

# Law No. 005 of 16 April 2001 to Guide Higher Education

## PART I

### GENERAL PROVISIONS

**ARTICLE 1:** (1) This law shall lay down the general legal framework and basic guidelines for higher education in Cameroon.

(2) Higher education shall comprise all the post-secondary training courses taught by public higher education institutions and private education institutions approved by the State as higher education institutions.

**ARTICLE 2:** The higher education realm shall be assigned a basic mission of producing, organizing and disseminating scientific, cultural, professional and ethical knowledge for development purposes.

**ARTICLE 3:** (1) The State shall grant the higher education realm a national priority status;

(2) It shall organize and supervise higher education.

**ARTICLE 4:** Private partners shall contribute to higher education.

**ARTICLE 5:** In higher education, the State shall ensure that bilingualism is a factor for unity and national integration.

### CHAPTER I: HIGHER EDUCATION OBJECTIVES

**ARTICLE 6:** (1) The basic mission of the higher education realm stipulated in article 2 above shall have the following goals:

- The quest for excellence in all domains of knowledge;
- The promotion of science, culture and social progress;
- Social promotion, with the participation of competent national bodies and socio-professional circles, especially as concerns the drawing-up of programmes as well as the organization of theoretical courses, practicals and internships;
- Assistance to development activities;
- The training and further training of senior staff;
- The deepening of ethics and national consciousness;
- The promotion of democracy and the development of a democratic culture;

- The promotion of bilingualism;

In this end, the higher education realm shall:

- Ensure that higher education or secondary school students are informed of the organization of studies as well as the professional openings and reorientation possibilities from one training course to another;
- Guarantee the initial and continuous training of higher education students and other learners in the intellectual, physical and moral domains;
- Organize the training of trainers and researchers;
- Train intermediate and senior staff for scientific and technical domains;
- Ease innovation as well as individual and collective creativity in the domain of arts, letters, science and techniques;
- Promote bilingualism, culture and national languages;
- Contribute to the strengthening of national consciousness;
- Contribute to the promotion of respect for the law by disseminating a culture of respect for justice, human rights and freedom;
- Participate in the elimination of all forms of discrimination and shall encourage the promotion of peace and dialogue;
- Contribute, within the national and international scientific and cultural community, to discussions, the advancement of research and cultural exchange;
- Contribute to the mixing of peoples and national integration;
- Participate to the development and strengthening of gender equality;
- Contribute to the emergence of a democratic culture, as well as a culture of peace, development and tolerance.

## **CHAPTER II: ELABORATION, IMPLEMENTATION AND MONITORING OF THE HIGHER EDUCATION POLICY**

### **Section 1: Elaboration of the Higher Education Policy**

**ARTICLE 7:** (1) The State shall elaborate the higher education policy and ensure its implementation.

(2) Decentralized territorial units, socio-economic partners, as well as national or international public or private institutions or organizations shall contribute to the elaboration and implementation of the higher education policy according to the formal and regulatory means.

## **Section 2: Implementation of the Higher Education Policy**

**ARTICLE 8:** (1) The State shall ensure that the organization of higher education, within the framework of national or regional planning, is coherent.

To this end, it shall:

- Lay down the rules on the organization and functioning of higher education institutions, taking into account the specificities of each of them;
- Program university development, through the Higher Education Development Plan, and in collaboration with decentralized territorial units and socio-economic partners;
- Ensure that higher education is relevant, quality-oriented and continuously adapted to suit needs;
- Define, in collaboration with socio-economic partners, the responsibilities of public and private university institutions;
- Widely inform the public about the characteristics of, and progress in, university training courses, as well as about the skill requirements in various sectors of the country;
- Contribute to the development and use of technologies;
- Determine the common rules in elaborating syllabuses, as well as in obtaining, recognizing and granting certificate equivalents;
- Approve syllabuses and the common rules in obtaining certificates awarded by private higher education institutions;
- Determine syllabuses of national certificate examinations;
- Permanently supervise academic and pedagogic activities of higher education institutions.

