

Chapter 3

The University Franchise

I. Introduction

The University Franchise is a fundamental principle that ensures the autonomy and independence of universities from any external interference.

It protects the university space from intrusion by security forces or political authorities without prior approval.

This principle represents the sanctity of knowledge, respect for science, and the freedom of academic thought and research.

II. The Concept of University Franchise

The university franchise expresses the **special legal and moral status** of the university. It means that the university is a protected space where **police and security forces** cannot enter without authorization.

This concept is directly linked to **academic freedom**, ensuring that the rector and university administration have the authority to maintain order and discipline within the campus.

Example:

If a student protest happens on campus, the police cannot intervene unless the rector officially requests their assistance.

III. Legal and Regulatory Texts

University franchises are formalized in Algerian legislation, notably the **Official Journal n°24 (April 4, 1999, 21 Dhou al-Hidja 1419)**. According to this legal framework:

- The university is a space for freedom of thought, research, creativity, and expression, without prejudice to educational and research activities and without violating public order.
- Academic activities must adhere to objectivity, tolerance, and respect for differing opinions.
- Universities must remain free from political and ideological propaganda.
- Teaching staff enjoy full freedom of expression and research, within ethical limits, while respecting university traditions of tolerance and objectivity.
- Students have the right to access information and express themselves, provided it does not disrupt educational or research activities or public order.

A Council of University Ethics and Deontology is established under the Ministry of Higher Education. It proposes measures related to ethics, monitors compliance, and safeguards academic integrity, including combating scientific misconduct. Its structure, responsibilities, and functioning are determined by regulatory provisions.

IV. Duties and Obligations of the University Franchise

The university franchise carries with it a set of responsibilities and obligations aimed at protecting the institution and its members:

- a. Protecting the independence of teaching staff and researchers: Ensuring that academic decisions are free from external influence.
- b. Safeguarding intellectual freedom and scientific innovation: Promoting creativity and research excellence.
- c. Promoting tolerance and non-discrimination: Maintaining an inclusive and respectful academic environment.
- d. Ensuring health, safety, and environmental standards: Protecting both individuals and the university infrastructure.
- e. Maintaining public property and respecting university spaces : Preserving laboratories, libraries, and equipment for academic purposes.
- f. Avoiding commercial or political activities without authorization : Preventing conflicts of interest and misuse of institutional resources.
- g. Upholding ethical conduct and moral responsibility: Ensuring transparency, honesty, and accountability in academic and administrative activities.

Example:

A university laboratory cannot be used for private commercial purposes or unauthorized experiments.

Universities, as public institutions, serve the community and are bound by both legal and ethical obligations to maintain their educational mission.

V. University Actors

The proper functioning of a university relies on multiple actors, each with defined roles and responsibilities:

- **Rector and Administrative Staff:** Responsible for maintaining order, overseeing academic programs, and ensuring institutional governance.
- **University Council:** Manages financial policies, human resources, strategic planning, and institutional development. Faculty and institute councils also exist at local levels.
- **Council of Ethics and Deontology:** Composed of senior faculty recognized for integrity; ensures adherence to ethical standards and protects against academic misconduct.
- **Disciplinary Committees:** Enforce student discipline, respect for campus rules, and protection of property.
- **Joint Commissions:** Address individual staff matters, composed of representatives from both staff and administration.
- **Scientific and Cultural Clubs:** Provide spaces for students to engage in research, innovation, and cultural activities under institutional approval.
- **Workers' and Students' Unions:** Advocate for rights, improve working and educational conditions, and participate in institutional governance.

Example:

Student unions may propose academic reforms or defend student rights in coordination with university administration.

V. Cultural and Sports Activities

Universities support cultural and sports life through:

- **Scientific Clubs:** It is a framework for carrying out scientific and cultural activities by students organized within the institution. The creation of clubs is authorized by the institutional authorities.
- **Cultural and Sports Associations:** They are non-profit volunteer groups, accredited and authorized, whose members contribute their knowledge and resources with the aim of promoting and encouraging activities in various non-political fields. The activity of the association is linked to its purpose; it seeks to serve the public good, and its actions do not conflict with national values and principles.

VI. Social Partners

Workers' Unions: They are moral organizations established by law to represent workers and defend their interests. Their main role is to promote better working conditions and protect both the material and moral rights of employees. Trade unions are characterized by pluralism, meaning that multiple unions can coexist to represent various groups of workers.

Student Unions: These are associations created to defend students' interests, promote educational standards, and contribute to providing a healthy learning environment within the framework of existing laws. They operate under the authorization and supervision granted by the Ministry of the Interior.

VII. Conclusion

The university franchise represents both a legal protection and a moral commitment ensuring that universities remain spaces of freedom, creativity, and scientific progress. It preserves the dignity of academic work and aligns Algerian higher education with international standards of academic freedom.