

Cabinet Resolution No. (55) of 2022 Concerning the Governance of Federal Government Higher Education Institutions in the United Arab Emirates

The Cabinet

- Having reviewed the Constitution,
- And Federal Law No. (1) of 1972 Concerning the Competencies of Ministries and the Powers of Ministers, and its amendments,
- And Federal Law No. (4) of 1976 Concerning the Establishment and Organization of the United Arab Emirates University, and its amendments,
- And Federal Law No. (17) of 1998 Concerning the Reorganization of the Higher Colleges of Technology,
- And Federal Law No. (11) of 1999 Concerning the Establishment and Organization of Zayed University,
- And Federal Decree-Law No. (11) of 2008 Concerning Human Resources in the Federal Government, and its amendments,
- And Federal Decree-Law No. (5) of 2011 Concerning the Regulation of Boards of Directors, Trustees, and Committees in the Federal Government,
- And Federal Decree-Law No. (26) of 2019 Concerning Public Finance,
- And Federal Decree-Law No. (47) of 2021 Concerning the Unified General Rules of Work in the United Arab Emirates,
- And Federal Decree-Law No. (48) of 2021 Concerning Higher Education,
- And based on the approval of the Cabinet,

Resolves:

Article (1)

Definitions

In the application of the provisions of this Resolution, the following words and phrases shall have the meanings assigned to each of them, unless the context otherwise requires:

The State: The United Arab Emirates.

The Government: The Federal Government of the United Arab Emirates.

The Ministry: The Ministry of Education.

The Minister: The Minister of Education.

Federal Government Higher Education Institutions: The government higher education institutions referred to in Article (2) of this Resolution.

Board of Trustees: The Board of Trustees of the Federal Government Higher Education Institution.

Chairman of the Board of Trustees: The Chairman of the Board of Trustees of the Federal Government Higher Education Institution.

Institution Director: The Director of the Federal Government Higher Education Institution.

Scholarships: Scholarships granted by the Federal Government for study in Federal Government Higher Education Institutions.

Tuition Fees: All fees related to the courses prescribed in the student's study plan.

University Fees: All fees related to the higher education institution other than tuition fees.

Institutional Licensure: The document issued by the Ministry to a higher education institution, authorizing it to operate, provide higher education services, and be listed in the National Register of Licensed Higher Education Institutions in the State.

Programmatic Accreditation: The document by which the Ministry recognizes and approves that a program or programs of a higher education institution have been evaluated and have met the required standards and conditions, which authorizes the higher education institution to start offering the program to students and to list the program in the National Register of Accredited Higher Education Programs.

Article (2)

Scope of the Resolution

The provisions of this Resolution shall apply to the following Federal Government Higher Education Institutions:

1. United Arab Emirates University.
2. Zayed University.
3. Higher Colleges of Technology.

Article (3)

Objectives of the Resolution

This Resolution aims to:

1. Provide a general framework for the governance of Federal Government Higher Education Institutions.
2. Enhance the independence of Federal Government Higher Education Institutions to ensure the improvement of the quality of their services and outcomes and their competitiveness locally and globally, in a manner that achieves national objectives.

Article (4)

Legal Personality of the Institution

Federal Government Higher Education Institutions shall have a legal personality, financial and administrative independence, and full legal capacity to conduct their business.

Article (5)

Board of Trustees

1. Federal Government Higher Education Institutions shall have a board called the "Board of Trustees," whose chairman and members are appointed by a decision of the Cabinet for a term of (5) five renewable years.

2. The Board of Trustees shall elect from among its members a vice-chairman to assume his duties in his absence.
3. If the position of the Chairman of the Board of Trustees or any member of the Board of Trustees becomes vacant for any reason, a replacement shall be appointed for the remainder of the term in accordance with the method by which the person whose position became vacant was appointed.
4. The Board of Trustees or any of its members shall not perform the executive management functions of the Federal Government Higher Education Institution, and the principle of avoiding conflict of interest must be observed in all decisions and actions of the Board of Trustees.
5. No employee of a Federal Government Higher Education Institution may be a member of its Board of Trustees.
6. No member of the Board of Trustees may be a member of the Board of Trustees of another Federal Government Higher Education Institution.
7. The Board of Trustees shall form a minimum of (3) three permanent committees concerned with academic and research affairs and student affairs; financial, administrative, and investment affairs; and audit and risk affairs. The Board of Trustees may also form any other permanent committee it deems necessary to study the topics referred to it, according to the jurisdiction of each committee.
8. Each of the permanent committees referred to in Clause (7) of this Article shall have at least (3) three members from the Board of Trustees, and one of them shall be named as its chairman, provided that the Chairman of the Board of Trustees is not a member or chairman of these committees.
9. Subject to the provisions of this Resolution, the Cabinet shall issue - upon the proposal of the Minister and in coordination with the Federal Government Higher Education Institutions - a governance system for the Board of Trustees.

