

**ORDER No. 01/0096/MINESUP of 7 December 2001 to lay down the conditions for the setting-up and functioning of private higher education institutions**

**MINDFUL of** the Constitution;

**MINDFUL of** Law No.005 of 16 April 2001 to Guide Higher Education;

**MINDFUL of** Decree No. 97/205 of 7 December 1997 to organize the Government, as amended and supplemented by Decree No. 98/067 of 28 April 1998;

**MINDFUL of** Decree No. 97/207 of 7 December 1997 to set up the government, and its amending instruments;

**MINDFUL of** Decree No. 98/231 of 28 September 1998 to organize the Ministry of Higher Education;

**MINDFUL of** Decree No. 2001/832/PM of 19 September 2001 to lay down the common rules and regulations applicable to private higher education institutions;

**MINDFUL of** Order No. 073/CAB/PM of 6 December 2001 pertaining to the organization and functioning of the National Commission for Private Higher Education

**THE MINISTER FOR HIGHER EDUCATION HEREBY ORDERS AS FOLLOWS:**

**CHAPTER 1: GENERAL PROVISIONS**

**ARTICLE 1:** This order shall fix the conditions for the setting-up and functioning of private higher education institutions.

**ARTICLE 2:** The authorization to set up an institution, the authorization to open and extend it, as well as its final approval shall be granted only after consulting the National Commission for Private Higher Education.

**CHAPTER TWO: SETTING-UP OF INSTITUTIONS**

**Article 3:** The setting-up of an institution shall be predicated on a prior authorization by the Minister for Higher Education and a prior consultation of the National Commission for Private Higher Education.

**ARTICLE 4:** (1) The authorization document shall be signed at the Ministry for Higher Education.

(2) This document shall specify, inter alia, the name of the institution concerned, its location and the name of its proprietor.

**ARTICLE 5:** (1) An authorization to set up an institution shall be valid for a three-year period and renewable.

(2) It shall be null and void if, on the expiry date, the institution concerned has not being granted the right to open its doors.

**ARTICLE 6:** The authorization to set up an institution shall be personalized and non-transferable.

However, it may be transferred only by an authorization from the Minister for Higher Education.

**ARTICLE 7:** An application for an authorization to set up an institution shall comprise:

**a) As concerns natural persons and legal entities:**

- A stamped application from the proprietor or his representative specifying the reasons for the envisaged training according to a pattern designed by the Ministry for Higher Education;
- A non-conviction certificate bearing the proprietor's or his representative's name which is less than three months old;
- A certified true copy of the proprietor's or his representative's birth certificate;
- A certified true copy of the proprietor's or his representative's national identity card or passport;
- Possibly, a certified true copy of the proprietor's or his representative's valid residence permit;
- The proprietor's or his representative's detailed curriculum vitae;
- Possibly, a certificate of ownership or final grant of the land on which the institution concerned shall be built, or any other equivalent deed;
- A technical studies file;
- In case there is an approval from competent services concerning foundations, the administrative and technical buildings or premises to be constructed, or, if these buildings or premises already exist, a technical file from an engineering consultant;
- A detailed list of the training cycles, teaching programmes and the certificates to be awarded;
- The number of students per cycle and course;
- Information on the staff to be recruited.

**b) As concerns legal entities, apart from the documents mentioned above, the following shall be needed:**

- The rules and regulations governing the establishment, company or association and the instrument which mentions the representative of the institution's proprietor;
- A certified true copy of the receipt declaring the existence of the association;
- As the case may be, a certified true copy of the attestation of solvency;
- As the case may be, a certified true copy of the trade register;

**ARTICLE 8:** (1) A complete file shall be submitted at the secretariat of the National Commission for Private Higher Education in exchange for a receipt statement.

(2) The National Commission for Private Higher Education shall study the file and forward it, with its remarks, to the Minister for Higher Education latest three (3) months from the date of its receipt.

**ARTICLE 9:** (1) A justified answer to any application for an authorization to set up a private higher education institution should be given latest four (4) months after the submission of the application.

