

Reform of the Academic Career Model in Latvia: Analysis of Legislation I

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1 Introduction

The Government of Latvia has initiated steps to develop a new career model for the country's higher education and science sector as part of its reform agenda. In recent years, several aspects of the Latvian higher education system as well as of the research and innovation system were the target of reform efforts to improve their performance. These efforts included a succession of advisory services by the World Bank to the Latvian Ministry of Education and Science (see Arnhold et al., 2018a; 2018b; 2018c) and support by the Policy Support Facility (PSF) of the European Commission to the Latvian government (see European Commission, 2017; 2018; 2019; 2020). The most recent advisory engagement by the World Bank covered the framework conditions for academic careers in Latvia. The latest project of the PSF focused on policies for increasing the attractiveness of scientific and technological careers, and on developing the skills and productivity of those working in these sectors. Generally, the work conducted by academics is a crucial factor behind societal development and economic competitiveness. Increasing this impact requires that the most suitable candidates are recruited into academia and provided with conducive working conditions. Previous analyses have shown that Latvia exhibits potential for improvement in this regard (see Arnhold et al., 2018c). To address this issue, the Latvian government turned to the Directorate General for Structural Reform Support (DG REFORM) of the European Commission and the World Bank for support, which led to the initiation of a joint project.

The overarching objective of this project, which is supported by DG REFORM and executed by the World Bank, is to assist the Latvian Ministry of Education and Science by proposing a new academic career model in line with European and international good practice. The project is designed as a participatory process involving the Latvian government, representatives of the higher education sector, and key stakeholders. Its main outcome will be a report with a set of recommendations on a new academic career model, an implementation roadmap, and considerations on the legal and financial implications of the proposed model. Core elements of that model will be a proposed system of academic positions and related selection and promotion processes.

This analysis forms a first step of the project and analyzes the current legal framework for academic careers in Latvia against a set of criteria for good academic career models.¹ It will inform the development of the new career model by providing a first overview on the relevant legislation in Latvia and its implications for academic careers. The criteria used for assessing these implications were developed under the most recent of the aforementioned World Bank advisory services based on the relevant research literature, an analysis of cases of good practice, and the expertise of the World Bank team members in the field (see Arnhold et al., 2018c). The analysis presented in this document covers five main areas: the status and role of academics, general career patterns in academia, the selection and recruitment procedures of higher education institutions (HEIs), the international mobility of academics, and the coherence of the legal framework.

¹ The analysis has been prepared by Jeremie Amoroso and Vitus Püttmann, both Consultants, World Bank, under the guidance of Diego Ambasz and Nina Arnhold, both Senior Education Specialists and Task Team Leaders, World Bank. Elias Pekkola and Andrée Sursock, both World Bank Consultants, provided substantial comments. The World Bank team would like to thank Dace Jansone, Brigita Kukjalko and Inese Lūsēna-Ezera, all Ministry of Education and Science of the Republic of Latvia, and Linda Upite, Ministry of the Interior of the Republic of Latvia, for their input and support.

The direct implications of the legal framework for academic careers at public HEIs are the focus of the analysis. Laws and regulations are only one (collective) factor among several that determine the actual shape of academic careers. The following discussion, therefore, does not cover fully the day-to-day realities of academics, which are influenced by government policies and the practices of HEIs, but highlights the basic conditions determined by the legal framework. The analysis furthermore focuses on academic staff members exclusively, i.e., those engaged in teaching and/or research, and on public HEIs. While several of the assessments presented apply to private HEIs as well and some of them also to research institutes outside of HEIs, the peculiarities of these two types of institutions are not considered systematically.

A first key finding of the analysis is that fundamental aspects of academic work and careers are supported well by the legal framework. There are several safeguards for academic freedom and ensuring this freedom, as well as academic quality, is defined as a duty of HEIs and their leadership. Likewise, the relevant laws contain general provisions aiming to prevent discrimination and determine appeals procedures against HEIs' decisions, including those on recruitments. While the status and role of academics as well as career stages are, by and large, defined clearly, transparency in this regard is restricted by the fact that several parts of the legal framework contain relevant provisions.

In other key areas, the legal framework creates conditions that are not conducive to the attractiveness of academic careers. Above all, the possibility to hold two or more positions in parallel (which might differ in their level of seniority), restrictions on the duration of academics' working contracts, and the absence of permanent positions throughout the sector—even though this might change in the future—lay the foundation for fragmented academic careers. Since there are no legal grounds for any form of systematic career progression supported by HEIs, academic careers can exhibit a high degree of volatility and instability, which can severely reduce the attractiveness of entering academia. Another negative effect of this fragmentation concerns the connection between teaching and research. The existence of teaching-focused and research-focused positions, which extends to senior academic positions, leads to an extent of separation of these two tasks that is unusual in an international perspective.

The same conditions and a lack of influence of the leadership of HEIs on recruitment processes furthermore limit the possibilities for institutions to engage in strategic human resource management and development. Due to the absence of permanent positions and the possibility to promote academics internally to higher positions, institutions are not capable of offering academics safe long-term career opportunities, nor is there much room for engaging in strategic human resource development. An alignment of staffing policies with strategic institutional development is complicated further by the legal restrictions on a direct involvement of the leadership of HEIs in recruitment decisions. Additional challenges arise from legal language requirements for most academic positions, which make hiring foreign academics not fluent in Latvian on a long-term basis all but impossible. Thus, despite the overall high autonomy of institutions with regard to matters of staffing, various direct and indirect implications of the relevant laws and regulations, in practice, lead to limited latitude for institutions in important fields of activity.

