technical, financial, administrative and organizational affairs are implemented by him according to resolutions, regulations and instructions.

2 – The minister is authorized with the following:
A. Granting of wages, allocations, compensations and awards for the members of the ministry center, universities and the body of technical institutes according to resolutions, regulations and instructions.
B. Suspension of study in universities, colleges or institutes partially or wholly for a period not exceeding (6) days.
C. Authorizing powers to undersecretary, universities’ presidents, president of the body of technical institutes and directors of departments of the ministry center.

Article (6)

The minister forms an advisory council whose members are chosen by his resolution to provide opinion and advice in educational and scientific matters and that meet in necessary according to his invitation and the resolutions are issued in the name of the minister personally.

Article (7)

The ministry center’s formations assume the following tasks:

1 – The body of supervision and scientific evaluation assumes the task of ensure the legality of the actions of the university, colleges, institutes, departments and compatibility with the legislations in force and it is headed by an employee with doctorate degree, assistant professor at least and who has an experience in academic and administrative matters not less than (10) years, assisted by specialized supervisors and whose duties are determined by a regulation.

2 – Studies, planning and follow-up department assumes collection and coordination of plans prepared by universities, body of technical institutes and departments of the ministry center, unifying them in one plan in the light of the general objectives of the development plan and the requirements of community development, follow-up of its implementation after approved, evaluation of economic feasibility studies of the ministry’s projects, follow-up of Arabization of the university education and scientific terms, compilation, classification and analysis of data and statistical
information, follow-up the implementation of resolutions issued by the committees charged with composing the educational curricula, organizing and coordinating the students’ admission and their transfer within the universities and the body of technical institutes, distribution of incoming students, computer management, submitting studies related to the ministry’s tasks and this department is headed by a general manager with a doctorate degree who has a service not less than (10) years.

3 – Department of missions and cultural relations assumes the task of supervision on scholar students abroad, follow-up of their study, certificates’ appraisal, follow-up of cultural departments, organization of cultural and scientific relations with Arab and foreign countries and Arab, regional and international specialized institutions, follow-up of implementation of conventions concluded in their specialty and it is headed by a general manager with a doctorate degree who has a service not less than (10) years.

4 – Legal and financial department assumes the legal affairs, follow-up of rights and obligations of the ministry, organization of accounting matters, internal audit, personnel and administrative services in the ministry’s center, public relations management, media and administrative matters that are not the prerogative of universities and the body of technical institutes and it is headed by a general manager with a Bachelor’s degree at least and who has a service not less than (10) years.

5 – Research and development department assumes the task of setting up the policies of scientific research in educational institutions, follow-up of application of their results with different business sectors, policy of graduate studies’ researches, development of primary and graduate studies’ curricula, activities of research centers and scientific associations and it is headed by a general manager with a doctorate degree and the title of assistant professor at least who has a service not less than (10) years.

Chapter (II)

Universities
Article (8)

The following formations are related to the ministry center:

1 - University of Baghdad
2 - University of Mosul
3 - University of Basrah
4 - Mustansiriyah university
5 - University of technology
6 - University of Tikrit
7 - Al-Qadisiyah university
8 - Al-Anbar university
9 - University of Kufa
10 - University of Babylon
11 - Iraqi Commission for medical specialties
12 – The body of technical institutes
13 – Center for psychological researches (parapsychology)
14 - Diyala university
15 - Karbala university
16 - Dhi Qar university
17 - Tamim university
18 – Wasit university
19 - Maysan university
Article (9)

The university is a safe campus and a center of civilized, ideological, scientific and technical radiation in society in which mind thrives and the ability of creativity and innovation enhanced to shape life and on which direct responsibility to achieve the objectives mentioned in this act rests upon and should conduct s continuous studies and researches in various fields of human knowledge and the studies related to the scientific state and the reality of the new needs the ensure high scientific levels to fit our age and its requirements that may result in reducing the scientific and the technical gap with the developed countries taking into account the specificity of our society and embodiment of the educational thought on which this theory depend on in its different scientific, educational, cultural curricula and activities.

