

Government of the People's Republic of Bangladesh

Ministry of Education

Branch-17 (University-1)

NOTIFICATION

Dated: 26 April, 2014 CE / 15 Jaishtha, 1421 BS

S.R.O No. 94-Law/2014—In exercise of the powers conferred by section 50, read with sections 3 and 39, of the Private University Act 2010 (Act No. XXXV of 2010), the Government hereby makes the following rules:—

1. Title—These rules may be called the Foreign University, Its Branches or Study Centres Operating Rule, 2014.

2. Application—These rules shall apply to branch campuses and study centres established and operated by foreign universities or local representatives empowered thereunder, or by domestic or foreign entrepreneurs, or jointly established and operated by foreign universities and entrepreneurs.

3. Definitions—In these rules, unless there is anything repugnant in the subject or context—

- (1) "Act" means the Private University Act, 2010 (Act No. XXXV of 2010);
- (2) "entrepreneur" means any philanthropist, academic, group, individual-group, charitable-trust, and organisation that establishes or intends to establish a branch campus or study centre;
- (3) "Commission" means the Bangladesh University Grants Commission established under the University Grants Commission Order, 1973 (P.O. No.10 of 1973);
- (4) "foreign university" means any university established and operated under the laws of any country outside the borders of Bangladesh;
- (5) "branch campus" means the branch campus of a foreign university established and operated in Bangladesh by a foreign university alone or by a local representative or by a local or foreign entrepreneur jointly with a foreign university;
- (6) "certificate" means a certificate issued under rule 12;

(7) "Government" means the Ministry of Education of the People's Republic of Bangladesh;

(8) "temporary permit" means a temporary permit issued under rule 5;

(9) "study centre" means any study centre established and operated in Bangladesh for the purpose of assisting students in all study-related matters, including holding classes for graduate and undergraduate level degrees, diplomas or certificate courses under its own management and on the basis of question papers and criteria prepared by the study centre for a period determined by it; and

(10) "local representative" means a local representative empowered by a foreign university or institution for the purpose of operating a branch campus or study centre.

4. Applications for temporary permits and certificates, etc.— (1) No person shall establish and operate any branch campus or study centre without obtaining a temporary permit or, as the case may be, a certificate from the Commission.

(2) In order to receive a temporary permit or, as the case may be, a certificate under subsection (1), the applicant shall apply to the Commission in the prescribed form and by depositing the fee mentioned in rule 9 through a bank draft or pay order.

(3) The following documents, as applicable, shall be attached to the application, namely:—

(a) Clearances from "Board of Accreditation for Engineering and Technical Education" for engineering education, "Bangladesh Medical and Dental Council" for medical or dental education, "Bangladesh Nursing Council" for nursing education, and "Bangladesh Pharmacy Council" for pharmacy education;

(b) Accreditation issued by a legally approved and recognised accreditation council or standards setting organisation in the home country of a foreign university or institution and certificate regarding the said accreditation by the embassy concerned in Bangladesh;

(c) Introduction of the university or institution concerned, introduction of entrepreneur, organisational structure, list of courses with detailed syllabus, examination method, list of teachers, compulsory educational qualifications of teachers, biodata (CV), consent to teach in branch campus or study centre, an action plan to establish necessary physical structure, and amount and source of investment;

(d) Attested copies of purchase or rental deed or agreement, including documents of approval and ownership, of purchased or rented buildings;

(e) Attested copy of the agreement prepared and signed between the foreign university or study centre and the local representative or entrepreneur;

(f) Written clearance from the original foreign university or authority issued by the embassy of the country concerned in Bangladesh;

(g) Bank draft or pay order of the inspection fee mentioned in rule 9 submitted to the Commission for the establishment or operation of a branch campus;

(h) Bank draft or pay order of the inspection fee mentioned in rule 9 submitted to the Commission for the establishment or operation of a study centre;

(i) Notwithstanding anything contained in clauses (g) and (h), all branch campuses and study centres established and operated prior to the issuance of these rules shall submit inspection fees at the rate specified in rule 9 within 6 (six) months from the date of issuance of these rules;

(4) If the Commission is satisfied with the application and information provided by the applicant, the Commission may initially grant the application or reject it after recording reasons:

Provided that the decision of the Commission regarding the initial approval or rejection of the application is communicated to the applicant as soon as possible.

