

Main changes to Decree-Law 74/2006 with influence on accreditation

Note: Since a translation of Decree-Law 74/2006, as amended and republished by Decree-Law 65/2018, is not yet available, the main changes introduced in this legal document are presented below:

Article 3

a), b), c), d), e), f) [...]

g) “Expert of recognised experience and professional competence” is the one who practices or has practiced the profession in the area where he teaches or proposes to teach and meets one of the following conditions:

- i. Holder of the title of specialist under Decree-Law no. 206/2009, of 31 August.
- ii. Holder of an academic degree and having at least 10 years of professional experience which he has exercised for at least 5 years in the last 10 years and a professional curriculum of verifiable quality and relevance, and as such accepted and confirmed by the scientific or technical-scientific body of the higher education institution.
- iii. To be considered as such by the Agency for Assessment and Accreditation of Higher Education in the process of accreditation of study programmes, even if he does not fulfil all the conditions defined under ii).

h) “Fundamental training areas of the study programme” are those, which according to the classification of education and training areas defined by Portaria nº. 256/2005, Of 16 March, represents at least 25% of the total number of credits.

i) “Number of full time equivalent teachers” is the number of teachers calculated by assigning to the part time teachers a weight equivalent to the percentage of their contracts.

j) “Total academic staff” is aggregate of all teachers performing his duties calculated as full time equivalents.

k) “Own academic staff” is the aggregate of all full time academic staff teaching in the study programme.

l) “Full time regime” is the regime of those who perform teaching and research activities as their exclusive or predominant activity and who cannot be considered as such in more than one institution.

m) “Contact hours” is the time measured in hours spent in teaching sessions of collective nature, namely classes, laboratories or field work and in individual tutorial sessions.

- n) "Professional profile" describes the set of activities and knowledge required for the performance of a specific professional activity.
- o) "Competency framework" is the set of competencies necessary to be awarded a specific qualification.

Article 6

1. [...]
2. The degree of "licenciado" in a specified training area may only be conferred by university institutions that fulfil all the following conditions:
 - a) Have their own teaching staff academically qualified and specialised in the fundamental training area(s) of the study programme;
 - b) Have the human and material resources that are indispensable to guarantee the level and quality of the training provided.
 - c) A coordinator of the study programme holding the degree of doctor in the fundamental training area of the programme and working full time.
3. To fulfil the conditions of a) it is considered that the academic staff is:
 - a) Own teaching staff when at least 60% are full time staff;
 - b) Academically qualified when the total staff is composed of at least 50% teachers holding a doctorate;
 - c) Specialised when:
 - i. At least 50% of the academic staff is composed by experts of recognised experience and professional competence in the fundamental training area(s) of the study programme or by doctors specialised in those areas.
 - ii. A minimum of 30% of the academic staff is composed of doctors specialised in the fundamental area(s) of the study programme.
4. The teachers holding a doctorate specialised in the fundamental area(s) of the study programme can also be counted for the purposes of b), number 3.
5. The degree of "licenciado" in a specified training area may only be conferred by polytechnic institutions that fulfil all the following conditions:
 - d) Have their own teaching staff academically qualified and specialised in the fundamental training area(s) of the study programme;
 - e) Have the human and material resources that are indispensable to guarantee the level and quality of the training provided.
 - f) A coordinator of the study programme holding the degree of doctor or being an expert of recognised experience and professional competence in the fundamental training area of the programme and working full time.
6. To fulfil the conditions of a) it is considered that the academic staff is:
 - a) Own teaching staff when at least 60% are full time staff;
 - b) Academically qualified when the total staff is composed of at least 15% teachers holding a doctorate;

- c) Specialised when at least 50% of the academic staff is composed by experts of recognised experience and professional competence in the fundamental training area(s) of the study programme or by doctors specialised in those areas the number of specialised teachers referred in c) of number 3 or c) of number 6) should have distribution adequate to the relative weight of each area.
7. When there is more than one fundamental training area in a study programme the number of specialised teachers referred in c) of number 3 or c) of number 6) should have distribution adequate to the relative weight of each area.
 8. Verification that the requirements referred in the previous numbers are satisfied will be carried out in the accreditation process.

Article 16

1. [...]
2. The degree of “master” in a specified training area may only be conferred by university institutions that fulfil all the following conditions:
 - a) Have their own teaching staff academically qualified and specialised in the fundamental training area(s) of the study programme;
 - b) Have the human and material resources that are indispensable to guarantee the level and quality of the training provided.
 - c) Develop recognised training and research activities or high level professional development activities, either by themselves or by their participation and collaboration or of their teachers and researchers, in external scientific institutions, with relevant publications or scientific production;
 - d) A coordinator of the study programme holding the degree of doctor in the fundamental training area of the programme and working full time.
3. To fulfil the conditions of a) it is considered that the academic staff is:
 - a) Own teaching staff when at least 75% are full time staff;
 - b) Academically qualified when the total staff is composed of at least 60% teachers holding a doctorate;
 - c) Specialised when:
 - i. At least 50% of the academic staff is composed by experts of recognised experience and professional competence in the fundamental training area(s) of the study programme or by doctors specialised in those areas.
 - ii. A minimum of 40% of the academic staff is composed of doctors specialised in the fundamental area(s) of the study programme.
4. The teachers holding a doctorate specialised in the fundamental area(s) of the study programme can also be counted for the purposes of b), number 3.
5. The degree of “master” in a specified training area may only be conferred by polytechnic institutions that fulfil all the following conditions:

- a) Have their own teaching staff academically qualified and specialised in the fundamental training area(s) of the study programme;
 - b) Have the human and material resources that are indispensable to guarantee the level and quality of the training provided.
 - c) A coordinator of the study programme holding the degree of doctor or being an expert of recognised experience and professional competence in the fundamental training area of the programme and working full time.
6. To fulfil the conditions of a) it is considered that the academic staff is:
- a) Own teaching staff when at least 75% are full time staff;
 - b) Academically qualified when the total staff is composed of at least 40% teachers holding a doctorate;
 - c) Specialised when:
 - i. A minimum of 50% of the academic staff is composed by experts of recognised experience and professional competence in the fundamental training area(s) of the study programme or by doctors specialised in those areas.
 - ii. A minimum of 20% of the academic staff is composed of doctors specialised in the fundamental area(s) of the study programme.
7. The teachers holding a doctorate specialised in the fundamental area(s) of the study programme can also be counted for the purposes of b), number 6.
8. When there is more than one fundamental training area in a study programme the number of specialised teachers referred in b) of number 3 or b) of number 5 should have distribution adequate to the relative weight of each area.
9. Verification that the requirements referred in the previous numbers are satisfied will be carried out in the accreditation process.

Article 20

- 1. [...]
 - a) [...]
 - b) A scientific dissertation or an original work project, specifically carried out to this end, or a professional work placement, which is to be concluded with a final report in accordance with the specific objectives aimed at under the terms established by the respective regulation standards and which corresponds to a minimum of 30 credits.
- 2. The minimum values referred under number 1 do not apply to the integrated master mentioned in article 19.

Article 29

- 1. The fields of knowledge and the specialist subjects in which each university or university institute awards the degree of Doctor are established by their legal and officially recognised body.

2. The degree of “doctor” in a specified knowledge field or its specialist areas may only be conferred by university or university institutes that fulfil all the following conditions:
 - a) Have their own teaching staff academically qualified and specialised in that specified knowledge field or its specialist area;
 - b) Have the human and material resources that are indispensable to guarantee the level and quality of the training provided.
 - c) Demonstrate to have the human and organizational resources necessary for the development of research;
 - d) Demonstrate to have either by themselves or by their participation and collaboration or of their teachers and researchers, in external scientific institutions, an accumulated research experience translated into relevant scientific and academic production in that knowledge field or its specialist areas;
 - e) A coordinator of the study programme holding the degree of doctor in the fundamental training area of the programme and working full time.
3. To fulfil the conditions of a) it is considered that the academic staff is:
 - a) Own teaching staff when at least 75% are full time staff;
 - b) Academically qualified when the total staff is composed of holders of a doctorate, even if under exceptional conditions it can also integrate staff not holding a doctorate but having an academic, scientific or professional curriculum recognised in the accreditation process as having capacity to teach in this study programme;
 - c) Specialised when the total the academic staff is composed of a minimum of 75% of staff holding a doctorate in the knowledge field or its specialist areas.
4. The teachers holding a doctorate specialised in the fundamental area(s) of the study programme can also be counted for the purposes of b), number 3.
5. Verification that the requirements referred in the previous numbers are satisfied will be carried out in the accreditation process.

Article 41

1. The higher education institutions may join with other higher education institutions, national or foreign, for carrying out study programmes leading to the degrees and diplomas referred in the previous chapters, coordinating the human and material resources of the associated institutions.
2. The study programmes referred to in number 1, when they award a degree must be accredited by the Agency for Assessment and Accreditation of Higher Education as study programmes in association.
3. Pursuant to article 13(7) of the Framework Law on Education, the adoption of a franchising system is not allowed.

Article 42

When the joint education institutions are equally competent for granting a degree or diploma, it may be awarded by:

- a) Only one institution;
- b) Revoked;
- c) By all institutions jointly.