Article (10)

1 – The university, college, center for scientific research and high institutes associated with university has the moral character, administrative and financial independence and the legal eligibility, necessary to achieve its objectives, each one is administrated by a council.

3 – A – In the ministry center, university, body, college, institute and centers for scientific researches, a fund is established called higher education’ fund enjoyed with a moral character and an administrative and financial independence whose resources are consisted of a share from the following:

First: Study fees.

Second: Evening study fees.
Third: Revenues accruing from the application of the resolution of the revolution command council, no. 160 in 4/2/1985.

Fourth: The percentage allocated for the ministry center fund of the fees accrued from private universities and colleges.

Fifth: Revenues of scientific and advisory services’ offices.

Sixth: Revenues of its services and activities.

Seventh: Profits accruing from the investment of movables and immovable.

Eighth: Grants, donations, endowment and subscription in accordance with legislation in force.

B – Exchange is undertaken by the higher education fund according to special rules and procedures related to revenues mentioned in the paragraph (A) above with specific ratios and purposes in the resolutions, rules and instructions that regulate them.

Article (11)

The official language in Iraqi universities is Arabic and the Kurdish language is considered an official language along with Arabic in the autonomous region and the colleges’ councils assume the task of teaching some subjects in other languages.

Article (12)

1 - The university consists of faculties, higher institutes, research centers and any other formations as needed in theoretical and applied knowledge areas.

2 – A – University of technology consists of scientific departments, each one is treated as a college in the Iraqi universities.
B – Head of any scientific department in the university of technology is treated as a dean of a college and he enjoys all the powers, rights and privileges of a dean.

**Article (13)**

1- University council: is the supreme scientific and administrative body in the university that consists of:

A- University president as chairman.

B- Secretary general of education department in the autonomous region of Kurdistan as a member.

C- Deans as members.

D- Assistants of president of the university as members.

E- The two members of the faculty, elected by president and members of the council referred to in the three preceding paragraphs for two years, renewable.

F- Representative of the teachers' union, chosen from the faculty members in the university, nominated by the teachers union as a member.

G- Representative of the national union of students and youth in Iraq, nominated by the executive office of the union for a period of one year, renewable as a member.

2- The university council may choose two members from outside of the university with experience and competence, to the council for two years, renewable.

**Article (14)**

The university council meets regularly at least once each month and the university president may call for an extraordinary meeting if necessary or at a written request by one third of the membership of the council. The
quorum of the council is completed with the presence of the majority of its members and the resolutions, proposals and recommendations are made by the majority of the attendants and in case that votes are equal, the side the president took is exceeded.

**Article (15)**

1- The university delivers a copy of the recommendations of its council that are outside its powers to the minister within fifteen days from the date of issue and the minister may approve the recommendations when considered and sending back to the university council by which it was issued within fifteen days from the date of registration for the purpose of reconsideration, so if the council insists on the recommendations, so the minister may approve it and this resolution becomes absolute.

2- The university informs the minister and other universities of the copy of its council’s resolutions that fall within its powers for acquaintance.

**Article (16)**

The university council exercises the following competences:

1- Scientific specialties:

A- Recommendation of admission plans for preliminary and graduate studies in the colleges and high institutes.

B- Approval of plans of scientific research for the colleges and high institutes.

C- Approval of Arabization plan for science, writing and translation.

D- Approval of a plan to provide educational supplies.

E- Approval of a plan to open scientific departments, branches and scientific centers.
F- Approval of school subjects, distribution of them for school years in colleges and high institutes.

G- Approval of a plan to provide faculty members.

H- Grant the title of professorship for faculty members.

I- Implementation of the admission plan for graduate studies.

J- Follow-up the results of faculty member’ appraisals.

K- Proposing curricula and innovate a change in for the purpose of consolidation of the scientific state.

L- Nomination for scientific and cultural awards.

2- Administrative specialties:

A- Proposing a bilateral cultural relations plan with the universities and the scientific institutions in other states and implementing it after approval by the ministry.

B- Hiring non-Iraqis faculty members and technicians.

C- Appoint instructors of a master degree or equivalent.