(2) Ungranted applications should be returned to the proprietors concerned within the time frame stipulated in (1) above, accompanied by the reasons for rejection.

### **CHAPTER III: OPENING OF INSTITUTIONS**

**ARTICLE 10:** The opening of an institution shall be predicated on an authorization issued by the Minister for Higher Education and the opinion of the National Commission for Private Higher Education.

**ARTICLE 11:** (1) The authorization to open an institution shall be non-transferable.

(2) Notwithstanding the provisions of (1) above, a proprietor, a foundation, an association or any other managing authority may be replaced by the Minister for Higher Education for the purpose of maintaining the functioning of the institution concerned in case of the permanent inability of the managing authority to perform the required duties.

**ARTICLE 12:** (1) The authorization to open an institution shall be null and void two (2) years after its date of signature in case of the non-functioning of the institution concerned.

(2) The authorization to open an institution shall give it the right to function under the legal framework governing authorizations and during a two-year period renewable once.

(3) The order authorizing the opening of an institution shall mention, inter alia, the location of the institution, its authorities, its courses and training cycles, as well as the State university institution or the private university institution (with a final approval) which shall ensure its academic supervision.

(4) In the absence of both of the aforementioned institutions, academic supervision shall be ensured by an approved private institution, or a foreign or international institution approved in its host country.

**ARTICLE 13:** The application file for an authorization to open a private institution shall comprise:

- A stamped application based on the pattern provided by the Ministry for Higher Education;
- A certified true copy of the approval to set up an institution;
- If need be, a certified true copy of the building permit;
- A technical file of the premises, produced by an engineering consultant;
- A registered two-year lease contract;
- The personal files of the head of the establishment or the head of the university institution, the head of the academic affairs service, and the accounting officer whose file (curriculum vitae, certified true copies of academic and/or professional certificates, and a non-conviction certificate of not more than three (3) months old) shall be subject to the approval of the Minister for Higher Education;
- The list of names of management staff accompanied by exhibits of their academic and professional qualifications;
- The list of names of permanent and visiting staff accompanied by exhibits of their academic and professional qualifications as well as their individual commitment documents based on the pattern provided by the Ministry for Higher Education;
- The development plan of the institution concerned;
- The list of didactic equipment and materials;
- Technical reports on the assessment of didactic equipment drawn up by various competent technical services;
- An attestation of the bank account of the institution which should be different from the bank account(s) of the proprietor and credited with an amount at least equal to the salaries of all the staff for a six-month period, together with a statement of account;
- A budgetary account of the institution;
- The rules and regulations of the institution;
- The partnership agreements of the institution (they shall mention the institution which ensures academic supervision).

**ARTICLE 14:** (1) The compiled documents shall be submitted at the secretariat of the National Commission for Private Higher Education in exchange for a receipt statement latest on 28 February of the year the institution concerned shall be opened.

(2) The National Commission for Private Higher Education shall examine the documents and forward them, with its remarks, to the Minister for Higher Education latest three (3) months with effect from the date of submission.

**ARTICLE 15:** (1) The justified answer to any application to open an institution should be given latest on 1 July of the year the institution shall be opened.

(2) Ungranted applications should be returned to the proprietors accompanied by their responses.

**ARTICLE 16:** An authorization to open an institution may be withdrawn by the authority concerned after obtaining the opinion of the National Commission for Private Higher Education:

- In case of non-compliance with the rules and regulations in force;
- If the institution concerned has not been granted a permit after four (4) years of its functioning within the legal framework governing authorizations.

**ARTICLE 17:** An authorized course or training cycle shall be abolished or suspended only after a prior authorization of the Minister for Higher Education.

#### **CHAPTER IV: APPROVAL**

**ARTICLE 18:** (1) An approval to open an institution shall be granted by the Minister for Higher Education after obtaining the opinion of the National Commission for Private Higher Education.