**ARTICLE 9:** (1) The Council for Higher Education, Scientific and Technical Research shall assist the State in elaborating and implementing the higher education policy.

(2) The organization and functioning of the council shall be determined by a statutory instrument.

## **Section 3: Monitoring the Higher Education Policy**

**ARTICLE 10:** (1) The State shall permanently monitor the implementation of rules and regulations in all higher education domains as well as academic and pedagogic activities of all private education institutions.

(2) It shall be empowered to sanction administrative and academic authorities as well as students, lecturers and other higher education staff in compliance with the statutory provisions.

(3) The monitoring of the higher education policy and the supervision of its implementation shall be ensured by a supervisory authority appointed by statutory means.

### **CHAPTER III: ACCESS TO HIGHER EDUCATION AND THE ORGANIZATION OF STUDIES**

#### **Section 1: Access to Higher Education**

**ARTICLE 11:** (1) According to the hosting capacity of institutions, the State shall guarantee equality of access to higher education for Cameroonians who fulfil the required academic and/or professional conditions.

(2) In this connection:

- a) The State shall protect all higher education students against discrimination in terms of race, gender, age, religion as well as linguistic and geographical origins;
- b) The State shall encourage university institutions to take appropriate measures or initiatives which especially ease access by disabled persons to higher education.

(3) Each higher education institution may determine other access conditions which are peculiar to it, in compliance with the provisions of (1) above as well as the rules and regulations in force.

(4) Correspondence courses shall be approved and encouraged as an alternative means of developing higher education. Its organization, functioning and supervision shall be governed by specific instruments.

(5) Foreigners who fulfil academic conditions stipulated in (1) above may also be admitted into higher education institutions in Cameroon, in compliance with international standards and/or agreements signed between Cameroon and the countries of the foreigners concerned.

#### **Section 2: Organization of Higher Education Studies**

**ARTICLE 12:** (1) These studies shall be organized according to training cycles and courses whose respective numbers and study periods shall vary based on the institutions and types of studies concerned.

(2) The organization of training cycles according to levels or years of studies in the schools of university institutions shall be laid down by specific instruments.

(3) Each cycle shall award a national or school certificate for acquired competencies and/or professional skills.

(4) Syllabuses shall ease changes in courses and the furtherance of studies. To this end, programmes and conditions of access to institutions shall ease changes from one training course to another through partnerships signed between institutions under the guidance of the supervisory authority.

**ARTICLE 13:** (1) The first cycle shall be open to holders of the “Baccalaureat” and the General Certificate of Education (Advanced Level), as well as of equivalent certificates, according to the statutory requirements.

(2) It shall:

- Enable a student to acquire, deepen and diversify knowledge in basic disciplines which pave the way for major sectors of activities, as well as to obtain working methods and carry out research sensitization.
- Either prepare him/her for the training courses which he/she intends to do in the second cycle, or for active life after acquisition of a certificate.

**ARTICLE 14:** (1) The second cycle shall comprise training courses which have a general training section and a professional training section. These training courses, which shall prepare a student for a profession or a series of professions, shall enable him/her to supplement and deepen his/her knowledge as well as to be initiated into scientific research.

- (2) Admission into second cycle training sections shall be open to all first cycle certificate holders subject to the availability of places in the institutions concerned, as well as to those who may have dispensations from statutory provisions.
- (3) Admission into these sections may be through competitive examinations or a study of candidates’ admission documents, according to statutory provisions.
- (4) Second cycle courses shall take into account the foreseeable increase in certificates and needs which shall be assessed at the national or regional level by competent bodies.

**ARTICLE 15** (1): The third cycle shall handle research training which shall comprise the carrying out of personal or collective original scientific research. It shall involve high-level professional training courses which shall permanently take into account scientific and technical innovation.

