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HIGHER EDUCATION  
ADMINISTRATION

HIGHER EDUCATION LAW IN THE EUROPEAN UNION (432 pp.)

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The European Union represents one of the most integrated, economically-based, free trade partnerships and currently boasts the membership of 450 million persons across twenty-five member-States. The European Union is structured as a common market and thus purports to allow for the free flow of goods, services, capital and labor. The purpose of this study was to evaluate the jurisprudence of the European Court of Justice as it interprets the Treaties that support the European Union and develop a body of law that covers the issues of higher education.

The investigation of the European Court of Justice's jurisprudence revealed that citizens of the several member-States have significant protections under the Treaties' common market provisions. Students, migrant workers, and their families who are citizens of one member-State are entitled to equal treatment in regard to admission, tuition, and financial aid in other member-States. Member-States must also acknowledge the degrees, professional qualifications, and credentials that citizens of the European have obtained in other member-States. Professionals are entitled to establish themselves in other member-States for the sake of providing services even if they are not citizens nor residents of the host member-State. Faculty who are citizens of the European Union are entitled to equal treatment as they move across member-State borders when seeking employment.

Colleges and universities operating under a charter granted by one member-State are entitled to operate in all other member-States and are entitled to equal treatment. These same

institutions are exempt from value-added taxes as long as their activities are part of the institution's central mission and are nonprofit. The European Union government has the power to create programs to foster higher education and force member-State governments to financially support them. Research universities cannot rarely use intellectual property rights to limit the free flow of goods that are covered by those goods and member-State governments have little power to limit the movement of goods that might be used in the educational/research process. Students may also bring currency from one member-State to another to pay for education.