(2) The approval order shall mention, inter alia, the courses, the training cycles and the certificates of the institution concerned, as well as the institution which shall ensure academic supervision.

(3) Academic supervision shall be ensured under the same conditions as those stipulated in article 12 above.

**ARTICLE 19:** The approval application file shall comprise the following:

- A stamped application mentioning the courses, training cycles and the certificates of the institution concerned, and based on the pattern provided by the Ministry for Higher Education;
- A certified true copy of the authorization to open the institution concerned;
- A list of the names of teaching and administrative staff handling issues concerning the courses and training cycles, accompanied by exhibits of their academic and professional qualifications:

- The proprietor's or his representative's non-conviction certificate of not more than three (3) months old;
- Annual activity reports of the institution concerned;
- A list of didactic equipment;
- Partnership agreements mentioning, inter alia, the institution which shall ensure academic supervision;
- If necessary, internship agreements between the institution and companies;
- Annual financial reports approved by a chartered accountant recognized by the Economic and Monetary Community for Central African States.

**ARTICLE 20:** (1) A complete file shall be submitted at the secretariat of the National Commission for Private Higher Education in exchange for a receipt statement latest on 30 March of the year of expected approval.

(2) The approval may be applied for only if the institution concerned has effectively functioned at least during an entire year within the legal framework governing authorizations.

(3) The National Commission for Private Higher Education shall examine the application file and forward it, with its remarks, to the Minister for Higher Education latest three (3) months from the date of receipt of the application.

**ARTICLE 21:** (1) A justified answer to any approval application should be given latest on 31 July of the year for the expected approval.

(2) Ungranted applications should be returned to the proprietors concerned, accompanied by the respective responses.

**ARTICLE 22:** (1) In case of non-compliance with the rules and regulations in force, the approval may be withdrawn by the supervisory authority after prior consultation with the National Commission for Private Higher Education.

(2) The withdrawal order from the supervisory authority shall state if the institution concerned is authorized to continue functioning.

**ARTICLE 23:** An approved course or training cycle shall be abolished or suspended only after a prior authorization issued by the Minister for Higher Education.

## **CHAPTER V: FINAL APPROVAL**

**ARTICLE 24:** Approved private higher education institutions may obtain final approvals from the supervisory authority.

**ARTICLE 25:** A final approval shall authorize a private higher education institution to award national certificates in accordance with the rules and regulations in force.

**ARTICLE 26:** (1) A final approval shall be awarded by an order signed by the Minister for Higher Education after consultation with the National Commission for Private Higher Education.

(2) It shall be awarded based on courses and training cycles.

(3) An order for the final approval of an institution shall mention, inter alia, the courses, training cycles and national certificates for which the final approval is granted.

**ARTICLE 27:** The application file for final approval shall comprise:

- A stamped application from the proprietor concerned based on the pattern from the Ministry for Higher Education and mentioning the courses and training cycles needing final approval as well as the certificates to be awarded;
- A certified true copy of the authorization to open the institution concerned;
- A certified true copy of the approval;
- A detailed description of structures;
- A list of names of teaching and administrative staff handling issues dealing with the courses and training cycles needing final approval, accompanied by exhibits of their academic and professional qualifications;
- Possibly, partnership agreements;
- The names and qualifications of foreign partners;
- The syllabuses of the courses needing final approval;
- The framework for assessing competencies or knowledge;
- Annual activity reports of the institution concerned;
- Annual financial reports approved by a chartered accountant recognized by the Economic and Monetary Community for Central African States.

**ARTICLE 28:** (1) A complete file shall be submitted at the secretariat of the National Commission for Private Higher Education in exchange for a receipt statement latest on 30 March of the year for the expected final approval.

(2) The application for final approval may be submitted by an approved private institution only after it must have functioned for five (5) years within the legal framework governing approvals.

(3) Any institution applying for final approval should have clean buildings which are in conformity with the rules and regulations in force, as well as enough permanent and quality courses.

