

Issuer:	Riigikogu
Type:	Act
In force from:	01.09.2019
In force until:	30.09.2025
Translation published:	29.08.2019

Estonian Academy of Music and Theatre Act

Passed 20.02.2019

§ 1. Scope of application

(1) This Act provides for the legal status, mission and functions, bases for activities and management bodies of the Estonian Academy of Music and Theatre.

(2) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 2. Legal status, mission and functions of Estonian Academy of Music and Theatre

(1) The Estonian Academy of Music and Theatre (hereinafter the *Academy*) carries the continuity of Tallinn Higher Music School founded on 28 September 1919.

(2) The Academy is a legal person in public law which operates pursuant to this Act, the Higher Education Act, its statutes and other legislation.

(3) The Academy is an integrated research, development, educational, creative and cultural institution. The mission of the Academy is to contribute to the sustainable development of the society and growth of the nation's welfare by international high-level research and development, educational and creative activity and by the innovative services based thereon.

(4) In order to achieve the mission specified in subsection (3) of this section, the Academy shall:

- 1) provide the possibilities for the acquisition of higher education based on research, development and creative activities on all the levels of higher education in music and dramatic art and the areas connected therewith;
- 2) promote music and dramatic art and the areas connected therewith, take care of the new generation of these areas and ensuring the possibilities of lifelong education and provide public services based on educational, creative, research and development activities;
- 3) cooperate with other educational institutions and other institutions in the promotion of music and theatre education, supporting the spread of creative thinking and the continuation of Estonian language and culture.

§ 3. Management of Academy

(1) The Academy shall be directed by the Council, Senate and the Rector.

(2) The Council is the management body of the Academy, which shall be responsible for the long-term and sustainable development of the Academy as well as for making important economic, financial and assets-related decisions, ensuring the achievement of objectives of the Academy.

(3) The Senate is the academic decision-making body of the Academy, which shall be responsible for the research, development, creative and educational activities of the Academy and ensure the high quality thereof.

(4) The Rector is the legal representative of the Academy, who directs the Academy based on the statutes, development plan, budget and other strategic documents of the Academy.

§ 4. Council

(1) The Council shall:

- 1) adopt the statutes of the Academy;
- 2) adopt the development plan of the Academy;
- 3) adopt the budget of the Academy and the implementation report thereof, the financial plan and annual report;
- 4) decide, on the proposal of the Rector, on the acquisition and transfer of immovable property and encumbering thereof with a restricted real right and obtaining loans to the Academy;
- 5) perform other functions assigned thereto with the law or statutes of the Academy.

- (2) The Council shall be composed of seven members of whom:
- 1) three members shall be appointed by the Senate pursuant to the procedure provided for in the statutes of the Academy;
 - 2) one member shall be appointed by the Estonian Academy of Sciences;
 - 3) three members shall be appointed by the minister responsible for the area from among persons who have the necessary knowledge in the areas of activity of the Academy, economy or entrepreneurship to perform the duties of a member of the Council and to associate the Academy with the society and who have flawless reputation.

(3) A person may be appointed to the Council only on one basis specified in subsection (2) of this section. The President, Vice President or Secretary General of the Estonian Academy of Sciences, the minister or chancellor responsible for the area, an employee of the Academy or a member of another management body of an Estonian university cannot be a member of the Council appointed pursuant to subsection (2) 2) or 3) of this section.

(4) The membership of the Council shall be appointed for five years by an order of the Government of the Republic on the proposal of the minister responsible for the area.

(5) The authority, management body or person having appointed a member of the Council may, in a justified case, remove the member appointed thereby before the expiry of his or her authority. Upon removal or resignation at own request of a member of the Council, a new member of the Council shall be immediately appointed instead him or her for the time remaining until expiry of authority of the substituted member of the Council.

§ 5. Senate

- (1) The Senate shall:
- 1) make important decisions relating to education, research, development and creative activity and establish the legislation of the area according to the statutes of the Academy;
 - 2) perform the functions of a research council specified in the Organisation of Research and Development Act, unless provided otherwise in this Act;
 - 3) submit the statutes for adoption to the Council;
 - 4) have the right to impose a single veto on the Council's resolution to adopt the statutes, budget or development plan if at least two-thirds of the membership of the Senate are in favour of the veto;
 - 5) perform other functions assigned thereto with the law or statutes of the Academy.

(2) If the Senate exercises the right of veto provided for in clause (1) 4) of this section, the Council's resolution shall not become effective and after going through the procedure provided for in the statutes of the Academy, the Council shall make a final decision on the adoption of the statutes, budget or development plan.

- (3) The membership of the Senate shall include:
- 1) the Rector who is the chairman of the Senate;
 - 2) other members of the Rector's office;
 - 3) representatives of students who shall form at least one-fifth of the membership of the Senate;
 - 4) other persons specified in the statutes.

(4) The conditions of and procedure for the formation of the Senate shall be provided for in the statutes of the Academy.