2 The Legal Framework for Higher Education in Latvia

Three sets of legal documents are relevant for the Latvian higher education sector in general and academic careers in particular: basic laws with a broader scope, laws pertaining exclusively to higher education and science, and regulations. Several laws other than those devised for the higher education and science sector set important framework conditions for academic careers (see also LHEI Section 10 (1)), including the Constitution of the Republic of Latvia, the Official Language Law, the Labor Law and the Education Law. Regarding higher education legislation in a narrow sense, Latvia has two main laws. Although the Law on Higher Education Institutions (LHEI) contains the majority of provisions on the higher education sector, several issues in the field of research are covered by the Law on Scientific Activity (LSA) (see also LHEI Section 60 (2)). These two laws are complemented by several regulations of the Cabinet of Ministers, which spell out certain general provisions in those laws. The table below provides an overview on the laws and regulations relevant for academic careers considered in this analysis (see Table 1).

Table 1. Overview on Laws and Regulations Relevant For Academic Careers in Latvia²

Abbreviation	Legal Document	Last Amendment
<i>Basic Laws</i>		
Constitution	The Constitution of the Republic of Latvia	October 4, 2018
Language Law	Official Language Law	-----
Labor Law	Labor Law	October 17, 2019
Education Law	Education Law	November 14, 2019
<i>Higher Education and Science Laws</i>		
LHEI	Law on Higher Education Institutions	October 18, 2018
LSA	Law on Scientific Activity	November 14, 2019
<i>Regulations</i>		
Reg. 259	Procedure for Granting Aid for Participation in International Cooperation Programs in the Field of Research and Technology	-----
Reg. 264	Regulations Regarding the Classification of Professions, Essential Challenges and Essential Qualification Requirements for Professions	-----
Reg. 320	Procedure for Granting of Expert Rights of the Latvian Council of Science and Establishment of Expert Panels	-----
Reg. 391	Procedure for the Assessment of the Scientific and Pedagogical Qualifications of the Applicant for the Position of Professor and Associate Professor	-----
Reg. 445	Regulations re. Teachers' Remuneration	August 18, 2020
Reg. 568	Provisions Regarding the Procedure by which a Scientific Institution Concludes and Terminates an Employment Contract with a Foreign Researcher	-----
Reg. 733	Regulations Regarding the Extent of the Knowledge of the Official Language, the Procedures for Examining the Proficiency in the Official Language and the State Fee for Examining the Proficiency in the Official Language	June 4, 2019
Reg. 994	Procedures for Financing Institutions of Higher Education and Colleges from the Funds of the State Budget	July 28, 2015

Considerable changes to the legal framework for academic careers will stem from a recent Constitutional Court ruling on fixed-term contracts in academia. In 2019, the Constitutional Court ruled that provisions contained in Section 27 (5) and Section 30 (4) of the LHEI are unconstitutional. These provisions stipulate that employment contracts of professors and associate professors all have a fixed duration of six years.³ While conceding that these provisions have a legitimate objective in the

² Wherever possible, official translations of the legal documents were used for the analysis. In those cases, where official translations for entire documents or individual amendments were not yet available, unofficial translations were commissioned by the World Bank team.

³ This ruling was issued on June 7, 2019 in the case No. 2018-15-01 "On Compliance of Section 27 (5) and Section 30 (4) of the Law On Institutions of Higher Education with the First Sentence of Article 106 of the Satversme of the Republic of Latvia".

form of, among others, greater public welfare via ensuring that the most suitable candidates are recruited to academic positions, the court judged the restrictions on the constitutional right to the free choice of employment and workplace (Constitution 106) to be disproportionate. The full impact of this ruling will not become clear until the legal framework has been adapted accordingly. Since this process is ongoing, the following analysis refers to the legal situation prior to the ruling.

3 Fit of the Legal Framework with Criteria for Good Academic Career Models

Four features of academic career models are particularly important and, therefore, constitute the framework for the following analysis. At the most fundamental level, academic careers are shaped by the status and role ascribed to academics in general and at different career stages in particular. Subsequently, the design of career patterns and the processes of selecting and recruiting academics to different positions are major influences on the attractiveness of academic careers, as well as on the capacities of HEIs to engage in strategic staff development. Since higher education and science, by their very nature, are international endeavors, questions of international mobility emerge as a fourth, cross-cutting issue. The analysis of these four topics is complemented by a discussion of the interplay of the various elements of the legal framework and its overall coherence.

3.1 Status and Role of Academics

“System-level regulations are primarily applied to secure academic freedom and academic quality, and to promote transparency, including for national and international mobility. Defining the role, status, and tasks of academics is mainly an institutional responsibility. System-level policies support healthy competition among individuals, and avoid practices that lead to the marginalization of certain staff groups.” (Arnhold et al., 2018c, 101)

Academic freedom requires system-level safeguards for academic staff, who engage in activities such as knowledge development and transfer—among several others—that contribute to the institutional missions of HEIs. The legal framework in the form of the Constitution (113), the LSA (Section 2 & Section 8 (1) 1)), and the LHEI (Section 6; see also Section 4) codifies the principle of academic freedom—not only for academic staff, but also for students—and assigns HEIs a special responsibility for ensuring that academic freedom is upheld. HEIs undertake this responsibility by enshrining academic freedom in their constitution (LHEI Section 5 (6)), and ensuring academic freedom is explicitly stated as one of the duties of a rector (LHEI Section 17¹ (4)). Moreover, staff members and students are granted the right to turn to an Academic Arbitration Court, which every HEI must establish, if this fundamental right is violated (LHEI Section 19 (1) 1)). In addition to Latvia’s laws, the Charter of Fundamental Rights of the European Union (in Article 13) also outlines academic freedom, which applies to Latvia, given its EU membership.