(2) Admission conditions for the doctoral cycle as well as the terms and conditions for the award of its certificates shall be laid down by statutory means.

(3) Doctoral training activities and research in a university may be supervised or co-supervised by lecturers from different universities, thereby paving the way for the award of jointly-issued certificates according to statutory means.

**ARTICLE 16:** Socio-professional circles and decentralized territorial units may contribute to the elaboration of syllabuses, the assessment of students as well as the funding of studies, according to statutory or contractual means.

## **PART II**

### **HIGHER EDUCATION INSTITUTIONS**

#### **CHAPTER I**

#### **THE COMPOSITION OF HIGHER EDUCATION INSTITUTIONS**

**ARTICLE 17:** Higher education institutions shall comprise:

- Public higher education institutions;
- Private higher education institutions.

#### **Section 1: Public Higher Education Institutions**

**ARTICLE 18:** Public higher education institutions shall comprise:

- State universities;
- Higher education schools with a specific status.

**ARTICLE 19:** (1) According to this law, State universities shall be public institutions with scientific, technical, professional and cultural characteristics, which shall depart from the rules and regulations governing public corporations.

(2) The resources of State universities shall be public money in the form of:

- Subventions from the government and decentralized territorial units;
- University registration fees paid by students;
- Activities which produce goods and provide services;
- Gifts and bequests;
- Contributions from bilateral, multilateral or international cooperation;
- Possibly, loans.

(3) The management and supervision of financial resources of State universities shall be laid down by specific instruments.

**ARTICLE 20:** State universities shall be set up and organized by statutory means.

**ARTICLE 21:** (1) According to this law, public higher education institutions with a specific status shall be post-secondary training institutions other than State universities. They shall be supervised either by the Ministry for Higher Education, or jointly by another ministry and the Ministry for Higher Education.

(2) The aforementioned institutions shall be set up and organized by statutory means.

## **Section 2: Private Higher Education Institutions**

**ARTICLE 22:** (1) Private higher education institutions shall be set up by natural persons, legal entities or international organizations under conditions laid down by specific instruments.

(2) They shall function within the legal framework of authorizations, approvals or final approvals, according to the terms and conditions stipulated by specific instruments.

a) An authorization shall permit the opening of a private higher education institution;

b) An approval shall be the recognition of the effective and regular functioning of the private higher education institution concerned; it shall permit the offering of courses and offer the possibility for national certificate examination candidates to sit for their examinations according to the provisions of specific instruments.

c) A final approval shall authorize a private higher education institution to award national certificates.

(3) Authorizations to offer new courses may be granted to private higher education institutions which have approvals or final approvals, according to the rules and regulations in force.

**ARTICLE 23:** (1) Private higher education institutions are non-profit-making structures.

(2) They shall comprise:

- Lay and denominational private higher education institutions;
- Private universities.

(3) The general rules and regulations governing their organization and functioning shall be laid down by statutory instruments and/or international conventions.

**ARTICLE 24:** Each private higher education institution shall determine the necessary resources for its missions, as well as the ways and means of obtaining funding to accomplish the missions, in compliance with the law.

**Article 25:** During admission, certificate requirements for private higher education institutions shall be the same, for each course, as those for public higher education institutions.

**ARTICLE 26:** Permanent lecturers of private higher education institutions should have, for each course and level of training, the same minimum academic qualifications as those for public higher education institutions.

**ARTICLE 27:** The status of administrative, financial and technical staff shall be in compliance with the Cameroon Labour Code.

## **CHAPTER II: PROVISIONS COMMON TO PRIVATE HIGHER EDUCATION INSTITUTIONS**

### **Section 1: The Relationship between Higher Education Institutions and the State**

**ARTICLE 28:** (1) Subject to the provisions of this law, its implementing instruments and , if need be, specific instruments, private higher education institutions shall determine their teaching activities, research programmes as well as pedagogic methods and assessment methods.