Article (6)

Responsibilities and Powers of the Board of Trustees

The Board of Trustees is the supreme authority of the Federal Government Higher Education Institution. The Board of Trustees shall be responsible to the Government for achieving the objectives and implementing the policies for which the institution was established. The Board of Trustees shall exercise the authorities and powers necessary to achieve its purposes in accordance with the provisions of this Resolution, and in particular, it shall have the following:

1. Approving the general strategic direction of the institution and overseeing its implementation and evaluation in line with the national strategy for higher education in the State.
2. Approving the detailed strategic and operational plans of the institution, and overseeing their implementation, evaluation, and updating.
3. Studying and proposing developmental initiatives, projects, and plans for the institution to enhance its efficiency and improve its educational outcomes.
4. Approving the organizational structure of the institution, provided it does not exceed the approved annual budget ceiling for the institution, and submitting it to the Cabinet for approval, and overseeing its implementation.
5. Approving the matrix of academic, financial, and administrative powers of the institution in accordance with the provisions of this Resolution.
6. Approving the establishment of new branches and colleges for the institution or modifying or closing existing ones, inside or outside the State, provided it does not exceed the approved annual budget ceiling for the institution and does not result in any additional cost to the Government.
7. Approving the establishment of departments, institutes, and centers affiliated with the institution, or their merger or abolition, inside or outside the State, provided it does not exceed the approved annual budget ceiling for the institution and does not result in any additional cost to the Government.

8. Forming permanent and temporary committees stemming from the Board of Trustees to carry out its tasks, and defining their competencies and working mechanisms.
9. Appointing the Institution Director and terminating his services in accordance with the human resources regulations in force at the institution.
10. Approving the appointment or termination of services of deputy directors, deans, branch directors, and their equivalents.
11. Approving the establishment of academic programs and specializations, or their merger or abolition.
12. Approving the programs, plans, and curricula offered by the institution and determining the specializations and their duration.
13. Approving admission policies, study and examination systems, and graduation requirements.
14. Determining tuition and university fees, incentives, and privileges granted to students.
15. Approving the annual academic calendar in coordination with the Ministry.
16. Approving the awarding of academic degrees and certificates in accordance with the relevant regulations.
17. Approving the annual budget of the institution and submitting it to the Ministry of Finance for inclusion in the annual general budget law in accordance with approved systems.
18. Overseeing the implementation of the approved budget in terms of determining allocations, reallocations, and transfers, provided that this does not violate constitutional provisions and any exceptions issued by the Cabinet in this regard.
19. Appointing or terminating the contract of the external auditor, and approving his fees and period of appointment.
20. Approving the final account of the institution and submitting it to the State Audit Institution and the Ministry of Finance for inclusion in the draft unified final account law in accordance with approved systems.

21. Approving the detailed internal regulations of the institution, including academic, financial, administrative, procurement, and human resources regulations, in accordance with the provisions of this Resolution, and submitting them to the Cabinet for approval, and overseeing their implementation.

22. Proposing the salary scale and benefits for the institution's employees, and the criteria and controls for exceptional salary differences outside the salary scale, and submitting them to the Cabinet for approval, provided they are within the approved budget of the institution or through external funding without incurring any additional cost to the Government, with the aim of attracting or retaining some employees in the institution based on labor market data.

23. Approving the rules and regulations for accepting, managing, and disposing of aid, donations, gifts, grants, bequests, and endowments, provided they do not conflict with the State's policy and the institution's objectives and do not impose any financial, legal, or other burdens on the Government.

24. Approving the rules and regulations for investing, managing, and disposing of the institution's funds, provided they do not conflict with the State's policy and the institution's objectives and do not impose any financial, legal, or other burdens on the Government, in accordance with what is determined by the internal regulations for the management of financial resources and procurement in the institution regarding the scope of investment activities and the institution's funds.

25. Ensuring the sustainability of funding for any budget item financed from outside government allocations to ensure that no financial, legal, or other burdens are imposed on the Government.

26. Ensuring the acquisition of institutional licensure and programmatic accreditation from the competent authorities for all programs offered by the institution.

27. Approving the powers and policies for concluding cooperation agreements and other agreements between the institution and other institutions inside and outside the State, in accordance with the laws and regulations in force in the State.

28. Approving the systems, conditions, and standards for student financial aid programs in coordination with the relevant authorities in the State.