It is worth noting that academic freedom, as outlined in the legal framework, has elements of circular reasoning. The onus is on HEIs to guarantee academic freedom within their constitutions, while this freedom is ensured insofar that the rights of individuals, laws, regulations, and the *constitution* of an HEI are not contradicted. As a result, academic freedom is prescribed in a HEI’s constitution, and this freedom is ensured as long as the activity to which academic freedom applies—which, in the context

of academic staff refers to research work and artistic creation—does not contradict the foundational document where it is included. However, academic freedom is also accounted for in the Constitution of the Republic of Latvia and specified in the LHEI, which likely serves as an overriding safeguard regarding questions that surround possible limits in the circular reasoning between the legal framework and HEIs' constitutions.

In 2015, quality assurance was identified as the “most important change driver” (Sursock, 2015) in European higher education in the preceding 15 years. For HEIs, quality is not a static requirement. Quality is aspirational and, once achieved, must be actively sustained *and* improved. Decision-makers in higher education use systems and various instruments at their disposal to safeguard academic quality across several fields and programs.

It is important to note that there are several dimensions of academic quality. In the legal framework, HEIs' responsibility for quality is mentioned as one obligation in relation to their autonomy (LHEI Section 4 (2); see also Section 17¹ 2), explicitly referring to academic staff members (LHEI Section 5 (2¹ 4)), and several provisions apply to those dimensions that include academics at various stages of decision-making. Per the legal framework, academics contribute to the quality assurance process by (i) participating in the evaluation of study programs, as well as their respective HEI and its various structural units (LHEI Section 28 (4)); and (ii) being involved in the selection processes for academic positions (for details see Section 3.3). In addition, some of the legal requirements concerning the composition of a HEI's academic staff body such as a required share of doctoral degree holders (see Section 3.3) can be interpreted as attempts to ensure quality in this area.

The legal framework indirectly promotes transparency of academic careers within the broad context of “staff” that includes both academic and general staff at HEIs (LHEI Section 26 (2)). These staff are endowed with rights and duties to facilitate transparency regarding administration at the HEI and related matters. Issues related to academic careers are related to the administration of the HEI and, as such, are likely to be extended to include matters regarding transparency.

High institutional autonomy regarding HEIs' managing of staff remains a growing trend in Europe and a basic condition of a sound system-level regulation of academic careers. The legal framework provides HEIs with autonomy to “assemble” their staff, among other rights (LHEI Section 4 (3)), although certain general requirements concerning the composition of an institution's academic staff body apply (see Section 3.3), for example, in terms of a minimum share of holders of doctoral degrees. The broad framing of these rights regarding institutional autonomy, when cross-referenced with the law, indicates that HEIs' right to form its staff also includes contingent staff. In addition, the legal framework distinguishes the specific autonomy of HEIs that applies between key actors. Autonomy emerges from the division of “power and responsibility” between the state and HEIs' leadership/management team; and between the latter and academic staff (LHEI Section 4 (1)).

In contrast to the overall composition of an institution's staff body, far-reaching implications for the design of work contracts in individual cases derive from the legal framework. Three broad categories of academic personnel at HEIs can be distinguished:

- Individuals elected to academic positions: These positions cover the entire range from young academics to professors and constitute the core of an institution's academic staff body. In addition, there are two strands of elected academic positions (for details see Section 3.2), one with a stronger focus on teaching and one with a stronger focus on research. In both cases,

the duration of holding one of the positions is restricted to six years, after which a new election is required⁴;

- “Visiting academics”: These are individuals holding temporarily one of the “elected” academic positions for up to two years, which is possible without actually being elected to those positions;
- Staff on per-hour contracts.

The role of these academic staff members in terms of their rights and duties is defined in merely general terms in the law (LHEI Section 26 & Section 27; see also LSA Section 6-8; Reg. 264)—or, in the case of staff members on per-hour contracts, not at all.⁵ The law foresees that academic staff members are engaged in research, artistic creation and teaching, and that the details of work portfolios are defined by a HEI (LHEI Section 27 (2)). Even though the law also addresses the role of each academic staff category (see LHEI Section 28, Section 30, Section 32, Sections 36-40), these provisions do not add much details or leave the definition of task portfolios to HEIs entirely.

An adverse impact on HEIs’ autonomy to design the role of their academic staff members—and on the attractiveness of academic careers—derives from the fact that an individual can be engaged in various forms of employment at the same time. The following features of the academic career system in Latvia can create a high complexity of academics’ employment relations:

- They can hold an elected position from both the teaching-focused and the research-focused track at the same institution.
- They can be employed as a visiting academic and/or on a per-hour contract at another institution in addition to their employment in the form of an elected academic position.
- They can, in addition to their work in the higher education sector, be employed outside of academia.
- The different positions they hold do not have to be at the same level of seniority, for example, a senior position in the teaching-focused track can be combined with junior position in the research-focused track.

This implies, first, that for HEIs the employment relationship with one individual can consist of more than one position, which can furthermore fluctuate over time. Second, academics can face high volatility during their careers, when they hold several positions (potentially at different levels of seniority) in parallel and might need to reassemble their working arrangements repeatedly. Thus, due

⁴ This is possible because related restrictions defined in the Labor Law (Section 45 1) do not apply to academics (LHEI Section 27 (5))—however, this situation could change due to the recent Constitutional Court ruling, as discussed above (see Section 2).

