

UNIVERSITY AUTONOMY IN EUROPE I

EXPLORATORY STUDY

by Thomas Estermann & Terhi Nokkala



EUA

European University Association

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A free electronic version of this report is available through www.eua.be

ISBN: 9789078997160

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Foreword



Beyond the traditional functions of teaching, research and innovation, universities are expected to fulfil new roles and tasks and respond to new challenges in an increasingly complex and global environment.

EUA strongly believes that increasing institutional autonomy is key to enabling universities to respond to these new demands. In its Prague Declaration (2009), EUA reaffirms the crucial role of autonomy as a success factor for European universities in the next decade.

EUA has undertaken to try and understand better the different elements of autonomy that are important for European universities and to analyse how these are reflected in different national systems. Aspects of university autonomy are being addressed in many different EUA projects, such as the TRENDS reports or in ongoing work on financial sustainability or institutional diversity, while questions of governance and autonomy are also at the heart of the institutional audits carried out by EUA's Institutional Evaluation Programme. All these activities help to improve EUA's information on, and understanding of, the importance of autonomy for European universities.

The present study, very much of an exploratory nature, is targeted quite specifically at providing the foundations for a Europe-wide database of comparable information on different aspects of university governance and autonomy. The report compares and analyses a series of elements of financial,

organisational, staffing and academic autonomy in thirty-four European countries. It also seeks to bring an institutionally focused perspective into the on-going debate on university autonomy and governance.

This study has revealed that the terminology used to define elements of institutional autonomy as well as the perspectives from which they are viewed and evaluated vary greatly across Europe. Thus, defining and separating out the various components of autonomy under analysis is a complicated and complex process. There is a high degree of diversity in the framework conditions, regulations, and implementation processes governing the way in which Europe's universities operate. It is clear that the relationship between the state and higher education institutions can take a variety of forms and that there is not just one ideal "model".

Therefore, this study seeks to offer a preliminary analysis of the great diversity of models available. Further work is needed, and already planned, to take this forward, and to try and identify common issues that constitute core elements crucial for creating contexts in which university autonomy can flourish and develop.

Finally, our heartfelt thanks go to the Secretaries General of Europe's National Rectors' Conferences and their expert staff who contributed in a major way to this study, by giving their time, expertise and enthusiasm.

Jean-Marc Rapp
EUA President

Acknowledgements

The monitoring and analysis of crucial elements of institutional autonomy in 34 European countries presented an ambitious task, in particular as EUA received no external funding to conduct this study. Many people from across Europe have contributed generously to the success of this project. EUA is deeply grateful for the active support of the National Rectors' Conferences. Without the input, expertise and commitment of the Secretaries General of the National Rectors' Conferences and their expert staff this report simply would not exist. EUA would further like to thank all interviewees, who contributed to the collection of data.

Many contributed to the research and analysis necessary to produce this report and provided invaluable advice, support and guidance during the writing process. Lesley Wilson, EUA Secretary General, deserves particular acknowledgement for placing the analysis in the context of the ongoing Bologna reforms and the development of the European Higher Education Area and for her invaluable comments on different drafts of the report. EUA Board and Council members provided guidance and expertise throughout the study and ensured that the variety of understandings of the term *autonomy* was respected in the analysis.

A special thanks goes to Heribert Wulz, Secretary General of Universities Austria for his insightful comments on the text and the analysis.

Further thanks go to colleagues in the EUA secretariat for the help they provided: Ulrike Reimann and Andrew Miller for their continuous support in the publication and design process, Melissa Koops, who helped in the final stages of the project and David Crosier (now Eurydice) who initiated the study.

Enora Pruvot, EUA project officer, deserves particular acknowledgement for contributing to every aspect of this project. Her dedicated work in the validation of data, graphic design, compiling comparative country reports and drafting parts of the report, were crucial for this publication.

Thomas Estermann
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1 Introduction

Changing expectations of universities' contributions to a knowledge-based economy and society over the last decade have transformed the relationship between the state and higher education institutions. University governance and the degree of control exerted by the state have become the subject of much debate.