(5) The Commission may, if necessary, direct the applicant concerned to submit additional detailed information or any other supporting documents to facilitate consideration of the application.

(6) If the application under sub-rule (4) is initially approved, the Commission shall submit the relevant application to the Government with its recommendation, and the Government shall issue a registration number for each approved application.

(7) If any application is rejected under sub-rule (4), the applicant may apply to the Government for reconsideration within 2 (two) months from the date of rejection, and in this case, the decision of the Government shall be final.

(8) No more than one branch campus or study centre may be established and operated under the same name or registration number under individual or sole ownership.

5. Issuance of temporary permits, etc.—(1) Within 6 (six) months of the initial approval of the application for the establishment or operation of a branch campus or study centre, the applicant shall apply for a temporary permit from the Government through the Commission, subject to the fulfilment of the provisions of rule 7.

(2) The Government shall form an inspection committee consisting of 1 (one) public representative nominated by the Commission and 1 (one) representative nominated by the Government for on-site inspection of the institution mentioned in the application after scrutinising the application.

(3) The inspection committee shall submit a report to the Government within not more than 30 (thirty) days after inspecting the physical infrastructure of the institution mentioned in

the application, such as classrooms, libraries, if applicable, laboratories, seminar rooms, common rooms, canteens, and organisational structure and other facilities for teachers and other human resources.

(4) If the Government, after verifying the report received under sub-rule (3), is satisfied that the applicant has fulfilled the provisions of rule 7, it may, subject to prescribed terms and conditions, issue a temporary permit to the applicant to establish or operate a branch campus or study centre.

(5) The validity of the temporary permit shall be 7 (seven) years from the date of issuance.

(6) If, after scrutinising the report received under sub-rule (3), the Government is convinced that the applicant has failed to meet any of the provisions of rule 7, the Government shall reject the application by written order, while giving the applicant an opportunity for a hearing.

(7) An aggrieved applicant against the rejection order under sub-rule (6) may apply to the Government for reconsideration by submitting the fee prescribed by the Commission through bank draft or pay order within 30 (thirty) days from the date of issuance of the said order.

(8) After receiving the application under sub-rule (7), the Government shall make a decision within 60 (sixty) days, and the decision of the Government in this regard shall be final.

6. Suspension, cancellation, etc. of temporary permits.—(1) The Government may suspend or cancel a temporary permit if a branch campus or study centre that has obtained the temporary permit violates any provisions of rule 7 or causes any deviation thereof.

(2) If a branch campus or study centre established before the issuance of these rules violates rule 2 or sub-rule (3) of rule 4, the Government may suspend the operation of the said branch campus or study centre.

7. Terms and conditions for a temporary permit.—In order to obtain a temporary permit under rule 5, the following conditions, as applicable, must be met, namely:—

(a) A branch campus or study centre must have at least 25,000 (twenty-five thousand) square feet of floor area and a sufficient number of classrooms in its own or rented building to accommodate each student;

(b) For the establishment and operation of a study centre, there must be a minimum of 10,000 square feet of floor area and an adequate number of classrooms in its own or rented building to accommodate each student;

(c) Subject to the provisions of sub-section (6) of section 6 of the Act, a specified number of full-time teachers shall be appointed for each department, programme, or course:

If necessary, part-time teachers may be appointed, taking into account the nature of a department, programme, or course:

Provided that the appointment of part-time teachers shall not exceed one-third of the total number of teachers;

(d) In a branch campus, there should be office rooms for all teachers, including the head of each department;

(e) There must be a library of at least 1,500 (fifteen hundred) square feet (including at least 2,000 volumes) and a suitable number of laboratories considering the number of students;

(f) There shall be a plan approved by the Commission relating to the academic programme of the foreign university;