⁵ In addition to the staff categories of HEIs and research institutes, the legal framework also defines two types of status that academics can obtain. The first one is the status of “scientist” (LSA Section 5 & Section 10), which every individual with a doctoral degree engaged in research activities can receive (LSA Section 34). In this context, a “young scientist” is defined as a scientist who obtained his/her doctoral degree during the previous ten years (LSA Section 5 (4)). Having the status of scientist is relevant for, among others, obtaining public research funding and becoming an “expert”. This “expert” status is the second type of status defined in the law and is conferred by the Latvian Council of Science (see LSA Section 18). This status is required to engage in various activities within the scientific community, for example, participating in the commissions that award doctoral degrees and evaluating applications for research projects. The requirements for receiving this status, which include having published in a certain group of journals during the previous three years, are defined by the Procedure for Granting of Expert Rights of the Latvian Council of Science and Establishment of Expert Panels (Reg. 320).

to the legal framework, holding one full-time position with a fixed portfolio of tasks, as it is common in many other higher education systems, is the exception rather than the rule in Latvia.

3.2 Career Patterns

“On the national level, there is a systematic approach to career stages that allows domestic and foreign academics, ministries, and other stakeholders to compare positions among countries and institutions. This framework is flexible enough to allow institutions to engage in strategic HR management. The system-level policy guarantees the mobility between academia and industry and among institutions, and supports attractiveness of careers. It also provides a solid legal framework for career structures such as tenure track or other systematic approaches to career development, and establishes clear entry and exit points for academic careers.

System-level policies may provide resources to HEIs for strategic career initiatives, for example, with regard to young academics.” (Arnhold et al., 2018c, 101-102)

Overall, the legal framework in Latvia contains basic conditions and guidance to identify career positions and patterns. However, the higher education system, without a strong foundation for individuals to foster careers at institutions that is rooted in the legal framework, lacks the necessary structure for systematic career development and advancement supported strategically by HEIs.

The legal framework defines career stages for staff at HEIs based on qualifications and experience (LHEI Section 26). There are five career stages in the teaching-focused track (assistant, lecturer, docent, associate professor, and professor) and three stages in the research-focused track (research assistant, researcher and senior researcher) (LHEI Section 27 (1)). In addition, as part of the disbursement of EU Structural Funds, one funding line supports the establishment of postdoctoral positions within HEIs, which previously were not a clearly delineated career stage in Latvia.⁶ Those main career stages are comparable across Latvian HEIs and, by and large, also in an international context.

The legal framework does not provide a systematic approach to career development for HEI staff, given the vacancy-based model that exists in Latvia. Tenure, widely understood to refer to employing an individual without time-bound constraints and also without advertising the position in question, is a feature of many higher education systems globally. Tenure supports the ability of institutions to ensure academic freedom. However, within the current legal framework, the tenure system is not an option for Latvian HEIs. Due to the restriction of elected positions to a duration of six years and the need for an election procedure, promoting an individual from one position to a higher one—assuming s/he possesses the requisite qualifications and experience—is not possible. Also, beyond a tenure track system in the narrow sense, there are no provisions in the legal framework supporting a systematic approach toward career progression by HEIs.

⁶ The introduction was codified in the Regulations of the Cabinet of Ministers No. 50 “Regulations Regarding Implementation of Activity 1.1.1.2 “Post-Doctoral Research Aid” of the Specific Objective 1.1.1 “To Increase the Research and Innovative Capacity of Scientific Institutions of Latvia and the Ability to Attract External Financing, Investing in Human Resources and Infrastructure” of the Operational Programme “Growth and Employment”” from January 19, 2016.

The higher education system is fragmented across several areas, which also applies to individual academic careers. Fragmentation emerges from the contractual approach to academic work and staff remuneration. The fragmented approach presents barriers to career patterns, leading to a lack of predictability and transparency regarding career tracks. Each individual academic's career can be unique due to the combination of tasks and positions that one can accept. Since factors such as luck regarding the availability of an open position can, therefore, play an important role for career advancement, the current system can also be perceived as lacking fairness.

The fragmentation of academic careers and the lack of a legal foundation for systematic approaches toward career development also weigh negatively on HEIs' possibilities to engage in strategic human resource management. The lack of security regarding the employment of any academic for longer than six years, which relates also to the fact that a HEI's leadership hardly holds any sway over recruitment decisions (for details see Section 3.3), reduces the incentives to invest in individual academics. Furthermore, the same factors limit the possibilities of aligning human resource management with individual careers, for example, in the form of a targeted preparation of an academic for a specific long-term career objective within an institution. Adding to this, the complexity of academics' employment contracts might consume resources available for human resource management that could otherwise be used for activities that go beyond traditional administrative tasks.

Beyond these special conditions, there are, however, no restrictions that directly limit institutions' autonomy in this area. To the contrary, staff development is mentioned explicitly as one duty of an institution's rector (LHEI Section 17¹ 4) & Section 26 (5)). The LHEI furthermore addresses several elements of staff development, including research sabbaticals (Section 42 (1)), leave for drafting a doctoral thesis (Section 42 (2)), and unpaid leave for taking up the position of a visiting academic (Section 42 (3)). In the form of the aforementioned program introducing postdoc positions in Latvia, there are even initial steps of direct support for strategic career initiatives within institutions, albeit on a rather limited scale thus far.

Entry into and exit from an academic career lack definitive guidance in the legal framework. Entering into an academic career requires not only experience and qualifications (depending on the position), but also an open vacancy. As such, there is a provisional starting point for individuals in the higher education system: provided an individual is qualified and/or experienced, s/he can pursue an academic career only if a vacancy exists. In contrast, the reasons for exiting an academic career—due to reasons other than termination for underperformance (see LHEI Section 26 (6))—are not clear due to the absence of a mandatory retirement age for HEI staff. While a mandatory exit point at the age of 65 previously existed, it was removed by a Constitutional Court ruling in 2003.⁷ This lack of a clear exit point constrains young academics' career options and possibilities to plan ahead, and can pose challenges for HEIs to engage in sound human resource planning.