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The European Commission and a significant number of European governments have recognised the need for university autonomy. In its Communication "Delivering on the Modernisation Agenda for Universities: Education, Research and Innovation" (May 2006), the European Commission marks as a priority the creation of new frameworks for universities, characterised by improved autonomy and accountability. The Council of the European Union (2007) confirms this approach and makes an explicit link between autonomy and the ability of universities to respond to society expectations. In this framework, university autonomy is not only crucial to the achievement of the European Higher Education Area (EHEA), but is also a determining factor in the completion of the European Research Area (ERA), as stated in the European Commission's Green Paper "The European Research Area: New perspectives" (April 2007).

Growing interest at policy level is mirrored by the volume of literature available on the topic and has led to a wide range of definitions and concepts of autonomy (for example Clark, Sporn, Salmi, Huisman, Anderson and Johnson, Maassen). In this report, "institutional autonomy" refers to the constantly changing relations between the state and higher education institutions and the degree of control exerted by the state, depending on the national context and circumstances. The variety of situations across Europe reflects the multiple approaches to the ongoing quest for a balance between autonomy and accountability in response to the demands of

society and the changing understanding of public responsibility for higher education.

Although many studies have identified a trend away from direct state control towards indirect steering mechanisms (such as financial or quality assurance mechanisms) public authorities still retain a central role in the regulation of the higher education system and, in a large number of countries, still exert direct control.

While there is broad agreement on the importance of autonomy for the achievement of universities' missions in the 21st century, there is little specific up-to-date information comparing national systems in Europe and what this means in practice for the universities operating in these countries. A comprehensive overview of the current state of play in terms of autonomy and related higher education reforms in Europe is required to provide a valuable exchange of knowledge for all participants involved in this fast changing process.

Perceptions and terminology related to institutional autonomy vary greatly in Europe, however, and to compare systems reliably, more systematic mapping of universities' autonomy and accountability is necessary. Debate needs to be underpinned by reliable data to enable valuable examination of the correlation of autonomy with institutional performance, excellence, quality and efficiency.

EUA is devoting its attention to the development and impact of autonomy and related reforms through a wide array of studies (such as the Trends reports, the project report "Financially Sustainable Universities: Towards full costing in European universities", the EUDIS project and the Diversity study report), as well as through stakeholder debates, conferences and its Institutional Evaluation Programme.¹

1 <http://www.eua.be/events/institutional-evaluation-programme/home/>

EUA has thus designed a multi-stage, interactive process aimed at enabling university practitioners and regulatory authorities to compare systems across Europe in a fruitful fashion.

The aim of this study, which began at the end of 2007, is to provide a foundation for a Europe-wide comparable database through analysis of certain crucial aspects of autonomy. It also aims to bring the institutional perspective (i.e. what autonomy really means in practice) into the debate on autonomy and governance reforms on policy level.

In view of the wide range of definitions of autonomy, this study used as a starting point the basic four dimensions set out in EUA's Lisbon declaration (2007), which are academic, financial, organisational and staffing autonomy.

The study specifically looked at the ability of universities to decide on:

- **organisational** structures and institutional governance – in particular, the ability to establish structures and governing bodies, university leadership and who is accountable to whom
- **financial** issues – in particular the different forms of acquiring and allocating funding, the ability to charge tuition fees, to accumulate surplus, to borrow and raise money from different sources, the ability to own land and buildings and reporting procedures as accountability tools
- **staffing** matters – in particular the capacity to recruit staff, the responsibility for terms of employment such as salaries and issues relating to employment contracts such as civil servant status
- **academic** matters – in particular the capacity to define the academic profile, to introduce or terminate degree programmes, to define the structure and content of degree programmes, roles and responsibilities with regard to the quality assurance of programmes and degrees and the extent of control over student admissions.

It is obvious that some of these elements overlap or are interrelated. One important aspect of staffing autonomy is, for example, the extent to which universities have control over financial matters related to staffing, such as the overall salary costs and individual salary levels, which is also a fundamental element of financial autonomy.