D- Recommend missions, scholarships and study leaves outside the country.

E- Approval and implementation of a plan for the rehabilitation and training of scientific and administrative personnel.

F- Approval and implementation of summer training for students and field practice for instructors.

G- Approval of granting study leaves inside the country after approval from the ministry.

H- Approval and implementation of scientific and administrative personnel of faculties, institutes and centers.
3- Financial specialties:

A- Approval and implementation of the annual budget plan, import method and the investment plan directly in coordination with the competent bodies.

B- Approval of the final accounts.

4- The council may authorize some of its powers to the president of the university.

**Article (17)**

1 – The university’s president is appointed with a special degree and by a republican decree.

2 – It is required that the one who is appointed as a university’s president should be of Iraqi parents by birth and has no foreign origin, a professor having a doctorate or equivalent.

3 – The university’s president is related to the minister and the period of holding this position is limited to (5) years, renewable once and may be assigned to hold a similar position in another university or body for an equivalent period.

**Article (18)**

The university’s president shall exercise the following powers:

1- A- University’s council presidency, being invited to regular and special meetings and implementation of its resolutions and represent the university before all bodies.

B- Management of the scientific, administrative and financial issues of the university in accordance with law, regulations and resolutions of the university council.

C- Donation of movable and immovable property in accordance with the laws, regulations and instructions in force.
D- Distribution of the profits recurring from advisory offices and clinics and (20%) of them are allocated to the university where they are placed in a special fund to be spent for the development of its scientific and service activities as well as distributing a ratio of (80%) among its members as exception of article (10) of the act of advisory engineering offices, (No. 64) of 1979.

2- The university’s president may entrust some of his powers to deans and his assistant or the one it deems appropriate.

Article (19)

1- The college council: is the supreme administrative and scientific body in the college and it is consisted of:

A- Dean of the college as president.
B- Heads of scientific departments or heads of scientific branches in the colleges in which there is no scientific departments as members.
C- Associate dean as a member.
D- A representative of the teachers' union of the faculty members in the college to be selected by the union as a member.
E- A representative of the national union of students and youth of Iraq to be selected by the college’ students as a member.
F- Directors of research centers related to the college as members.

2- The college council may choose two members with experience and competence from outside the college for two years, renewable once.

Article (20)

The college council shall exercise the following specialties:

1- Scientific specialties:

A- Preparation of admission plan for preliminary and graduate studies according to the scientific department or branch, their terms and follow-up of its implementation.
B- Preparation of plans of scientific research, writing, translation, provision of educational supplies, teaching faculty and service to society.

C- Preparation of plans to open new scientific departments, branches and centers and proposing initiating, merging or abolishing some scientific departments or branches and distribution of curricula for school years.

D- Approval of plans of scientific departments about inviting visiting professors.

E- Approval of theses’ titles, nomination of committees of the comprehensive examination, supervisor, co-supervisor, the discussion’s findings, addition or deletion of study materials for graduate studies, recommendation of initiating graduate studies, their curricula, annual plans, five-year plans and others that are not mentioned in paragraph (E) of this article.

2- Administrative specialties:

A- Approval of transfer and placement of personnel of instructors, technicians and administrators within the colleges and the departments of the university in coordination between the two parties.

B- Supervision of college’s affairs and attention to various aspects of its scientific, cultural, educational and sports activities.

C- Preparation of the college staff before the end of the academic year for the following year in the light of the instructions of the dean and departments’ councils.

D- Proposing study leaves inside the country for the college members at the suggestion of the respective scientific department or branch.

E- Proposing service lending for instructors or granting them study leaves or fellowships abroad at the suggestion of the respective scientific department or branch.
F- Approval of faculty member full-time inside and outside the country according to the regulations.

G- Approval of changing the titles of the technical and administrative staff of the college certified in accordance with the provisions of the laws, regulations and instructions and the council may form committees that assist in performing its scientific, administrative, financial and educational tasks.

H- Imposing penalties on students according to disciplinary regulations.

I- Consideration of all other matters in the college referred to by the dean.