Entry into and exit from academic careers may also be viewed from the perspective of mobility—i.e., individuals who are transitioning from other sectors of society to academia and vice versa—in addition to the perspective of individuals beginning an academic career. The legal framework

⁷ There is, however, the formal status of “state emeritus scientist”, which is conferred to a limited number of academics by the Latvian Academy of Science and comes with a lifelong monthly allowance (LHEI Section 27 (4); LSA Section 12¹). Despite its name, having obtained this status does not preclude working full time as an academic.

provides guidance on intra-sectoral mobility for academic staff, ensuring that they may teach at partner institutions (LHEI Section 55 (6)). This guidance can contribute to a stronger higher education system if opportunities exist for individuals to transition, and barriers are low. No such guidance exists for cross-sectoral mobility. On the contrary, specific regulations on the requirements for being eligible to hold an elected academic position (for details see Section 3.3) appear likely to reduce such mobility. Possibilities for substituting required academic degrees via professional experience notwithstanding, the criteria to be fulfilled for holding higher academic ranks pose high hurdles for the employment of individuals coming from outside of academia.

3.3 Selection and Recruitment

“Recruitment plays a vital role in the strategic development of institutional profiles. Thus, the national framework steering the recruitment practices needs to allow for institutional development and differentiation. National policies primarily guarantee equal opportunity for, among others, different nationalities, genders, and minorities.” (Arnhold et al., 2018c, 102)

The main requirement for a conducive legal framework with regard to the selection and recruitment of academics is that it grants institutions sufficient latitude to design their own approaches, while at the same time preventing discrimination. Recruitments are pivotal for HEIs to develop distinct profiles and improve the quality of their activities. Thus, they need to be capable of establishing procedures that allow for connecting recruitments to strategic decisions on institutional development. The necessary autonomy concerns all steps of recruitment processes, from the opening of positions to the final decision on the candidate to hire. Nevertheless, equal opportunities for all groups of candidates are of crucial importance as well and warrant a stronger involvement of the legislator.

The vacancy-based model of academic careers provides the general background for selection and recruitment procedures in Latvia. The most important academic staff category from a perspective of strategic institutional development are the holders of elected positions (for a discussion of other staff categories see below). Due to the vacancy-based career model, this implies that all major recruitments require a free position and, more importantly, that these recruitments have to follow procedures regulated by the law (see LHEI Chapter IV; Reg. 391). These procedures share as common features an initial screening of candidates based on a set of criteria deriving from various legal provisions and a final recruitment decision made via election.

The legal autonomy of HEIs at the initial stages of the recruitment process is high. Under the general conditions of the status and role of academics in Latvia (see Chapter 3.1), institutions are largely free to close and open positions (see, for instance, LHEI 31 (1) & 32 (1)) and to design task portfolios (LHEI 27 (2)) with the exception of professor positions (see also LHEI Section 70 (6)).⁸ One of the few legal provisions referring to this stage of the recruitment process foresees that positions for professors and associate professors need to be advertised openly (LHEI Section 33 (1)), which, however, is a common

⁸ One aspect of academic positions, beyond remuneration, that is regulated is the workload. The Regulations of the Cabinet of Ministers No. 445 “Regulations re. Teachers’ Remuneration” (Reg. 445) defines a range from 600 to 1,000 hours of teaching per year. However, it is not specified which activities exactly fall under this category and how the final amount of teaching hours is determined.

requirement for academic recruitments in other countries as well. Other steps such as the development of job descriptions are not covered by the law, allowing institutions to devise their own approaches.

Several provisions pertain to the selection criteria for candidates in the next stage of the recruitment process, some of which might constrain the possibilities of—especially smaller—institutions to engage in strategic recruitments. A first set of requirements derives from provisions concerning the composition of a HEI's academic staff body. The LHEI determines:⁹

- That each HEI has to offer at least 5 study programs, for which at least 30 doctoral degree holders are required (10 in the case of theology), 5 of them with a doctoral degree in the respective scientific area (LHEI Section 8 (6) 1)).¹⁰
- That there have to be 5 elected (associate) professors for each study program, of which 3 need to have the expert status conferred by the Latvian Council of Science (LHEI Section 55 (3); see also Reg. 320); in the case of vocational arts programs, at least 5 academics involved have to have a doctoral degree (LHEI Section 55 (3)).
- That at least 40 % of elected academics of a HEI must possess a doctoral degree, a share that rises to 50 % for academies and 65 % for universities (LHEI Section 3 (1) & 3 (3); see also LHEI Section 26 (7)).¹¹

In addition, there are basic requirements for holding academic positions defined by the law. The LHEI and the LSA define the academic degrees and previous work experience required for holding each of the elected academic positions:¹²

- Professor: a doctoral degree and at least three years of work experience as an associate professor or professor (LHEI Section 28 (1));
- Associate professor: a doctoral degree (LHEI Section 30 (1) - (3));
- Docent: a doctoral degree (LHEI Section 32 (2));
- Lecturer: a doctoral or a masters degree (LHEI Section 36 (1));
- Assistant: a doctoral or a masters degree (LHEI Section 37 (1))¹³;
- Senior researcher: a doctoral degree (LSA Section 26 (3));
- Researcher: a doctoral or a masters degree (LSA Section 26 (3)).

⁹ Similar requirements apply to scientific institutes, where at least 5 researchers with a doctoral degree have to be elected to academic positions, and where 10 % of researchers have to have a doctoral degree in the field of activity of the institute (LSA Section 28 (12) 1) & 2)).

¹⁰ Different requirements apply to geographically separated branches of HEIs (LHEI Section 8 (7) 1)).

¹¹ In addition, the number of academic staff members with a doctoral degree also influences the amount of funding allocated to HEIs (see, for instance, Reg. 994 17.3).

