University Service Law

Law No. (23) of 2008 – University Service Law

Article 1:

1. The provisions of this law apply to university service employees.
2. The following terms are defined as follows for the purposes of this law:

– Ministry: Ministry of Higher Education and Scientific Research.

– Minister: Minister of Higher Education and Scientific Research.

– Institution: University or institute.

– University: One of the official Iraqi universities.

– Authority: Technical Education Authority.

3. A university service employee is defined as any employee who engages in university teaching, scientific research, scientific and technical consulting, or works in the Ministry of Higher Education and Scientific Research or its institutions, provided they meet the criteria for faculty members as stipulated in the Ministry of Higher Education and Scientific Research Law No. (40) of 1988 or any law that replaces it.

Article 2:

A university service employee shall undertake the following responsibilities:

1. To provide intellectual and educational support to students, ensuring the interests of the nation and community by establishing the foundations of a democratic Iraqi society aimed at building an advanced human civilization, using scientific thinking and practice as tools to achieve these goals.
2. To conduct theoretical, practical, and applied teaching, as well as field training, laboratory work, and experimental fields, while preserving the resources, monitoring their proper use, delivering theoretical and practical lectures, solving exercises, reviewing student reports, and supervising research and theses.
3. To conduct scientific research in various fields.
4. To contribute to university activities, such as cultural seasons, university day, college exhibitions, graduation ceremonies, student activities, and any other scientific and educational activities as requested.
5. To contribute to authorship, translation, and publication.
6. To participate in permanent and temporary councils and committees within and outside the ministry.
7. To contribute to the intellectual, educational, and scientific development of academic departments******, providing studies, research, reports, plans, and curricula.
8. To conduct examinations and monitor their proper administration.
9. To contribute to seminars, conferences, and study circles both inside and outside Iraq.
10. To conduct studies and research proposed by state departments and public and private sectors within the framework of cooperation between their institution and those entities.
11. To perform administrative duties assigned by the ministry or the educational institution in which they work.
12. To work in specialized advisory centers or offices affiliated with the ministry or its educational institutions.
13. To maintain a scientific presence in their institution of no less than thirty (30) hours per week to achieve the aforementioned responsibilities.

Article 3:

Each professor, assistant professor, and instructor shall submit a report at the end of each academic semester that includes their teaching activities, the courses completed, any problems encountered, and recommendations for resolving them, as well as the research and articles published, public lectures delivered, and suggestions for developing the curricula and the educational institution in which they work.

Article 4:

1. An assistant instructor may not teach graduate students or supervise their research and theses.
2. The college council may, when necessary, assign an instructor to teach and supervise master's students only.
3. The college council may, when necessary, assign an assistant instructor to teach theoretical courses in undergraduate studies.

Article 5:

The Minister of Higher Education and Scientific Research or their authorized representative shall undertake the following:

1. To appoint or reappoint individuals who meet the conditions for appointment in university service at the ministry's center.
2. To approve the transfer of ministry personnel from university service employees to the staff of universities, to accept their resignations, and to refer them to retirement in accordance with the law.
3. To approve the transfer of university service employees outside the ministry in accordance with the law.
4. To exempt those with scientific qualifications from the physical fitness requirements, except for those suffering from a serious or chronic disease, as certified by an official medical committee.

Article 5 (continued): To promote or upgrade university service employees appointed at the ministry's center in accordance with the law.

Article 6:

a. The president of the university, authority, or center, or their authorized representative, based on a recommendation from the university council, authority, or center, shall:

1. Appoint or reappoint individuals who meet the conditions for appointment in university service.

b. Appoint technical and administrative staff.

1. The president of the university, authority, or center, or their authorized representative, shall promote university service employees in accordance with the law.
2. The university council, authority, or center shall promote university service employees in accordance with the law.