§ 6. Rector

- (1) The Rector shall:
- 1) represent the Academy and perform transactions on behalf of the Academy and authorise other persons therefor, if necessary;
 - 2) be responsible for the general condition and development of the Academy, implementation of the budget and legal and expedient use of financial resources;
 - 3) ensure the implementation of regulations and resolutions of the Council and the Senate;
 - 4) have a single right of veto regarding the regulations and resolutions of the Senate;
 - 5) ensure the preparation of the draft statutes, development plan, financial plan and budget of the Academy;
 - 6) have a reporting obligation to the Council and the Senate;
 - 7) perform other functions assigned thereto with the statutes of the Academy and other legislation and decide on issues relating to the activity of the Academy which have not been placed within the competence of the Council or the Senate.

(2) A Rector shall be elected by an electoral body for up to five years pursuant to the procedure provided for in the statutes of the Academy. The members of the Council and the Senate and other persons specified in the statutes of the Academy shall be the members of the electoral body.

(3) A person who is or has been elected to the position of a professor may run as a candidate for the position of a Rector of the Academy.

(4) The chairman of the Council shall enter into a contract with the Rector, which sets out the rights and obligations of the Rector, the remuneration payable to the Rector and other conditions necessary for the activity.

The provisions of the Law of Obligations Act concerning the authorisation agreement shall be applied to the contract.

(5) The Council and the Senate shall have the right to make an expression of no confidence to the Rector and the Rector shall be released from office before the term of expiry of the contract if two-thirds of the memberships of both bodies are in favour of such resolution.

(6) The authority of a Rector shall terminate on the date of expiry of the term of his or her contract, upon resigning from office at his or her own request or upon release from office prior to expiry of the term of the contract pursuant to the procedure provided for in the statutes.

(7) If the authority of the Rector expires and a new Rector has not been elected by the term of expiration of authority, the Council shall appoint an acting Rector for up to one year until the election of a new Rector. The provisions of subsection (4) of this section shall be applied to a contract entered into with an acting Rector.

(8) An employee of the Academy who has been elected as Rector shall have the right, after expiration of the authority of a Rector, to continue working in an equal position where he or she previously worked in the Academy.

§ 7. Legislation of management bodies of Academy

(1) The Council issues regulations and adopts resolutions within its competence.

(2) The Senate issues regulations and adopts resolutions within its competence.

(3) The Rector issues directives and orders within its competence.

§ 8. Assets and financing of Academy

(1) The Academy is the owner of its assets and has the right to possess, use and dispose of its assets pursuant to the procedure prescribed by this Act and the statutes of the Academy, ensuring the purposeful, expedient, economic and prudent use of the assets.

(2) The Academy shall acquire and use its assets for the activities and to achieve the objectives of the Academy and shall transfer assets which are not necessary for achieving the above, ensuring the compliance of the transactions with the legislation, transparency and possibility of verification.

(3) In order to safeguard cultural heritage and to perform its functions, the Academy shall develop, preserve and supplement the collections, library and archives of academic and historic value, ensuring free access thereto for the purposes of research and education.

(4) The Academy shall possess, use and dispose of its assets, taking account of the following restrictions:

1) immovable property may be acquired, transferred or encumbered with a restricted real right with the resolution of the Council on the proposal of the Rector and on the conditions and pursuant to the procedure established by the Council;

2) the Academy shall not have the right to guarantee the obligations of other parties with its assets or to grant loans, except for in the case provided for in clause 5) of this section;

3) for the performance of its functions arising from the statutes, the Academy shall have the right to establish legal persons in private law, who shall not have the right to establish private schools or research and development institutions in private law;

4) the Academy shall not have the right to grant sponsor supports or any other monetary donations;

5) the Academy shall have the right, with the resolution of the Council on the proposal of the Rector, to guarantee the obligations of legal persons founded for the performance of functions of the Academy arising from the statutes and to grant loans thereto on the account of own revenue, taking into account that the total amount of obligations may not be more than ten per cent of the own revenue of the Academy for the budget year.

(5) The activities of the Academy shall be financed from the state budget on the same bases as other public universities, and also from funds received from the compensation of study expenses and provision of paid services arising from the principal activity of the Academy and from other sources.

§ 9. Transitional provisions

(1) The authority of the Advisory Board of the Academy shall terminate on 31 December 2019.

(2) The Council of the Academy formed pursuant to the Universities Act and the Estonian Academy of Sciences shall present the members of the Council to be formed pursuant to this Act to the minister responsible for the area by 1 October 2019 at the latest.

(3) The first membership of the Council to be formed pursuant to this Act shall be determined by an order of the Government of the Republic, taking into account that the authority of the Council shall commence on 1 January 2020.

(4) The Council of the Academy formed pursuant to the Universities Act shall perform the functions assigned to the Senate with this Act as of 1 January 2020. The authority of the Council of the Academy formed pursuant to the Universities Act shall be valid until the formation of the Senate specified in this Act but not for longer than until expiration of authority of the Council formed pursuant to the Universities Act.

(5) The management bodies of the Academy formed pursuant to the Universities Act shall perform the functions assigned thereto with the Universities Act until 31 December 2019.

(6) The statutes and other legislation of the Academy shall be brought into conformity with this Act by 1 March 2020 at the latest.

(7) The authority of the Rector of the Academy elected before entry into force of this Act shall be valid until the expiration of authority.

§ 10. Entry into force of Act

This Act enters into force on 1 September 2019.

Eiki Nestor
President of the Riigikogu