(g) Certified information on the ratio of domestic and foreign currency to the share of foreign universities or entrepreneurs or local representatives in the amount of money spent or estimated to be spent on the construction of infrastructure and educational facilities;

(h) Information on the proportionate share rate of entrepreneurs, local representatives and foreign universities in the amount charged for student admission fees, tuition fees, number of credits, semester activity fees and other fees;

(i) The surplus shall be divided proportionately between the entrepreneur, the local representative and the foreign university;

(j) There shall be a Board of Trustees consisting of 3 (three) members as determined by the Commission;

(k) Adequate number of classrooms, libraries, laboratories, auditoriums, seminar rooms, office rooms, separate common rooms for students, and adequate space and infrastructure for all necessary seating arrangements;

(l) If the curriculum includes computer science, engineering or engineering subjects, a laboratory with one computer and relevant equipment should be set up for every 5 (five) students, and internet facilities should be provided free of charge or at minimum cost;

(m) Copy of the contract and appointment letter signed between the appointed teacher, officer or employee and the appointing authority;

(n) For admitting students, publish a booklet listing the total cost of the programmes or courses, including admission eligibility, admission fees, tuition fees, activity fees, and moderation fees, which should also be added to the website;

(o) Copies of documents relating to obtaining approval from the Registrar of Joint Stock Companies and Firms, proof of payment of income tax and VAT as per the provisions of the Company Act 1994.

8. Inspection and supervision.—(1) The Commission shall formulate a student assessment standard and policy for the conduct of academic activities by branch campuses and study centres.

(2) The Commission shall, from time to time, inspect and monitor the branch campuses and study centres with representatives nominated by the Government, in accordance with the standards and policies made by it, and submit a report thereof to the Government.

(3) If the Government, after reviewing the report received under sub-rule (2), is convinced that the branch campus or study centre concerned has violated or is violating any provision of these rules, it shall take appropriate legal action against the said branch campus or study centre, or provide necessary directions.

9. Fees.—A branch campus or study centre shall pay the fees at the rate mentioned in the table below:—

Table

(a) Branch campus inspection fee	Tk 2,00,000 (Taka two lakh);
(b) Study centre inspection fee	Tk 1,00,000 (Taka one lakh);
(c) Temporary permit fee for a branch campus	Tk 10,00,000 (Taka ten lakh);
(d) Temporary permit fee for a study centre	Tk 3,00,000 (Taka three lakh).

10. Reserved Fund.—(1) For the establishment and operation of a branch campus or study centre, the foreign university or local representative or entrepreneur concerned shall deposit a fixed amount of money as a reserved fund in any scheduled bank under the name of the institution at the rate specified below:—

(a) Branch Campus Tk 5,00,00,000 (Taka five crores);

(b) Study Centre Tk 1,00,00,000 (Taka one crore).

(2) No amount of money from the fund referred to in sub-rule (1) shall be withdrawn without the written approval of the Commission.

(3) If any compensation is required to be paid due to any violation of these rules, subject to due investigation, the Commission may take measures to collect the compensation from the reserved fund:

Provided that, after deducting such compensation and expenses from the fixed deposit, the amount of money remaining in excess of the amount required to be paid further, the institution or local representative or entrepreneur concerned shall be obliged to pay it.

(4) If a branch campus or study centre is declared closed for any reason, the reserved fund shall be returned to the local representative or entrepreneur concerned on the basis of a written application, after the amount of compensation mentioned in sub-rule (3) and any other reasonable cost are deducted.

11. Recruitment of teachers, officers, and employees.—(1) In the case of appointment of teachers, officers and employees in any branch campus or study centre under these rules—

(a) If any person working in any university, college or government institution of Bangladesh is to be appointed as a teacher, officer or employee, the clearance or permission from the institution concerned shall be submitted;

(b) In the case of appointing a foreign national as a teacher, officer or employee, a complete biodata (CV) of that person, including his educational qualification, shall be submitted to the Commission;

(c) The Commission shall permit the appointment of a person concerned as a teacher or employee after reviewing his/her biodata;

(d) Prepare an appropriate pay structure and job structure for the appointed teachers, officers, employees, and other salaried persons and send a copy of those to the Commission before starting the academic activities, and the Commission shall, in light of the views and suggestions of the Government, change or amend the proposed pay structure and job structure.