¹² Different requirements can apply to elected academics in the field of arts and those involved in vocational study programs. For being eligible to be elected as a docent, lecturer or assistant involved in a vocational study program, for instance, work experience can substitute for a doctoral degree (seven years in the case of docents and five years in the case of lecturers and assistants) (LHEI Section 39). In addition, not all requirements apply when someone elected to an academic position fills in during the temporary absence of an elected academic of a higher rank (LHEI Section 41).

¹³ Without a doctoral degree, only two successive elections as an assistant are possible (LHEI Section 37 (1)). It is relevant to note in this respect that this provision as well as the requirements for holding the position of an assistant are specified only in the LHEI and that there are no comparable provisions in the LSA, which would refer explicitly to research assistants.

Additional broad requirements for academic staff members in terms of necessary competences are defined in the “Regulations Regarding the Classification of Professions, Essential Challenges and Essential Qualification Requirements for Professions” (Reg. 264 Section 3.13 199 & Section 3.1.1).

Predefined criteria for the evaluation of applicants for senior academic positions, however, decrease institutional autonomy to some extent. The “Procedure for the Assessment of the Scientific and Pedagogical Qualifications of the Applicant for the Position of Professor and Associate Professor” (Reg. 391; see also LHEI Section 34 (1)) defines detailed criteria for the election of professors and associate professors.¹⁴ These criteria cover the areas of research, teaching and management (for an overview see Table 2) and have to be evaluated for six-year period preceding the application (Reg. 391 3).¹⁵ Professors have to fulfill at least 3 criteria in the area of research, 5 in the area of teaching, and 3 in the area of management (Reg. 391 5-7), whereas associate professors have to fulfill at least 2 criteria in the area of research, 4 in the area of teaching (2 for associate professors in vocational study programs), and at least 1 in the area of management (Reg. 391 5-7). Each member of the body responsible for the election rates all items for each candidate on a scale comprising the assessments “excellent”, “very good”, “good”, “satisfactory” and “unsatisfactory”. Subsequently, these individual assessments are aggregated into a joint score (Reg. 391 8-9).

¹⁴ Even though not prescribed by the law, similar criteria tend to be used during the election process for the positions of docents and lecturers.

¹⁵ Even though the area of management is listed as a separate area when details of the criteria are defined (Reg. 391 4), the introductory statement of this regulation presents management competences as a subset of “pedagogical qualifications” (Reg. 391 3), that is, as a part of the area of teaching. This results in certain inconsistencies. For instance, experience in management positions within a HEI, such as rector and dean, is considered an indicator for management competences thus defined (Reg. 391 4.3.4), but the LHEI (Section 43 (2)) explicitly assigns these positions to the category of administrative – and hence not academic – staff.

Table 2. Criteria for Assessing the Qualifications of Applicants for the Position of Professor and Associate Professor

Research
Scientific publications in peer-reviewed journals approved by the Council of Science (5 for professors; 3 for associate professors)
Participation in international scientific conferences (5 for professors; 3 for associate professors)
Involvement in research projects and programs funded by the Latvian state
Involvement in research projects funded by non-domestic actors
Involvement in scientific contract work
Involvement in domestic or international projects and programs as an expert
Involvement in international artistic or sport activities and in exhibitions and competitions
Acquisition of patents and licenses
Teaching
Supervision of doctoral students
Supervision of masters degree students
Implementation of lectures and seminars
Development of course programs
Development and management of study programs
Talks at academic conferences
Development of teaching material
Professional development in higher education institutions
Lectures at foreign higher education institutions
Management
Involvement in activities within the area of academic self-governance
Involvement in the management of international conferences
Involvement in the management of publications
Management of higher education institutions or one of their subunits
Involvement in the management of international academic or artistic associations
Advisory work for the public sector or companies

Source: Reg. 391 4.

The criteria defined as well as the overall assessment procedure pose challenges for aligning recruitments with institutional priorities. Even though the procedure includes a certain degree of flexibility, it does not allow the body responsible for the selection process to account for all potentially relevant circumstances. Some of the criteria are very specific, raising questions whether disciplinary specificities can be accommodated. Other criteria pose challenges due to a lack of a definition. In the case of the criteria covering the involvement of academics in research projects and scientific contract work under the heading of research, for example, it is not entirely clear whether these refer to scientific activities exclusively or also to administrative tasks, which could be considered part of the

area of management. Both the inclusion of three areas of activity and the fixed period for which the criteria are to be assessed furthermore limit the possibilities to take into account the specific circumstances of individual applicants and the profile of a position. Candidates with a specialization in one of the areas that might fit well a particular position (for example, a strong engagement in applied research relevant for a position with a focus on knowledge transfer activities) could face challenges to reach the required number of criteria. Moreover, the focus on past achievements directs away attention from the potential for future performance.

Particularly severe challenges for strategic recruitments stem from the design of the election process itself, especially in the case of professors and associate professors. When it comes to docents, lecturers and assistants, the faculty assembly or the council of an institute is usually the body electing the final candidate (LHEI Section 32 (3), Section 36 (1) & Section 37 (1)).¹⁶ In practice, senior researchers, researchers and research assistants are elected by the scientific council of a scientific institute or, in some cases, by the scientific council of a HEI (see also LHEI Section 38 (1); LSA Section 23 & Section 26). For the election of professors and associate professors, a so-called Council of Professors has to be established (LHEI Section 33 (2)). These councils are discipline-specific bodies, based on a list of disciplines approved by the Council of Higher Education (LHEI Section 35 (5)), convening exclusively for the purpose of elections. The councils have to comprise at least five elected professors of the hiring institution from the respective field (LHEI Section 35 (1)). In addition, at least one third of the members have to be professors from the relevant field from other HEIs or representatives of professional associations (LHEI Section 35 (1)). If an institution is not able to form a Council of Professors of its own, the council is supposed to be formed by several institutions (LHEI Section 35 (3)). The exact composition of a council is proposed by the chairperson of an institution's senate, whose approval the proposal needs (LHEI Section 35 (2)). In the case of councils formed by several institutions, all senates need to approve, and if three or more professors from other institutions are part of the council, the Council of Higher Education has to approve (LHEI Section 35 (3)). During the recruitment process of a professor, an international evaluation for each applicant is an additional mandatory requirement (LHEI Section 33 (3)).