J- Supervision on the implementation of regulations and directives with respect to scientific and administrative matters and student activities at the college.

K- Recommendation to hire faculty members and lecturers for graduate studies according to duration and need identified by the branches.

L- Recommendation to matters referred by the minister or the university’s president.

M- Proposing a plan for rehabilitation of scientific and administrative staff.

N- Proposing a plan for bilateral cultural relations.

3- Financial specialties:

A- Proposing the annual budget plan, import method and annual investment plan.

B- Recommendation to approval of the final accounts of the college.

C- Approval of donation of movable and immovable property of (50%) within the powers of the university’s president according to the laws and regulations in force.

D- Ratification of the resolutions made by the committees of deletion, valuation, rent and sale of the state movable and immovable property in accordance with the provisions of law, (No. 23) of 1986.
F- Approval of preparing designs, maps and tables of quantities for their works and projects mentioned in the regular budget or the investment budget and contract for implementing it in accordance with the provisions of law, order and its conditions.

4- The council may authorize some of its powers to the dean of the college.

Article (21)

The college council meets once a month at least, at the invitation of its president and its quorum is completed with the presence of the majority of its members and resolutions, proposals and recommendations are made by the majority of the attendants and in case that votes are equal, the side the president took is exceeded.

Article (22)

Each college or high institute is headed by a dean who is required to be Iraqi from Iraqi parents by birth and has no foreign origin with the title of assistant professor and works as general manager and is related to the university’s president and the period of holding this position is limited to (5) years, renewable once and can be assigned to hold an equivalent position in any other college or high institute for an equivalent period and assumes the following specialties:

1- Scientific specialties:

A- Follow-up preliminary and graduate studies for the achievement of the objectives mentioned in this act and continuous consolidation of the intellectual, educational and scientific state.

B- Approval of the recommendations of the departments and branches’ councils.

C- Approval of the distribution of study materials and course units among faculty members and lecturers and the formation of committees to discuss theses and scheduling them.
D- Application of all the instructions and regulations issued on the organization of scientific and educational affairs and the resolutions issued by the college council.

2- Administrative and financial specialties:

A- Application of instructions, regulations and resolutions related to all administrative and financial matters.

B- Approval of the recommendations of the committees formed in the college.

C- Approval of registration of students for graduate studies.

D- Approval of purchase and import of laboratory instruments and other supplies, journals and books according to the legislation in force.

E- Approval of disbursement of bonuses to those from outside the university in exchange of training and instruction in the college, supervise on theses and participate in the committees of comprehensive examination, discussion committees in accordance with the legislation in force.

**Article (23)**

Scientific department: is the essential scientific unity in higher education that is headed by the department council and its president who is appointed by a resolution of the university’s president on the recommendation of the dean, and whose powers are defined by the law, the department council assumes the following specialties:

1- Discussing study curricula, their vocabulary and textbooks and proposing amendment or altering them in the light of the recommendations of the faculty members.

2- Proposing the department’s need for faculty members and technicians and recommend invite visiting professors.
3- Approval of scientific research projects submitted by members of department and proposing ways for achieving them, recommend consolidate scientific researches and the books authored and translated and attention to students’ researches and provide supplies for implementation.

4- Implementation of the college council resolutions.

5- Formation of educational and scientific committees according to the needs of the department.

6- Supervise on instruction, its methods and developing it and how the faculty members and other members perform their duties and on the scientific affairs for students at various stages through continuous scientific and practical supervision.

7- Follow-up the scientific developments and the rapid progress of knowledge and science and instruct the faculty members to update curricula and study materials to be consistent with these scientific and technological developments.

8- Authorize some of its powers to the head of department.

Article (24)

The faculty in universities and the body of technical institutes is consisted of:

1- Professors.
2- Assistant professors.
3- Teachers.
4- Assistant teachers.

Article (25)

1- It is provided that the one who is assigned or granted the title of assistant teacher should have a master degree or equivalent.

2- If the assistant teacher is not promoted to a higher rank within six years from the date of his appointment, he would be transferred to outside of the ministry.
3- Minister of higher education and scientific research may grant those who have higher diploma and bachelor the title of assistant teacher for those who work in the body of technical institutes and who have a practical expertise of no less than (5) years.