(4) The National Commission for Private Higher Education shall examine the application file and forward it, with its remarks, to the Minister for Higher Education, latest, three (3) months with effect from the date of receipt of the file.

**ARTICLE 29:** (1) A justified answer to any application for final approval should be submitted latest on 31 July of the year for the expected approval.

(2) Ungranted applications should be returned to the proprietors concerned, accompanied by responses.

**ARTICLE 30:** (1) In case of non-compliance with the rules and regulations in force, a final approval may be withdrawn by the supervisory authority after consultation with the National Commission for Private Higher Education.

(2) The withdrawal order from the supervisory authority shall mention if the institution concerned is authorized to continue functioning and the legal framework.

**ARTICLE 31:** A course or training cycle may be abolished or suspended only by a prior authorization issued by the Minister for Higher Education.

## **CHAPTER VI: EXTENSION**

**ARTICLE 32:** The extension of an institution shall be predicated on the obtainment of an approval from the Minister for Higher Education, after consultation with the National Commission for Private Higher Education.

**ARTICLE 33:** Only private higher education institutions with approvals and final approvals may benefit from the extension authorization.



**ARTICLE 34:** (1) The extension of an institution by opening a new one shall comply with the conditions, terms and procedures for setting up and opening private higher education as stipulated by this order.

(2) The extension of an institution by introducing a new course or training cycle shall be authorized by an order issued by the Minister for Higher Education, after consultation with the National Commission for Private Higher Education.

**ARTICLE 35:** The application for an extension concerning a new course or training cycle shall comprise:

- A stamped application based on the pattern provided by the Ministry for Higher Education;
- A certified true copy of the approval or final approval;
- A detailed description of structures for the courses and training cycles concerned;
- The list of names of teaching and administrative staff handling issues concerning courses and training cycles, accompanied by exhibits of their academic and professional qualifications, as well as their individual commitment documents based on the pattern provided by the Ministry for Higher Education;
- Partnership agreements of an approved institution with an institution which ensures its academic supervision as concerns courses and training cycles;
- If need be, internship agreements with companies.

**ARTICLE 36:** (1) A complete file shall be submitted at the secretariat of the National Commission for Private Higher Education in exchange for a receipt statement.

(2) The said commission shall examine the file and forward it, with its remarks, to the Minister for Higher Education latest three (3) months with effect from the date of submission of the file.

**ARTICLE 37:** (1) A justified answer to any application for extension as stipulated in Article 34(2) should be given latest four (4) months after the submission of the application.

(2) Ungranted applications should be returned to the proprietors concerned, accompanied by responses.

**ARTICLE 38:** (1) The order approving a new course or training cycle shall mention, inter alia, the course, cycle and courses of the cycle, as well as the institution which shall ensure academic supervision.

(2) Academic supervision shall be ensured as stipulated in article 12 above.

**ARTICLE 39:** In the event of non-compliance with the rules and regulations in force, an extension authorization may be withdrawn by a supervisory authority after consultation with the National Private Higher Education Commission.

#### **CHAPTER VII: PROVISIONAL AND FINAL PROVISIONS**

**ARTICLE 40:** (1) Institutions which have authorizations to function, open their doors or extend their respective sizes, awarded by the Minister for National Education or the Minister for Higher Education prior to the promulgation of Law No. 005 of 16 April 2001 to guide higher education, and which effectively and regularly functioned during the 2000-2001 school year, shall, by right, be granted another authorization to open their doors.

(2) They may apply for approvals according to courses and training cycles by submitting their applications in compliance with the provisions of this order and without any time-bound conditions.

**ARTICLE 41:** With effect from the date of signature of this order, an institution which shall be unable to benefit from article 40 above, may apply, within a six-month period, for an authorization to set up its structures and open its doors in compliance with the law.

**ARTICLE 42:** This order shall be registered, published according to the emergency procedure, and inserted in the Official Gazette in English and French.

**YAOUNDE, December 2007**

**Signed: Jean-Marie ATANGANA MEBARA**

**MINISTER FOR HIGHER EDUCATION**