The main restrictions on institutional autonomy deriving from the election procedure concern the lack of influence of the institutional leadership and the possible dilution of the oversight of the hiring institution. The final recruitment decision for all elected academic positions lies with academics in their function as academics exclusively, either via the academic self-governance bodies or via a Council of Professors. On the one hand, the involvement of academics in recruitment decisions is common across higher education systems, in particular, when it comes to higher academic ranks. Given the highly specialized nature of academic work, only academic peers are capable of assessing fully the academic merits and the development potential of candidates. The perspective of academics from other institutions, especially foreign ones, can furthermore help a hiring institution to identify possibilities for the strategic development of a certain scientific area and to choose academics

¹⁶ An exception applies to the election of docents when the members of these bodies do not conform to the requirements stipulated for the body responsible for conferring doctoral degrees (LHEI Section 32 (3)). The main requirement in this regard is that at least five academics have the status of an expert conferred by the Council of Science in the field of science, two of them in the exact sub-branch of science, in which the docent is to be elected (Reg. 1001). If this requirement is not met, the election procedure takes place as stipulated by an institution's constitution. In practice, this leads to docents being elected by the senate of a HEI in many cases, especially in smaller institutions.

accordingly. On the other hand, the focus on matters of academic excellence in recruitment decisions by academics can lead to a neglect of broader development interests of HEIs. These interests can find their way into recruitment decisions via the involvement of the institutional leadership and managers at other institutional levels. The involvement of these actors can furthermore counterbalance dynamics relating to the power accumulated by individual academics, which are particularly likely to arise in small higher education systems such as the one in Latvia.

The current election procedures in Latvia preclude a direct involvement of the institutional leadership in recruitment decision, which would enable a closer alignment of recruitments with strategic decision-making on institutional development, especially in the case of professors and associate professors. In those cases where a Council of Professors cannot be formed by the hiring institution, its influence on the recruitment process is reduced even further. The involvement of academics from other institutions on a broader scale poses challenges for the consideration of strategic objectives during the hiring process, and can furthermore create conflicts of interest. In addition, the fact that the Council of Higher Education defines a list of fields in which Councils of Professors have to be established poses challenges for recruitments for positions with an interdisciplinary profile, where a more heterogeneous composition of a council might be suitable.

In contrast to elected academic positions, only few legal provisions apply to recruitments for the other staff categories. With regard to academic staff members on per-hour contracts, recruitment processes are not covered by the legal framework at all. In the case of visiting academics, the legal framework determines that no elections are required (LHEI Section 38 (2) & 40 (1)). However, the right to decide upon these recruitments lies with the senate of an institution (LHEI 40 (1)), which implies similar restraints on strategic recruitments as those relating to the election process.

A few provisions in the legal framework address the issue of equal opportunities in the context of academic recruitments. A first relevant provision is that all elections of professors and associate professors have to include an open call for the position (LHEI Section 33 (1)), which can serve the purpose of preventing an *ex ante* exclusion of certain groups of candidates. With regard to the election decision, appeal procedures for applicants from within and outside of HEIs exist (LHEI Section 33 (2); see also LHEI Section 26 (8) & Section 10 (5)). Beyond that, the regulations in the Labor Law (7 (1) & (2)) that cover direct and indirect discrimination apply to the higher education sector as well.

3.4 International Mobility

“International mobility is crucial, particularly for small higher education systems. National policies support inward and outward mobility. Incoming mobility can be marketed and facilitated on the national level. With respect to outgoing mobility, the return of academics and related mechanisms are taken into account, in addition to the provision of grants for outward mobility. The system-level policies guarantee legal conditions conducive to the recruitment of foreign academics, and ensure the availability of information in English (or, potentially, another major European language) for international staff. Further relevant aspects include support for mobility, dual career services, English-speaking contact points in the administration, support on social security issues, and other aspects of mobility support.” (Arnhold et al., 2018c, 104)

Even though the international mobility of academics strongly depends upon related policies and the engagement of HEIs, basics conditions for these activities can be determined in the legal framework. This concerns both the outgoing mobility of domestic academics and the incoming mobility of foreign academics. At the most basic level, both forms of mobility are stipulated as relevant activities of HEIs by the legal framework in Latvia (LHEI Section 5 (3) & Section 81), including in the context of joint study programs (LHEI Section 55 (2) 6)).

Beyond those general provisions, outward mobility and the return of academics from abroad are hardly addressed directly by the legal framework. Among the few relevant provision is the requirement that at each HEI, at least 5 % of academic staff members (elected as well as visiting) are supposed to have worked for at least one year in academia abroad during the previous five years (LHEI Section 3 (7)).¹⁷ In addition, the LSA (Section 37²) explicitly foresees the possibility that foreign academics can participate in research projects implemented in Latvia.