Article (26)

It is provided that the one who is appointed or granted the title of teacher should meet one of the following terms:

1- To have a doctorate degree or equivalent recognized scientifically or have the highest scientific, artistic, technical or professional degree in the specializations that don’t grant a doctorate or equivalent provided that the duration of study should not be less than three years after the initial university degree.

2- To be an assistant teacher in one of the country’s universities or the body of technical institutes for not less than three years during which he has published two sober papers at least and has exerted good teaching efforts.

Article (27)

It is provided that the one who is appointed or granted the title of assistant teacher should meet one of the terms defined in the article (26) of this act and has occupied the rank of a teacher in one of the country’s universities or the body of technical institutes for (4) years at least during which he was distinguished in teaching and has published three scientific sober papers at least.

Article (28)

It is provided that the one who is appointed or granted the title of professor should meet the terms defined in the article (26) and has completed (6) years in the rank of assistant professor and has exerted distinguished efforts in teaching and has published three authentic papers at least.

Article (29)
With the exception of the provisions of the preceding articles, holder of a recognized doctorate degree or equivalent scientifically may be appointed in the university as assistant professor in one of the following cases on the recommendation of the university council:

1- If exercised teaching for equivalent periods in recognized Arab or foreign universities and he was known for his excellence in teaching and has published scientific, valuable and innovative papers.

2- If exercised his specialization for equivalent periods after getting one the degrees mentioned in the article (26) of this act and has published scientific, valuable and innovative papers.

3- If owns scientific, unique and inimitable talents.

**Article (30)**

Excluded from the provisions of the articles (25, 26, 27, 28) of this act the faculty members in the college of fine arts and apply on whom the instructions issued thereunder.

Article (30) repeated:

1- Iraqi commission for medical specialties: an educational institution at the level of university, related to the ministry center and has a moral character and a financial and administrative independence.

2- President of the commission is at the level of a university president and its council as university council and head of the scientific council as dean of college and the educational council as college council in all related to powers, specializations, rights, privileges mentioned in the legislation in force.

3- The commission grants its graduates the degree of a colleague that is considered the highest degree in the specialization field and he is granted a precedence for two years for the purposes of bonus and promotion and he enjoys all rights and privileges from the date of receiving it.
4- The formations of the commission, its specialties, its meetings and all related to its affairs are defined by instructions issued by the minister.

Chapter (III)

The body of technical education

Article (31)

The body consists of colleges and institutions specialized in the fields of technical education after high school or equivalent that has a moral character, financial and administrative independence and has the power to recommend inaugurate, abolish or merge technical colleges or institutes as needed and it is based in Baghdad.

Article (32)

1- The body is chaired by the its president and several deans of technical colleges and institutes and a representative of teachers’ union of the faculty members nominated by and representatives of other ministries and departments of the rank of general manager at least in their experience and competence who are appointed by a resolution of the minister for two years renewable, except for the representative of the national union of the students and youth of Iraq where the duration would be one year, renewable.

2- The body council exercises the authorities and the powers commissioned for universities’ councils in accordance with the conditions of the body and it has the right to delegate some powers to its president.

3- Its meetings and resolutions would be as stated in articles (14) and (15) of this act.

Article (33)

1- The body’s president is appointed with a special degree and by a republican decree.
2- It is required that the one who is appointed as the body’s president should be of Iraqi parents by birth and has no foreign origin, a professor having a doctorate or equivalent and of experience and competence, he is related to the minister and the period of holding this position is limited to (5) years, renewable once and may be assigned to hold a similar position in another university or body for an equivalent period.

3- The body’ president assumes the powers of a university president in conformity with the conditions of the body and has the right to delegate his powers to deans and who is deemed appropriate.

**Article (34)**

The technical college or institute is administrated by its council which is the highest authority in and it consists of the dean, heads of departments and branches, a representative of the teachers’ union, a representative of the national union of students and youth in Iraq and it assumes the powers of the college council in universities in accordance with the conditions of the technical college or institute and has the right to delegate some of its powers to the dean and its meetings and resolutions would be as stated in article (21) of this act.