Article 45

1. [...]
 - a) Credit in their own study programmes the training carried out in other degree awarding programmes of higher education studies in national or foreign higher education institutions, whether within the framework of the organisation which derived from the Bologna Process or were obtained before that process;
 - b) Credit in their own study programmes, up to a limit of 50% of all the programme's credits, the training carried out in higher technological professional programmes; technological specialisation programmes;
 - c) [...]
 - d) Credit up to 50% of all the programme's credits, the training in non-degree awarding programmes in national or foreign institutions;
 - e) Credit up to 1/3 of all the programme's credits, the training carried out in technological specialisation programmes;
 - f) Credit other training not included in the previous items, up to a limit of 1/3 of all the programme's credits.
 - g) Credit professional experience duly certified up to 1/3 of all the programme's credits.
2. The accumulation of credits through items d) to g) may not exceed 2/3 of the total number of the programme's credits.
3. In the study programmes leading to the degrees of master or doctor, the limits to creditation under the previous numbers refer respectively to the master's programme mentioned in a) number 1 of article 20 and the doctoral programme mentioned in number 3 of article 31.
4. Credits awarded under items a) to d) of number 1 are not valid when the foreign institutions where the training was provided are not recognised by the authorities of the respective State as being part of their national higher education system, as established under article I.1 of the Convention on the recognition of qualifications relative to higher education in Europe, ratified by Parliament Resolution 25/2000.
5. Credits awarded under item g) of number 1 may be conditional to the evaluation of specific knowledge.

Article 45-A

1. The process of creditation is defined by a regulation approved by the institutional body defined in legal and statutory terms, published in the Official Newspaper and in the INTERNET site of the institution.
2. The regulation of certification must contain dispositions relative to:
 - a) The documents to be included in the application;
 - b) The bodies responsible for analysing and deciding on the application;
 - c) The publicity of the decisions;
 - d) The applicable deadlines.
3. The participation of the scientific or technical-scientific council in the process is mandatory and a Jury may be appointed.
4. The creditation should take in consideration the level of the credits and their scientific area.
5. It is not allowed to credit parts of a curricular unit.
6. The creditation:
 - a) Is not a sufficient condition for access to a study programme;
 - b) It has only an effect after admission to the study programme and for that specific programme.
7. The Agency for Assessment and Accreditation of Higher Education include an analysis of the creditation practices of the higher education institutions when making the assessment of study programmes.

Article 45-B

It is not allowed to credit:

- a) Training provided in study programmes, degree awarding or not, which were not legally authorised.
- b) Training in study programmes, degree awarding or not, which were provided outside the place and facilities recognised in the accreditation or registration.

Article 52

1. [...]
2. The accreditation encompasses every higher education institution and every degree awarding study programme.

Article 53

1. Accreditation is carried out within the framework of the European system for quality assurance in higher education, and shall be conducted by the Agency for Assessment and Accreditation of Higher Education established by Decree-Law no. 369/2007 of 5 November and it shall be carried out as provided for in that diploma.

2. [...]
3. [...]
4. The accreditation shall be carried out respecting the scientific and pedagogical autonomy of the higher education institutions as provided for in Decree-Law no. 369/2007 of 5 November.

Article 54

1. Without impairment of the next article, the coming into force of degree awarding study programmes needs the previous accreditation by the Agency for Assessment and Accreditation of Higher Education and the subsequent registration by the Directorate General for Higher Education.
2. The accreditation and subsequent registration of a study programme implies the recognition of the degree or degrees awarded.

Article 55

1. The accreditation of a study programme in a higher education institution may be granted by:
 - a) The accreditation of the study programme;
 - b) The accreditation of the higher education institution to provide study programmes in one or more training areas and leading to one or more academic degrees.
2. Revoked

Article 57

1. [...]
 - a) [...]
 - b) Having its own academic staff, academically qualified and specialised;
 - c) [...]
2. The special requirements for the accreditation of a study programme leading to a degree of licenciado in a specific training area are those established in article 6.
3. The special requirements for the accreditation of a study programme leading to a degree of master in a specific area of specialisation are those established in article 16.
4. The special requirements for the accreditation of a study programme leading to a degree of doctor in a specific knowledge area or speciality are those established in article 29.
5. The Agency for Assessment and Accreditation of Higher Education may, for a limited period of time and under exceptional and well documented

circumstances, consider standards lower than those established under articles 6, 16 and 29 in cases when:

- a) There is a scientific area where demonstrably there are not enough academically qualified members to meet the needs of the study programmes of higher education institutions.
- b) Artistic studies.

Article 59

1. The accreditation is given for the period defined in the accreditation decision, as determined in the Regulations passed by the Executive Board of the Agency for Assessment and Accreditation of Higher Education, or for one year in the case of tacit deferment.
2. Before the end of the periods referred to in the previous number the study programme will be reassessed by the Agency for Assessment and Accreditation of Higher Education, except if it cancels operation.
3. If no decision on the continuation of the accreditation was made until the end of the period referred to in number 1, the accreditation is extended by periods of one year until decision by the Agency for Assessment and Accreditation of Higher Education.
4. The study programmes accredited by the Agency for Assessment and Accreditation of Higher Education only can operate in the places of accreditation and registration, or at distance if that is expressly mentioned in the accreditation decision, or when there was tacit deferment of the submission.

Article 60

1. [...]
2. In the event of the situation envisaged above the Agency for Assessment and Accreditation of Higher Education will define the deadlines for the cancellation of the programme and the necessary measures to safeguard the expectations of the enrolled students.
3. Once the accreditation has been revoked no new students can be enrolled in the study programme although within the deadlines defined by the Agency for Assessment and Accreditation of Higher Education the already enrolled students are entitled to be awarded the respective degrees.