29. Reviewing internal and external audit reports and the measures taken in their regard at the institution.

30. Establishing procedures to ensure the institution's compliance with the provisions of this Resolution and any other legislation related to the institution's work and activities.

31. Periodically evaluating and monitoring the performance of the institution in all aspects.

32. Submitting an annual report on the performance of the institution and the achievements of the Board of Trustees to the Cabinet.

33. Any other competencies or powers stipulated in the laws, regulations, and bylaws, or assigned by the Cabinet.

The Board of Trustees may delegate some of its powers or competencies to the Chairman of the Board of Trustees, provided that this delegation is in writing and specific.

Article (7)

Director of the Federal Government Higher Education Institution

1. Each Federal Government Higher Education Institution shall have a full-time director to manage it, of any nationality, who shall be of academic, financial, and administrative competence and experience.

2. The Institution Director shall be appointed by a decision of the Board of Trustees for a term of (5) five renewable years.

3. If the position of the Institution Director becomes vacant, the Board of Trustees shall assign one of the deputy directors to the task. In the absence of a deputy director, the Board of Trustees shall assign one of the deans or their equivalents to carry out the duties of the Institution Director and exercise all his powers until a director for the institution is appointed.

4. The Institution Director shall be responsible to the Board of Trustees for managing the institution, conducting its affairs, and implementing the

strategic and operational plan of the institution, and shall exercise the following tasks and powers:

- a. Proposing policies, strategic and operational plans, systems, regulations, and action plans necessary for the proper functioning of the institution and submitting them to the Board of Trustees for approval, and implementing them after approval.
- b. Proposing the organizational structure of the institution, academic, financial, administrative, procurement, human resources, and other regulations, rules, and systems, and submitting them to the Board of Trustees.
- c. Supervising and following up on the implementation of laws, regulations, decisions, plans, programs, projects, and activities supervised, managed, or implemented by the institution.
- d. Following up on the preparation of the draft annual budget and the final account of the institution and submitting them to the Board of Trustees for approval, and overseeing their implementation after approval.
- e. Supervising the workflow in the institution and submitting periodic reports on its work and various performance indicators to the Board of Trustees.
- f. Managing the academic, financial, and administrative affairs of the institution in accordance with the powers vested in him.
- g. Forming academic, financial, and administrative committees and work teams for the institution.
- h. Recommending the appointment or termination of services of deputy directors, deans, branch directors, and their equivalents, and submitting the recommendation to the Board of Trustees.
- i. Representing the institution before relevant entities inside and outside the State in accordance with the powers vested in him.
- j. Any other tasks assigned to him by virtue of the legislation in force at the institution, or assigned to him by the Board of Trustees.

The Institution Director may delegate any of his powers to any of the senior officials of the institution, provided that the delegation is in writing and specific.

Article (8)

Financial Management

1. The Federal Government Higher Education Institution shall have an independent annual budget prepared by the Institution Director and approved by the Board of Trustees, and submitted to the Ministry of Finance for inclusion in the annual general budget law in accordance with approved systems.
2. The budget of the Federal Government Higher Education Institution shall consist of:
 - a. Annual scholarships allocated to it by the Government to cover teaching costs.
 - b. Tuition and university fees for students not covered by the annual scholarships allocated by the Government.
 - c. Annual appropriations allocated to it by the Government to cover services and projects approved by the Cabinet.
 - d. Annual appropriations allocated to it by the Government or any other entity on a competitive basis to cover research and other projects approved by the Government.
 - e. Fees for educational and training courses.
 - f. Fees for conducting studies, research, or consulting services.
 - g. Fees for the use of its facilities.
 - h. Revenues from intellectual property and inventions.
 - i. What is obtained from owning companies and funds, and what is obtained from productive projects.
 - j. Any other fees or activities approved by the Board of Trustees.
 - k. Revenue from its fixed and movable assets.
 - l. Aid, donations, gifts, grants, bequests, endowments, and other revenues that the Board of Trustees decides to accept.
3. Federal Higher Education Institutions are exempted from Articles (50), (62), and (73) of Federal Decree-Law No. (26) of 2019 Concerning Public Finance, and are also exempted from the general conditions of the policy

and provisions for transfers set by the Ministry of Finance for all federal entities for budget implementation, provided that no financial transfers are made between budget chapters except in accordance with the provisions of the Constitution and the financial regulations approved by the Cabinet.

4. The financial surplus achieved by the institution after the approval of the final accounts shall be dealt with as follows:

- a. The institution shall retain the financial surplus achieved from the implementation of its annual budget.
- b. The institution shall retain the surplus achieved from other sources of income.

5. The Federal Government Higher Education Institution may develop its own revenues, provided that this does not conflict with the State's policy and the institution's objectives and does not impose any financial, legal, or other burdens on the Government.