Furthermore, it is clear that the four elements of autonomy discussed do not cover all aspects of autonomy. The ability to decide on the areas, scope, aims, and methods of research for example forms a significant part of a university's academic autonomy. Due to the limited resources of this project and in order to provide an overview of a sufficient number of European systems, EUA restricted research to the above areas. Data collection and comparison for the remaining elements will follow (see also "Next steps and outlook").

This study reveals that the framework and conditions under which Europe's universities operate vary greatly between and sometimes within countries. Hence the relationship between the state and higher education institutions takes a variety of forms. Moreover, this work shows that analysis of autonomy should not be done in isolation and requires that the broader context be taken into account. In other words this requires consideration of the specific development, culture and traditions of national higher education systems across Europe, in addition to present legal frameworks and ongoing higher education reforms. Thus, there is no ideal model of autonomy, but rather a set of basic principles that constitute crucial elements of autonomy, and that, when implemented in the context of a given system, support universities in carrying out ever more complex missions.

Methodology



Introduction

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EUA's research on the state of institutional autonomy and governance amongst Europe's universities began at the end of 2007. The main basis for analysis was an online questionnaire addressed to those National Rectors' Conferences (NRC) which are members of EUA. The questionnaire focussed on the legal status of institutions, institutional strategies, management and governing structures, financial issues, students, human resources, intermediary bodies and overall autonomy. It was completed by twenty countries. However, the findings from the survey, also discussed with the Secretaries General of the NRCs in the first half of 2008, were not always easily comparable and showed variations in the understanding of concepts and questions.

In order to ensure clarity and comparability of the results and to obtain a broader picture of national trends, the scope of and constraints on institutional autonomy in Europe, EUA decided to conduct a series of telephone interviews. This was also aimed at gathering information from those countries which had not as yet participated in the survey. Most information was again sourced from the NRCs. In most cases the interviewees were either the Secretary General or an expert from the NRC who specialised in this topic. In those countries where EUA does not have collective members, individual members were interviewed when possible or other contacts were used to find an interviewee (see annex 1, "Contributors to the study"). The interviews were conducted by Dr. Terhi Nokkala. The individualised interview protocols were based on survey responses from those countries which had responded to the survey. For other countries, a generic interview protocol was designed. The interview memos were sent to the interviewees to be validated. The interviews were conducted from September to December 2008, and covered 34 European countries.

Data from the interviews and the original survey formed the basis for a first comparative analysis. The analysis was complemented by information gathered through other research conducted by EUA, such as the Full Costing project (which analysed, amongst other areas, certain aspects of financial autonomy in more detail) or information gathered through EUA's Institutional Evaluation Programme.

Finally, detailed country profiles (comparing 34 elements of all dimensions of autonomy) were compiled, comprising the validated information given by each country and the preliminary analysis of all data including desk-based research and data sourced from other EUA projects. Those profiles were sent to the interviewees and all NRCs with EUA membership. Participants were then able to compare their answers with answers from other participants on a question by question basis, allowing for a review of previous answers if desired or necessary. This procedure also provided a final update of the collected data, as it was clear that, in some of the countries, ongoing university governance reforms during the survey period had changed the status of autonomy. This phase was conducted in spring 2009 and completed in June 2009.

The study covers 34 higher education systems (see "surveyed countries/systems"). Because of the number and diversity of systems included, it was necessary to build broad analytical categories – sometimes simplifying complex situations – in order to identify overall trends.

Challenges and constraints

The survey objectives presented four major challenges, with some of them pointing to the need for further action and research in this area.

Firstly, monitoring all changes in the national and legal frameworks in 34 countries within the study period presented an enormous challenge. Sometimes reforms (either being implemented or planned) change the picture markedly as was the case in France and Lithuania for instance. But even smaller changes modify the picture for at least some dimensions of autonomy, as in Austria where the scope for tuition fees has been greatly reduced. It was only through the generosity of the Rectors' Conferences in terms of their time and expertise that the limitation in resources was counterbalanced and EUA was able to validate, compare and update data several times over the survey period.

