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Law 4/1998, of April 8, 1998, on University Coordination of the Community of Madrid.

Community of Madrid
"BOCM" No. 93, April 21, 1998.
"BOE" No. 194, of August 14, 1998 Reference: BOE-A-1998-19870

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CONSOLIDATED TEXT

Last modification: December 29, 1998

THE PRESIDENT OF THE COMMUNITY OF MADRID

I hereby make known that the Assembly of Madrid has approved the present Law, which I, in the name of the King, hereby enact.

EXPLANATORY MEMORANDUM

Pursuant to the provisions of Article 30 of the Statute of Autonomy of the Community of Madrid, drafted in accordance with Organic Law 10/1994, of March 24, corresponds to the same the competence of legislative development and execution of education in all its extension, levels and grades, modalities and specialties, in accordance with the provisions of Article 27 of the Constitution and the Organic Laws which, pursuant to section 1 of Article 81 thereof, develop it, and without prejudice to the powers attributed to the State by number 30 of section 1 of Article 149 and to the High Inspection, for its compliance and guarantee.

On the other hand, Article 3.3 of Organic Law 11/1983, on University Reform, entrusts the Autonomous Communities with the task of coordinating the Universities under their jurisdiction.

Therefore, in order to exercise these responsibilities, the Region of Madrid must establish the bodies and instruments through which to coordinate the Universities in its territorial area and promote the strengthening of these Universities in each and every one of the facets that comprise the public service of higher education.

In this sense, the Law reflects the general desire that the assumption of powers in the field of university education should result in improvements in its quality, which requires the use of all the existing potentialities in the field of education and the efficient application of the available resources. Failure to do so would result in a decrease in the quality of services or in the number of beneficiaries, as well as in technological backwardness and a loss of momentum in the regional and national economies. Hence the essential consideration of university programming for the allocation of resources and the realistic approach of any policy, which must necessarily harmonize university autonomy and available resources with the widespread aspiration for knowledge and training, which is one of the most characteristic features of today's society.

The Law establishes that the coordination competencies are exercised by the It also establishes the functions on which the necessary and basic coordination between the Universities themselves, both public and private, must fall; and following the experience of other Autonomous Communities, it creates the appropriate scenario for the consultation and advice required by the Executive in such complex matters, through the formation of the University Council of the Community of Madrid.

This Council has, as it is regulated, an open and flexible vocation that will favor the expression of all sensibilities in order to facilitate an intense and fruitful cooperation in university activity, as well as the most effective coordination. Coordination will be exercised by the Executive of the Autonomous Community within the framework of the most scrupulous respect for the autonomy of the Universities and the competences that the basic legislation attributes to the Council of Universities and to the State Administration.

Article 1. Object.

1. University coordination within the scope of the Region of Madrid is the responsibility of the Department responsible for university education and shall be exercised in the manner provided for in this Law, without prejudice to the competences of the State and the powers of

Universities, in accordance with the provisions of Organic Law 11/1983, of August 25, 1983, on University Reform.

2. The Universities will provide the Regional Ministry with all the information it may require on their activities and services; in the same way, the Regional Ministry will make available to the Universities the information it may have and which they may require. Likewise, the Universities shall provide each other, in their reciprocal relations, with the information they need for the exercise of their competences.

Article 2. *Aims of university coordination.*

University coordination in the Community of Madrid serves the following purposes:

a) University programming in the Community of Madrid and the promotion, in and from its scope, of the public service of higher education corresponding to the Universities.

b) The adequacy of the offer of studies, services and university activities to the social demands.

c) Encouraging cooperation, collaboration and inter-university agreements, especially in the case of joint actions or actions involving two or more of them.

d) The development and monitoring of joint programs for the improvement of support infrastructures; the improvement of the teaching, research and administrative structures of the Universities and the rationalization and optimization of resources.