**Article (35)**

1- The technical college or institute in this body is headed by a dean who should be of Iraqi parents by birth, of experience and competence and has the rank of assistant professor at least and the period of holding this position is limited to (5) years, renewable once and may be assigned to hold a similar position in another university or body for an equivalent period.

2- Dean of the technical college or institute assumes the powers of the college’s dean in university in conformity with the objectives of the college or institute.

**Chapter (IV)**
Iraqi commission for computing and Informatics

Article (35) repeated:

1– Introduction of a body called (Iraqi commission of computing and informatics) at the level of a university linked to the ministry center that enjoys moral character, financial and administrative independence and administrated by an employee with a special degree.

2- The commission assumes the following:

A- Proposing policies and plans, preparation of studies and advice in the area of informatics, computer hardware and software and deploying it.

B– Contribution in the development of norms, standards and methods for national informatics activities.

C– Conducting researches, theoretical and applied studies in informatics.

D– Granting scientific certificates in the field of computer and informatics.

E- Implementation and management of a national bank of scientific and technological information with the most sophisticated means.

F– Contribution in compilation and development of curricula for the departments of computer science and software engineering at universities and institutes.

G– Organizing professional training courses specialized in informatics and computing hardware and software.

H- Follow-up recent developments in the field of informatics and preparing relevant studies and proposals.

3- The commission consists of the following formations:

A- Institute of informatics for graduate studies:
It is specialized in theoretical and applied studies in the graduate field on the level of higher diploma, master and doctoral degrees with a particular concentration on advanced and future topics and areas.

B– Center for information technology:

It is specialized in research and development, providing advice in the fields of computers, communication networks, software industry and proposing relevant national projects and their implementation in cooperation with research and industrial institutions in Iraq.

C– Center for scientific and technological information:

It is specialized in the establishment of a national network of scientific and technological information, securing the linkage and contribution of various national parties in, work on its linkage with global networks and contribution in the dissemination of scientific knowledge in various aspects.

4– A– The commission is administrated by its president with the membership of dean of the institute, directors of the two centers, four specialists in computer and information from relevant authorities selected by the minister for two years, renewable.

B– The commission council exercises the competences and responsibilities of the universities’ councils in accordance with its conditions and has the right to delegate some powers to the commission’ president.

C- The council holds its meetings and takes its resolutions as provided for in articles (14) and (15) of the act.

5- A- It is required that the one who is appointed as the commission’ president should be of Iraqi parents by birth and has no foreign origin, a professor having a doctorate with the rank not less than of a professor with experience and competence in the field of computers and informatics.

B– The commission’ president assumes the powers of a university president in accordance with the conditions of the commission has the right to
delegate some of his powers to the dean or the director of the center or whom deems appropriate.

6– A– Institute of informatics for graduate studies is administrated by its council which is composed in accordance with article (19) of this act and shall exercise the functions and powers of a college council in universities in accordance with the conditions of the institute has the right to delegate some of its powers to the dean and its meetings and resolutions are conducted as provided for in article (21) of this act.

B– The center’s council assumes the task of administrating it and it consists of:

I. General manager of the center – as chairman.

II. Directors of scientific departments – as members.

III. Four specialists in computer and information technology selected by the chairman and members.

7- A– Dean of the institute is appointed in general manager degree and it is required that he and the director general of the center to be of Iraqi parents by birth and has no foreign origin and have no foreign origin and of experience and competence and their scientific rank should not be less than of assistant professor.

B– Dean of the institute and director general of the center assume the powers and terms of reference of dean of college prescribed by law in accordance with the objectives of the institute or the center.

8- The minister may introduce centers associated with this commission, based on its proposal and with the approval of the body of opinion.

Chapter (V)

General and final provisions
Article (36)

1- Faculty members keep their scientific ranks and all the rights provided for in this act and other resolutions, regulations and instructions issued thereunder, such as university service allocations in case of being appointed, transferred or placement in the ministry center, centers of its formations or the ministry of education and those appointed in the ministry center or the ministry of education of graduate degrees applicable for the terms of faculty member and the duration of performing these posts is treated as a university service for the purposes of allowance, promotion and retirement.