12. Issuance of certificates.—(1) An applicant shall apply for the certificate by submitting the prescribed fee to the Commission not later than 6 (six) months before the expiry of the temporary permit of the branch campus or study centre.

(2) If the Commission, after examining the application received under sub-rule (1), is satisfied that the applicant has fulfilled the conditions mentioned in rule 7, shall then submit a report to that effect to the Government, and the Government, on the basis of the recommendations made by the Commission, will issue a certificate for the establishment or operation of a branch campus or study centre in favour of the applicant.

13. Displaying of temporary permit or, as the case may be, certificate.—Under these rules, the temporary permit or, as the case may be, the certificate received by the institution shall display its temporary permit or, as the case may be, its certificate in the office room of the institution or, at a convenient place on campus, in such a manner visible to all concerned.

14. List of registration fees, examination fees, etc.—(1) A list of registration fees and subject-wise examination fees specified by the foreign university or institution payable by the student concerned to participate in the examinations through the branch campus or study centre shall be submitted to the Commission, and the students will pay the fees as per the said list.

(2) The total number of students in the branch campus or study centre, amount of fees paid, and related documents shall be submitted to the Commission.

(3) The branch campus or study centre shall preserve and record in its register the list of passed and failed students after the publication of the examination results of each programme or course and shall send a copy thereof to the Commission.

(4) Degrees, diplomas, certificates, and so on obtained by graduated students shall be certified by the Commission and shall be valid in Bangladesh as if awarded by any institution recognised in Bangladesh.

15. Provisions relating to the obtaining and application of degrees, diplomas, or certificates.—(1) For the purposes of rule 14, the Commission shall issue a certificate for the use and application of degrees, diplomas, certificates, etc. to students who have already obtained degrees, diplomas, or certificates by participating in examinations at a branch campus or study centre.

(2) In the case of obtaining a certificate under sub-rule (1), the student concerned shall submit an application to the Commission mentioning the name of the branch campus or study centre, name of the foreign university, date of receipt of degree, diploma, and certificate, and related documents.

(3) The Commission shall, upon receipt of an application under sub-rule (2), issue a certificate under sub-rule (1) after verifying its authenticity:

Provided that the Commission shall not reject any application without a private hearing.

(4) If any application is rejected under sub-rule (3), the applicant concerned may file an application for reconsideration with the Government.

(5) The decision made by the Government in this regard shall be final.

16. Grading and its equivalence.—(1) The foreign universities or institutions concerned shall follow their respective grading policies in examination evaluation.

(2) The grading given under sub-rule (1) shall be applicable in Bangladesh, subject to the equivalence provisions prescribed for this purpose by the Commission.

17. Internal quality assurance cell or unit.—In order to ensure the quality of education, every branch campus or study centre shall have an internal quality assurance cell or unit, and the annual report of the institution concerned shall contain a description of the measures taken in this regard.

18. Restrictions on organising education fairs, seminars, etc.—No institution or person other than the branch campus or study centre that has received a temporary permit or certificate under these rules shall organise education fairs, seminars, workshops, etc. or publish any admission notice through print or electronic media for the admission of students to any foreign university or institution.

19. Accounting and auditing.—The provisions of section 45 of the Act shall be followed in the accounting and auditing of each branch campus or study centre.

20. Government directives.—The Government, on the basis of information from the Commission, shall direct any branch campus or study centre to take such measures as it deems appropriate to ensure financial and administrative transparency and discipline and to improve the quality of education, and the institution concerned shall be bound to comply with such orders.

21. Crime and punishment.—Section 49 of the Act shall apply in case of violation of any provision of these rules by any branch campus or study centre.

22. Publication of Authentic English Text.—(1) After the issuance of these rules, the Government may, by notification in the official Gazette, publish an Authentic English Text of these rules.

(2) In the event of a conflict between the Bangla and the English texts, the Bangla text shall prevail.

By the order of the President