e) The promotion of joint activities in the fields of teaching, research and administration, as well as cultural extension, the encouragement of the formation of inter-university teams, the promotion of exchanges of members of the university community between the respective Universities and the promotion of agreements for the development of effective policies for shared use services and equipment.

f) The establishment of criteria and guidelines for the creation and recognition of Universities, as well as for the creation, modification or suppression of centers and university studies.

g) The promotion of cooperation with the rest of the Spanish universities and the encouragement of the participation of the universities of Madrid in European and international programs and their incorporation into the large networks for the generation and dissemination of knowledge, technological applications and innovation of educational resources and procedures.

h) Any initiatives that contribute to the improvement of university teaching and research and to increase the performance of the services of the universities of Madrid, respecting the scope of university autonomy.

Article 3. *University programming.*

1. University programming of the Community of Madrid is the instrument for the coordination of university activity. Its purpose is to adapt the offer of studies, services and university activities to the social demands of higher education.

2. The university programming of the Region of Madrid, which shall be drawn up with the participation of the Universities, shall be of a multi-year nature, with a minimum extension of four years. Each year, the programming of the current year will be specified, the forecasts for the following years will be updated and a new annuality will be added, in order to maintain the minimum multi-year scope of the same.

This program must be reported on by the University Council of the Community of Madrid.

3. The university programming of the Region of Madrid and the programming of each University will constitute an essential reference in the proposals to be made annually by the competent Regional Ministry in matters of university education for the global allocation of financial resources to university education and activities of the Region of Madrid and of the subsidies to each University, on the basis of a model of financing of university education.

Article 4. University Council.

For the effective exercise of the powers of university coordination regulated by this Act, the University Council of the Region of Madrid is hereby created as a consultative body attached to the Department responsible for university education.

Article 5. Functions.

The functions of the University Council of the Community of Madrid shall be:

a) To report on proposals for the creation, integration and recognition of new universities and the creation, modification or suppression of university centers.

b) To know and report on proposals for the creation, modification or suppression of new courses of study leading to official degrees, without prejudice to the competencies of the Council of Universities.

c) To be aware of and report on the programs and initiatives of the competent Council for university education to improve the quality of university education and to promote methods for its evaluation.

d) To report on the regulations for the authorization of centers attached to public universities and centers that teach university-level foreign degrees that do not lead to degrees that can be recognized as equivalent to Spanish degrees.

e) To issue reports on the rules of access and permanence of students in the Universities, and the adequacy of the capacity of the centers to the social demand, taking into account the provisions of articles 25 and 26 of the Organic Law 11/1983, of August 25, on University Reform.

f) To know the basic criteria for the establishment, by the Administration of the Community of Madrid, of fees and public prices for university studies in the Universities of its territory and for the development of a policy of scholarships and study aids.

g) To promote cooperation between universities through the exchange of information, the development of joint activities, the creation of inter-university work teams and the integration of services, as well as the strengthening of the University's relations with its social and economic environment.

h) To know and report on the criteria for university programming of the Community of Madrid, in accordance with the provisions of Article 3 of this Law in order to achieve the most effective university coordination and optimal use of resources.

i) Encourage the development of university associations and promote sports, cultural and social services in the interest of students, faculty and staff of the universities.

j) To report on collaboration agreements on university matters with other Autonomous Communities and with foreign regions and countries.

k) To advise the competent Councilor in matters of university education in all matters entrusted to it and to formulate as many recommendations as it deems pertinent for the development of university policy and the Universities of Madrid.

l) The issuance of an annual report on the state and situation of Madrid's universities.

m) Any other function that, in accordance with the nature of the Council, favors the university coordination exercised by the Community of Madrid and the cooperation between the Universities of Madrid.

n) To report, as the case may be, on the model for financing university education.

ñ) To know and report on the university extension of the Community of Madrid and the annual university investment plans to be financed with funds from the Community of Madrid.

o) The preparation of its own Rules of Organization and Operation, which will be approved by the Governing Council of the Community of Madrid by means of a Decree.