With regard to the incoming mobility of academics, the legal framework poses significant barriers in the form of language requirements. The Official Language Law (Section 2 (1)) prescribes that the Latvian language is to be used and protected in the educational sphere. As specified by the “Regulations Regarding the Extent of the Knowledge of the Official Language, the Procedures for Examining the Proficiency in the Official Language and the State Fee for Examining the Proficiency in the Official Language” (Reg. 733 Annex 1), academic staff members, with the exception of those involved in study programs with special language requirements (see below), have to be fluent in Latvian. The Language Law (Section 14) furthermore prescribes that the laws on education shall foresee the use of the Latvian language in their respective area. In accordance with this provision, the LHEI (Section 56 (3); see also Education Law Section 9) prescribes that study programs have to be implemented in Latvian with the exception of:

- Programs in which only foreign students take part and programs implemented under international agreements, which can be implemented in an official language of the European Union;
- Language and cultural studies programs requiring the acquisition of a foreign language;
- Joint study programs, which can be implemented in an official language of the European Union.

Taken together, these regulations all but rule out a longer-term employment of foreign academics who are not fluent in Latvian by Latvian HEIs. However, there is some support for foreign visiting academics, who do not have to pay visa fees (LHEI Section 40 (3)).

¹⁷ The possible destinations are restricted to countries of the European Union and the European Economic Area and members of the Organisation for Economic Co-operation and Development (LHEI Section 3 (7)).

3.5 Coherence

“To promote good academic work and careers, job descriptions and tasks, performance appraisal, career progression, reward systems, and strategic objectives are aligned.

All higher education policies take into account the HR policy aspect, not least because the implementation of all policies and outcomes will be ensured by, or will have an impact on, academics.” (Arnhold et al., 2018c, 104)

Collectively, a first noteworthy feature of the legal framework for higher education in Latvia is its fragmentation. Most prominent in this regard is the existence of two basic laws of relevance for academic careers, i.e., the LHEI and the LSA. Going beyond this, the role of academics as well as expectations directed at the holders of academic positions are defined in several places, including not only those two laws but also several regulations (i.e., Reg. 264, Reg. 320 and Reg. 391). One of the effects of this fragmentation is that features of the Latvian academic career system that would merit a coherent and clear definition become to some extent opaque. In addition, legal adaptations of these issues require changes to several parts of the legal framework.

Despite the high autonomy of Latvian HEIs in this area, various regulations that are occasionally associated with small effects on academic careers scattered throughout the legal framework collectively restrict institutional autonomy in key respects. This concerns, first, the definition of the role of academics and, in particular, recruitment processes. Second, laws with a broader purview and a purpose not necessarily related to the higher education sector indirectly have far-reaching implications for academic careers. A particularly relevant example is the Language Law, which creates major barriers for international mobility in the Latvian higher education sector.

4 Conclusions

The legal framework for higher education in Latvia has an impact on all four key issues investigated in this analysis: the status and role of academics, general career patterns in academia, the selection and recruitment procedures of HEIs, and the international mobility of academics. Parts of this impact derive from legal provisions directly, whereas others are more indirect. One factor behind this is that certain aspects of academic careers are addressed by various parts of the legal framework, leading to a lack of coherence in some cases (for example, when it comes to the definition of the role of an academic and the requirements for holding academic positions). In addition, several laws beyond higher education legislation in a narrow sense nevertheless have far-reaching implications for academic careers.

Basic aspects of academic work and careers are framed clearly by laws and regulations. Academic freedom is enshrined in the legal framework, providing fundamental safeguards and making securing it an explicit duty of HEIs and their leadership. Even though the quality of academic work is covered less extensively, it is stipulated as a key responsibility of institutions within the legal framework as well. In the case of the status and role of academics, legal regulations are extensive and scattered over the legal framework. In addition to the legal complexity deriving from this, the content of the provisions leads to a complicated and fragmented form of academic employment and careers in Latvia.

A lack of systematic career patterns in academia aggravates the fragmented nature of academic careers. The individual career stages in Latvia are clearly defined and overall comparable to those in other higher education systems. However, the limitation of election periods to six years and the absence of any provisions in this area restrict institutions in developing systematic career patterns and related support mechanisms for individual academics. This pertains also to the mobility of individuals between academia and other sectors of society. It furthermore creates challenges for institutions to engage in strategic human resource management that goes beyond a mere administration of contracts. While visible entry points into academic careers exist, the legal framework prevents a clear exit point due to the absence of a mandatory retirement age.

High institutional autonomy in matters of staffing is thwarted by provisions on selection and recruitment processes. This concerns, in particular, the regulation of the election process and the individuals and bodies involved as well as the criteria prescribed for assessing candidates' eligibility for holding senior academic positions. Both features limit the possibility for HEIs to engage in strategic recruitment practices, among others, by preventing a direct influence of the institutional leadership on recruitment decisions that could support an alignment of staffing decisions with strategic institutional development.

Important legal restrictions apply to the international mobility of academics as well. Whereas the outgoing mobility of Latvian academics is hardly addressed by the legal framework, it poses significant barriers for incoming mobility. Language requirements for holding most academic positions in Latvia make it extremely difficult to involve foreign academics not fluent in Latvian in a long-term perspective. Even though other provisions promote HEIs' engagement in this area, the practical hurdles for such an engagement in the legal framework are high.

Overall, the interplay of the various elements of the legal framework reduces the attractiveness of academic careers in Latvia and restricts institutional autonomy with regard to academic careers in key respects. From the perspective of the individual academic, significant threats to the attractiveness of academic careers relate to their fragmentation and a lack of predictability and transparency. The possibility—and presumably often also need—to hold several forms of academic employment and the restriction of elected academic positions to a period of six years make it likely that individual academics face volatility and precarious conditions. Similar factors also reduce the possibilities for HEIs to align all elements of academic careers to each other and to engage in forms of human resource management that link the professional development of individuals with institutional strategic objectives in a targeted manner.

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