(2) Subject to the rules and regulations in force, the instruments of each institution shall determine the terms and conditions for the participation of socio-professional circles or other groups of persons, decentralized territorial units, natural persons and legal entities in the activities and administration of the said institution.

**ARTICLE 29:** (1) Public and private higher education institutions shall be enclosed and apolitical.

(2) They shall be academic and democratic centres. However, any form of political or ideological propaganda as well as any political party activity shall be proscribed. Likewise, any violation of human dignity shall be forbidden.

(3) They shall develop policies and strategies aimed at promoting gender equality on their campuses.

(4) The general enforcement of law and order in higher education institutions shall be governed by statutory instruments.

**ARTICLE 30:** (1) The award of certificates and the comparison between national higher education grades shall be done by the State.

(2) National certificates shall confer one of the university grades or titles whose list shall be established by statutory means. They may be awarded only on the basis of results of examination sessions evaluated by authorized institutions.

(3) A national certificate shall confer the same rights to all its holders.

- (4) The rules common to the award of national certificates, the conditions for obtaining these certificates, the monitoring of these conditions as well as the terms and conditions for protecting conferred titles shall be stipulated by statutory means.
- (5) Private higher education institutions may award national certificates on the basis of final approvals granted by statutory means.
- (6) On the basis of continuous training, public university institutions as well as private university institutions with approvals or final approvals may award school certificates on the basis of an authorization granted by the supervisory authority according to statutory means.

## **Section 2: Cooperation among Higher Education Institutions**

**ARTICLE 31:** (1) Higher education institutions shall have and promote cooperation ties among them as well as with similar national and foreign institutions.

(2) The terms and conditions for this cooperation shall be stipulated by statutory means.

## **Section 3: Assessment of Higher Education**

**ARTICLE 32:** (1) Higher education courses shall be subject to periodic assessments.

(2) The goals of these assessments shall be:

- a) The establishment of a culture and practice of evaluation;
- b) An improvement in the quality, relevance and efficiency of the higher education system.

**ARTICLE 33:** (1) The realm of higher education assessment shall especially comprise the higher education policy, institutions, training and research as well as governance.

(2) The terms and conditions for higher education assessment shall be stipulated by statutory means.

### **PART III**

#### **UNIVERSITY REALM**

**ARTICLE 34:** (1) The university realm shall be all the natural persons and legal entities contributing to the functioning, development and influential role of a university institution.

(2) This realm shall comprise:

- a) Academic authorities;
- b) Teaching staff;
- c) Officials and support staff of administrative, technical and financial services;
- d) Students of training institutions.

(3) Members of the university realm shall have freedom of information and expression which shall be exercised under conditions that are not prejudicial to teaching and research activities, and which do not undermine law and order.

#### **CHAPTER I: ACADEMIC AUTHORITIES**

**ARTICLE 35:** Academic authorities of each public higher education institution shall be responsible for carrying out general and specific missions. To this end, they shall manage and supervise all internal services and operational structures of higher education institutions.

#### **CHAPTER II: TEACHING STAFF**

**ARTICLE 36:** (1) The lecturer shall be the main guarantor of the quality of higher education courses and training. To this end, he shall, as much as possible, be entitled to appropriate working and living conditions, as well as a convenient initial and continuous training exercise.

(2) The State shall protect the lecturer and guarantee his dignity.

**ARTICLE 37:** (1) The lecturer shall be obliged to teach, educate, supervise pedagogic activities, produce scientific materials, assess academic work and be upright:

(2) He shall comply with the rules and regulations of his domain of activity.

**ARTICLE 38:** (1) The qualifications of higher education lecturers shall be stipulated by statutory means.

(2) Lecturers shall especially work in the following domains:

- a) Teaching, including initial and continuous training, correspondence training, guidance and assessment of knowledge;
- b) Research;

- c) The dissemination of knowledge and the setting-up of a link with the economic, social and cultural realm;
- d) National and international inter-university cooperation;
- e) Assistance to development;
- f) Management;

**ARTICLE 39:** (1) The status of public higher education lecturers shall be stipulated by statutory means.

(2) Working conditions of lecturers of private higher education institutions shall be determined by each institution concerned, in conformity with the rules and regulations in force.