Article 6. Composition.

1. They constitute the University Council of the Community of Madrid:
 - a) The Minister responsible for university education, who shall be the Chairman.
 - b) The Vice-Minister responsible for university education, who shall be the first Vice-Chairman and who may substitute the Chairmanship of the Board in cases of vacancy, absence or illness.
 - c) The Director General in charge of the functions and services related to Universities, as Second Vice President.
 - d) The Director General in charge of research.
 - e) The Rectors of the public universities of Madrid.
 - f) The Presidents of the University Social Councils.
 - g) Presidents or Chancellors of private universities.
 - h) Six Members, appointed by the Assembly of Madrid, at least one of them from each of the parliamentary groups formed at the beginning of the term of office, for a maximum period of four years.
 - i) Two representatives of each University, one appointed by its Board of Governors and the other elected by the members of the representation of social interests in the Social Council, from among the members of said representation, for a maximum period of four years.
 - j) Two students designated by the Student Association Federations with the highest institutional representation.
 - k) A Secretary, at the proposal of the Director General responsible for the functions and services related to Universities, from among the civil servants of the Regional Ministry with the necessary powers in university education, who shall be responsible for the custody of the documentation and archives of the Board, and shall attend the meetings with voice but without vote.
2. The meetings held by the University Council of the Region of Madrid may be attended, with the prior authorization of its Chairman, by senior officials of the Region of Madrid, the Vice-Chancellors of the Universities, as well as those persons and institutional representatives whose presence is deemed convenient for the treatment of certain matters, with the right to speak but not to vote.
3. The appointment and dismissal of the Members shall be effected by Order of the competent Councilor in matters of university education.
4. The members of the University Council of the Region of Madrid shall not receive any remuneration for the exercise of their functions.

Article 7. Organization and operation.

1. The University Council of the Community of Madrid shall function in Plenary and in Commissions.
2. The Plenary shall exercise the following functions:
 - a) To prepare the Rules of Procedure of the Council.
 - b) Propose modifications to the same.
 - c) Approve the Annual Report of the Council.
 - d) Such others as may be determined in the Regulations.
3. Without prejudice to the fact that the Regulations of the Council may establish other Committees and working groups, there shall be, as a minimum, the University Planning and Coordination Committee.
4. The University Planning and Coordination Committee, whose Chairman shall be the Chairman of the University Council or a member of the University Council delegated by him/her, shall be made up of the Deputy Minister responsible for university education, the Director General responsible for university education, the Director General responsible for research, the Rectors of the public universities of Madrid, the Presidents of the Social Councils of the public universities and up to three members appointed by the Chairman of the University Council from among its members.

5. The functions of the University Planning and Coordination Commission shall be established in the Regulations of the Council. In any case, it shall have the functions indicated in article 5, points a), b), c), d), e), f) and h).

6. The University Council shall draw up Regulations which shall establish the quorum for the valid constitution of the Plenary and the Commissions, the frequency of the meetings and the procedure for the replacement of its members, as well as the means necessary for its proper functioning.

7. The Regulations of the University Council shall be submitted to the Governing Council of the Region of Madrid for approval, at the proposal of the Minister responsible for university education.

8. In all matters not provided for in this Law and in the Regulations of the University Council, the provisions of Articles 22 to 27 of Law 30/1992, of November 26, 1992, on the Legal Regime of the Public Administrations and Common Administrative Procedure shall apply.

First final provision.

The Governing Council of the Community of Madrid shall issue the regulatory provisions required for the development and execution of this Law.

Second final provision.

This Law shall enter into force on the day of its publication in the "Official Gazette of the Republic of Chile".
Community of Madrid", which must also be published in the "Official Gazette of the State".

Therefore, I order all citizens to whom this Law is applicable to comply with it, and the corresponding Courts and authorities to keep and enforce it.

Madrid, April 8, 1998.

ALBERTO RUIZ-GALLARDÓN,
Chairman