Article 7:

1. A university service employee is considered full-time upon completing their assigned duties in accordance with the law when they assume the position to which they have been appointed or reinstated. The workload is determined by regulations issued by the ministry, taking into account academic ranks.
2. A full-time university service employee under the provisions of this law may not engage in any professional activities for personal benefit outside the scope of their university work unless otherwise specified.
3. A full-time university service employee, whether in full-time service or on a scientific leave under the provisions of this law, is granted a monthly university service allowance amounting to 100% of their monthly salary. This allowance does not preclude them from receiving consultancy fees for technical services provided to government and private institutions within their scientific specialty, as well as for authorship, translation, and scientific and artistic production.
4. The minister may, upon the recommendation of the university council, authority, or center, exempt a university service employee from full-time status based on their request.
5. A university service employee transferred from one educational institution to another is entitled to the same allowances and privileges as their peers in the receiving or sending institution, whichever is greater.
6. A non-full-time university service employee, under the provisions of this law, who meets the criteria for faculty membership is not entitled to the university service allowances specified in section (4) of this article.

Eighth: University service allowances continue to be paid during regular holidays, annual leaves, sick leaves, maternity leaves, and official missions. Half of the salary is granted along with the allowances for maternity leave and for those studying inside and outside Iraq, as well as for those benefiting from scholarships and fellowships abroad.

Ninth: The minister or their authorized representative may, based on a recommendation from the university council, authority, or center, and based on actual need, issue a decision to grant full-time status to doctors, dentists, veterinarians, pharmacists, or engineers who are not faculty members under the provisions of this law. They shall be granted allowances amounting to 100% of the allowances entitled to their profession under applicable laws and regulations, whichever is greater.

Tenth: A university service employee appointed for the first time or transferred from government departments or the public sector to one of the ministry's educational institutions must provide, during their first academic year of work, evidence of their suitability for academic work. This may include demonstrating their capability in scientific research, contributing to translation processes, or successfully engaging in teaching efforts approved by the department council and the college or institute council. If they do not meet these requirements, they will be transferred out of the institution.

Eleventh: The minister may assign a university service employee subject to the provisions of this law to work in the office of the Ministry of Higher Education and Scientific Research for a period not exceeding three (3) years, while retaining their rights and privileges.

A university service employee who holds a master's degree may complete their studies to obtain a doctoral degree within Iraq while continuing their job responsibilities. They will be considered partially full-time for the purpose of completing their studies, and their working hours will be reduced to facilitate their continued education, while retaining all their rights and privileges during the study period, including the allowances for full-time status.

Article 8:

The ministry or educational institution will bear the costs of medical treatment for a university service employee outside Iraq if treatment within Iraq is not feasible, based on a report issued by an official medical committee.

Article 9:

1. A university service employee may be assigned to any governmental department according to the law for a period of one year, renewable for another year. The assigned department shall pay all their salaries and allowances from its annual budget.
2. The minister may approve scientific leave for those holding the rank of professor, assistant professor, or instructor, whether inside or outside Iraq, in cases where leave cannot be granted domestically, based on a recommendation from the university council, authority, or center, for one academic year or one semester once every five years. During this time, they will receive all their salaries and university service allowances.

The minister may approve scientific leave for one year for those holding the rank of professor or assistant professor outside Iraq, provided they have spent two years in actual service after their leave inside Iraq, taking into account the actual need for their services within Iraq.

Fourth: The minister shall issue regulations to organize matters related to scientific leave.

Article 10:

1. A university service employee is entitled to regular leave with full salary for a period of fifteen (15) days for each academic year. These leave days may be accumulated, but the employee shall not be granted more than thirty (30) days of leave during a single academic year.
2. The regular leave days accrued by a university service employee shall be calculated according to the provisions of this law and the Civil Service Law No. 24 of 1960.
3. A university service employee is entitled to annual leave for a duration of sixty (60) days. The university president may call upon the university service employee to perform certain official duties during the annual leave, compensating them with an equivalent duration during the year or with equivalent salary and monthly allowances. This assignment shall not be repeated for two consecutive years without the employee's consent.