**ARTICLE 40:** Higher education lecturers shall benefit from university privileges and freedoms in conformity with university customs and practices.

### **CHAPTER III: SUPPORT OFFICIALS AND STAFF**

**ARTICLE 41:** The status of officials of administrative services in public university institutions shall be laid down by statutory means.

**ARTICLE 42:** The status of support staff of technical, administrative and financial services in each public higher education institution shall be governed by specific instruments.

**ARTICLE 43:** Administrative, financial and technical staff of private higher education institutions shall be governed by the Labour Code.

### **CHAPTER IV: STUDENTS**

**ARTICLE 44:** (1) Higher education students shall be entitled to take part in educational and other training activities.

(2) This entitlement shall be exercised in strict conformity with their right to freedom of expression, thought, conscience and information.

**ARTICLE 45:** Students shall be entitled to elaborate their university and professional guidance scheme according to their aspirations and abilities and with the assistance of their parents, lecturers, the guidance personnel and competent staff.

**ARTICLE 46:** (1): Students' right to physical and moral integrity shall be guaranteed in the higher education realm.

(2) In this connection, the following shall be forbidden:

- Physical abuse or any other form of violence or humiliation:

- The sale and consumption, in university institutions, of alcoholic drinks, drugs and any other substance which is harmful to health.

**ARTICLE 47:** (1) Students shall be bound to comply with the rules governing their studies and conduct in their respective institutions.

(2) No vandalism shall be allowed.

**ARTICLE 48:** Students' status in public university institutions shall be laid down by statutory means.

**ARTICLE 49:** Higher education institutions should develop assistance policies enabling students of all social strata to have access to higher education.

#### **CHAPTER V: UNIVERSITY SOLIDARITY**

**ARTICLE 50 :** (1) All universities shall be interdependent.

(2) The terms and conditions for this interdependence shall be laid down by statutory means.

#### **PART IV**

#### **PROTECTIVE MEASURES AS WELL AS ADMINISTRATIVE AND PENAL SANCTIONS**

**ARTICLE 51:** (1) Higher education institutions and the lessons taught by them shall be checked by the supervisory authority.

(2) These checks shall deal with the healthiness of premises and compliance with security standards.

(3) Lesson checks shall be meant to ensure that lesson contents as well as teaching and assessment methods are in conformity with ethics, the Cameroonian Constitution as well as rules and regulations in force.

(4) Any impediment to the checks stipulated above shall lead to administrative sanctions in accordance with statutory provisions.

**ARTICLE 52:** (1) A private higher education institution may be sequestered and managed by another body, or one or several of its officials may be suspended, or it may be temporarily or finally closed, according to the law.

(2) Without any prejudice to the measures stipulated in (1) above, proprietors of private higher education institutions shall be liable to sanctions concerning them as stipulated by the Penal Code.

(3) Proprietors of private higher education institutions who are found guilty of any of the following offences shall be liable to a fine:

- a) The opening of a private higher education institution without prior authorization;
- b) The unlawful functioning of a temporarily or finally closed private higher education institution;
- c) The closure, during an academic year, of a private higher education institution without an express authorization from the competent supervisory authority.

#### **PART V**

#### **PROVISIONAL AND FINAL PROVISIONS**

**ARTICLE 53:** The terms and conditions for the implementation of this law shall be fixed, in due course, by statutory means.

**ARTICLE 54:** This law shall be registered, published according to the emergency procedure and inserted in the Official Gazette in English and French.

**Yaounde, 16 April 2001**

**PAUL BIYA**

**PRESIDENT OF THE REPUBLIC**