6. The Federal Government Higher Education Institution shall manage its own funds and provide for its needs within the limits of its approved annual budget in accordance with this Resolution and the financial regulations approved by the Cabinet.

7. The fiscal year of the Federal Government Higher Education Institutions shall begin on the first of January of each year and end on the thirty-first of December of the same year.

8. The Federal Government Higher Education Institution is committed to disclosing all sources of revenue and the uses of these revenues in the final account.

9. An endowment shall be established for each Federal Government Higher Education Institution with the participation of a specialized entity in investment management, approved by the Cabinet.

Article (9)

Scholarships

1. The Government shall allocate annual scholarships to cover the cost of teaching new and continuing students in Federal Government Higher

Education Institutions based on the actual number of students enrolled in studies.

2. Subject to the provisions of this Resolution, the Cabinet shall, upon the proposal of the Minister and in coordination with the Ministry of Finance and the Federal Government Higher Education Institutions, issue a scholarship system for Federal Government Higher Education Institutions.

3. The scholarship system shall take into account the following:

a. New annual scholarships shall be determined based on the actual number of students registered at the beginning of each semester, where an invoice will be issued by the Federal Higher Education Institution to the Ministry of Finance, taking into account the return of remaining amounts in the event of any change in the number of registered students during the add/drop period for courses.

b. New annual scholarships shall be distributed across levels and specializations based on the needs of the State and the labor market, and the levels and desires of the students.

c. The new scholarships granted to each Federal Government Higher Education Institution shall be determined based on performance indicators, the quality level of the programs offered by the institution, and the employment rates of its graduates.

d. The scholarship shall be allocated to a male or female student at a specific level and specialization for a specific duration and number of credit hours and for a specific number of years.

e. A percentage of scholarships shall be allocated to postgraduate and postdoctoral students.

Article (10)

Human Resources Management

1. Federal Government Higher Education Institutions are exempted from the provisions of Federal Decree-Law No. (11) of 2008 Concerning Human Resources in the Federal Government.

2. Federal Government Higher Education Institutions shall have their own human resources regulations, which are approved by the Cabinet, provided that these regulations are aligned with the provisions of Federal

Decree-Law No. (47) of 2021 Concerning the Unified General Rules of Work in the United Arab Emirates.

3. Federal Government Higher Education Institutions are committed to providing real-time data on their human resources and linking with the Bayanati system used by the Federal Authority for Government Human Resources.

Article (11)

Accreditation and Oversight

1. Federal Government Higher Education Institutions are subject to the requirements and standards of institutional licensure and programmatic accreditation by the Ministry, and they may expand their portfolio of accreditations from other bodies.

2. The Ministry shall oversee Federal Government Higher Education Institutions to ensure their compliance with the requirements and standards of institutional licensure and academic accreditation in force at the Ministry, and the requirements of this Resolution.

Article (12)

Performance Management

1. The Ministry shall, in coordination with the Federal Government Higher Education Institutions and the Education and Human Resources Council, develop key performance indicators and targets related to the performance of students and Federal Government Higher Education Institutions and submit them to the Cabinet for approval. The Ministry shall coordinate with the Ministry of Finance to develop financial performance indicators and their targets.

2. The Ministry shall measure the performance of Federal Government Higher Education Institutions and students according to the approved key performance indicators and submit an annual report with recommendations to the Education and Human Resources Council before submitting it to the Cabinet.

3. Federal Government Higher Education Institutions are committed to providing all data, records, documents, and facilities requested by the

Ministry to measure the performance of the institution, students, and its Board of Trustees.

4. Federal Government Higher Education Institutions are committed to obtaining the Ministry's views before submitting any matter to the Cabinet.

5. The Education and Human Resources Council shall review the independence granted to each institution based on its performance in accordance with the provisions of this Resolution, and corrective plans and controls shall be issued to the institution until its performance improves.

Article (13)

Entry into Force

This Resolution shall come into force on the day following the date of its issuance.

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by us:

On: 7 / Dhu al-Qi'dah / 1443 H

Corresponding to: 7 / June / 2022 G

Federal Decree-Law No. (42) of 2024 was issued to establish and organize the Education and Human and Community Development Council, Article (2) of which provides:

-1 A council named the Education and Human and Community Development Council shall be established by virtue of the provisions of this Decree-Law, enjoying legal personality, financial and administrative independence, and the legal capacity necessary to carry out all actions and dispositions that ensure the achievement of its objectives and the implementation of its competencies, and it shall be subordinate to the Cabinet.

-2 The Council established by virtue of the provisions of this Decree-Law shall replace the Education and Human Resources Council established by virtue of the relevant Cabinet resolutions.