A. A university service employee who is retired is entitled to their basic salary for the duration of the annual leave amounting to sixty (60) days, in addition to any accumulated regular leave, provided that it does not exceed one hundred eighty (180) days.

B. The accumulated regular leave may be counted as pensionable service based on a written request from the university service employee.

Article 11:

1. The service of a professor or assistant professor may be extended based on their written consent and a recommendation from the college council, along with the approval of the university council.

B. Those whose service is extended shall be referred to retirement according to paragraph (A) of this clause upon reaching the age of seventy (70).

2. This law applies to university service employees who were retired prior to its issuance.

Article 12:

A university service employee or their dependents are entitled to a pension equal to what their peers in service receive, including salary and university service allowances, in the following cases:

1. If they are retired due to reaching the legal retirement age with at least twenty-five (25) years of university service.
2. If they are retired for health reasons due to their inability to perform their duties.

Third: If a university service employee is retired due to a medical report from an official medical committee, regardless of their length of service or age.

Fourth: If they are retired and have thirty (30) years of university service but have not yet reached the legal retirement age.

Fifth: If they die while in service, regardless of their length of service or age.

Article 13:

A university service employee is obligated to adhere to the laws, regulations, and directives established, as well as to the customs and traditions of the university, and to avoid any actions that could compromise their scientific, educational, and administrative responsibilities as stipulated in this law.

Article 14:

1. Technical staff working in the ministry and its institutions shall receive allowances amounting to one hundred percent (100%) of their salary.
2. Administrative employees whose presence is required alongside university service employees shall receive university service allowances amounting to seventy-five percent (75%) of their salary.

Article 15:

1. Assistant deans and heads of scientific departments in colleges and institutes shall receive a fixed monthly allowance of two hundred fifty thousand dinars (250,000 IQD).
2. Heads of scientific departments shall receive a fixed monthly allowance of one hundred fifty thousand dinars (150,000 IQD).
3. Heads of administrative departments at the ministry center, universities, colleges, and institutes shall receive a fixed monthly allowance of one hundred thousand dinars (100,000 IQD).

Article 16:

Coordination between the institutions of the Ministry of Higher Education and Scientific Research and other ministries and entities not affiliated with the ministry is carried out through the following:

1. Assigning some faculty members or researchers from the Ministry of Higher Education and Scientific Research institutions to conduct research and experiments and engage in activities related to the specialties of other ministries and entities, aimed at developing productive and service aspects. This is done in exchange for fees agreed upon by both parties, where a percentage not exceeding eighty percent (80%) of these fees is allocated to the participants, and the remaining percentage is allocated to the university, college, authority, or institute according to regulations issued by the minister.
2. Utilizing the scientific and technical staff working in ministries and entities not affiliated with the ministry to conduct theoretical, scientific, applied, and field lectures, as well as training and supervision of graduate theses, in exchange for fees or rewards determined by regulations issued by the minister.

Article 17:

The allowances stipulated in this law are exempted from the maximum limit of salaries and allowances specified in any other law.

Article 18:

First: The provisions of the Ministry of Higher Education and Scientific Research Law No. (40) of 1988, the Civil Service Law No. (24) of 1960, the Law on the Discipline of State Employees and the Public Sector No. (14) of 1991, the Unified Retirement Law No. (27) of 2006, and Order No. (6) of 2005 amending the University Service Law No. (142) of 1970 shall apply in matters not specifically addressed by this law.

Second: The enforcement of this law does not prevent those covered by its provisions from benefiting from any other law.

Article 19: The Minister may issue instructions to facilitate the implementation of the provisions of this law.

Article 20:

The University Service Law No. (142) of 1976 and its amendments are hereby repealed, and the regulations and instructions issued under it shall remain in effect until something is issued to repeal or replace them.

Article 21:

This law shall be published in the Official Gazette and shall take effect as of January 1, 2008.