2- Faculty members keep the right of scientific upgrade in case of appointment or transfer to jobs outside the ministry in presence of necessary conditions, except the condition of teaching.

Article (37)

1- The following matters are determined by regulation:

A- Centers of scientific research related to ministry, their specialties, scientific and administrative affairs.

B- Departments of the ministry center, their specialties and departments of universities’ centers and body of technical institutes.

C- Matters relating to students’ admission and relocation.

2- Matters relating to students’ instruction and guidance scientifically, educationally, socially and intellectually, taking care of them materially and morally, planning their extracurricular events, exams, assignments, discipline, missions, fellowships, training and all related to other practical and educational affairs and organizing study leaves.

Article (38)

1- The courts do not hear made against the ministry, university, body, college or institute in matters related to admission, relocation, disciplinary sanctions imposed on students and in case of dismissal or
others and the ministry, university or the body has alone the authority to decide on the complaints that arise from these matters.

2- The courts are prevented from consider the claims relating to appraisal of Arab and foreign academic certificates and degrees, post- secondary school and those claims relating to granting academic and honorary titles and certificates.

Article (39)

1- All the rights and obligations of the cancelled divisions of the ministry or those renamed or relinked to other parties under the provisions of this act and all their funds allocated in the general budget and the development plan are transferred to the formations replaced by under resolutions made by the minister.

2- Work on financial and investment allocations is continued and all the rights and obligations of the ministry and the formations related to that were existed before the issuing of this act remain in force so as all the agreements, contracts, entrepreneurships and tenders for those parties.

Article (40)

The universities and the body of technical institutes should make use of all relevant facilities in government departments, socialist and mixed sectors when conducting their scientific experiments, laboratory applications and for training of students and these offices should provide facilities and assistance to achieve that.

Article (41)

For each university or body of technical institute, a president assistant or more is appointed by a resolution of the minister who are related to the university or body president as necessary on the condition that he has the rank of assistant professor at least and appointed as general manager by resolution of the cabinet.

Article (42)
1- For each college, associate dean is appointed by resolution made by the university president on the recommendation of the dean and whose tasks are determined by instructions.

2- For each institute, an associate is appointed by resolution made by the president of the body of technical institutes on the recommendation of the dean of the institute and whose tasks are determined by instructions.

Article (43)

Institute of national youth, founded by the act, (No. 57) of 1982, is linked to university of Baghdad.

Article (44)

The provisions of this act do not apply to the rights acquired by their owners before its release and they maintain all their scientific and administrative ranks, positions, salaries and all their rights for promotion and upgrade while in the service in accordance with the legal and administrative rules that were in effect before the entry into force of this act.

Article (45)

Universities and the body are exempted from customs fees for all tools, equipment, backup & laboratory materials, legends, films, pamphlets, books and publications imported in terms of educational projects and specialties that serve their purposes.

Article (46)

Repeals the act of the ministry of higher education and scientific research, (No. 55) of 1983 and the act of the foundation of technical institutes, (No.34) of 1976 and the remaining regulations and instructions issued thereunder remain in force, inconsistent with the provisions of this act until replaced by others.

Article (47)
1- Regulations may be issued to facilitate the implementation of this act.

2- The minister may issue the necessary instructions to facilitate the implementation of this act.

3- It is not to work with any provision contrary to the provisions of this act.

Article (48)

This act takes effect from the date of its publication in the official gazette.

Binding reasons

For the development of the organizational structure of the center of the ministry higher education and scientific research, framing the executive infrastructures of its institutions represented by universities, colleges, high schools, technical institutes and scientific departments with sound legal frameworks in line with removing excess administrative loops and providing the required flexibility to accommodate changes, create organizational changes required by the educational process, unifying the organizational formulas in all the universities and the body of technical institutes in the country to assist in performing its duties with high precision and efficiency so as to achieve the objectives of the new advancement of society in all areas, this act was enacted.