Secondly: autonomy is a concept that is understood differently across Europe and associated perceptions and terminology tend to vary quite significantly. This is not only caused by differing legal frameworks but also by the historical and cultural settings which define institutional autonomy in each country. This presents a considerable challenge for a reliable comparison of autonomy across borders. Establishing a single set of concepts for all aspects examined proved in some cases impossible, which resulted in some variation in the responses. For example the attempt to compare the legal status of universities proved to be unfeasible. A few countries (e.g. the Czech Republic, the Slovak Republic and Iceland) have different types of classifications for public institutions, such as a distinction between state universities and public universities.² This added to the confusion. It seemed better that a categorisation of the scope of legal autonomy is made ex-post, based on a thorough analysis of the different aspects of institutional autonomy, rather than to use ex-ante definitions, which are subject to national variation, misinterpretation and other limitations.

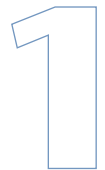
However, the study in general does not include the analysis of private institutions. Data and statistics show that in most cases, the majority of the

students study in public universities, although some countries, such as Portugal and Turkey, have a large private university sector. Some countries have private universities which are not-for-profit and which are merely "technically private". These receive state funding and the private nature of the institution is just another way of arranging legal status and ownership. On the other hand, there are private, for-profit universities, which are seen as alternatives to public universities, and which do not receive state funding (or at least not to a significant degree). In the few cases where information about private universities was available, it has been specifically stated.

A third challenge was the evaluation and analysis of certain elements of academic autonomy, in particular the development of content and structure of curricula in relation to the implementation of the core elements of the Bologna process, national and European qualifications frameworks and quality assurance arrangements. These challenges point to the need for further, broader debate and analysis of the relationship between these elements.

Finally, the available resources were limited as EUA received no external funding to conduct the study and therefore decided to fund it from its core budget, given the importance of the topic for its membership. It was clear from the start that with the financial and human resources available this could only be regarded as the first step of the in-depth analysis of a subject of enormous interest in Europe. Hence the fact that research across the 34 countries was restricted to certain relevant elements only.

Despite these constraints, this study presents a broad outline of the state of institutional autonomy of the European universities and provides comparative data of important elements of the four basic dimensions of autonomy. With 34 analysed systems it presents an updated snapshot for discussion on the changing forms and perceptions of institutional autonomy, and a starting point for a continued and ongoing monitoring of the development of autonomy of Europe's universities.



² State universities, when regulations differed from public universities, were equally discarded from the study, as non-representative of the higher education sector as a whole.

Next steps and outlook

This study pinpoints areas in which further research would be productive and EUA will continue to bring together and integrate findings from all its work relating to autonomy. Within the framework of the ongoing EUDIS project, EUA is examining in detail the link between the diversification of income streams and autonomy thereby providing another piece of the puzzle in terms of financial autonomy.

The major next step, though, will be taken through the “Autonomy scorecard” project for which EUA received funding from the European Commission’s Lifelong Learning programme. This project will begin in October 2009 and will run for two years. It will bring together and streamline the collected data and findings from previous and current research covering both EUA’s own work as well as relating it to other studies in this area. The aim is for EUA and its project partners to develop a more in-depth understanding of all aspects of autonomy. This project will combine a broad academic research expertise in the area of governance and autonomy with the extensive knowledge base of EUA’s National Rectors’ Conferences and its wide membership of university practitioners. The analysis will include the collection and interpretation of national legislation on higher education to provide the legal background, and an interpretation of university systems to ensure correct interpretation of terms and meanings.

In a second phase the collected data will be grouped into a scorecard, whereby a core set of criteria will provide an “at a glance overview” of the status of university autonomy across Europe, which will enable longitudinal analysis and cross-referencing with other data (for instance on innovation). The scorecard will also contain flexible elements and criteria to allow for future development and individual adaptation.

The “Autonomy scorecard” is intended to serve multiple purposes such as benchmarking of national policies, awareness-raising among universities, but also as a reference which can be used in further studies as a robust conceptual and operational tool to establish relations between autonomy and other concepts such as performance, funding, quality, access and retention, etc, of higher education institutions.

Surveyed countries/systems

Country/System ³	Country code
Austria	AT
Belgium/Flemish Community	BE nl
Belgium/French Community	BE fr
Bulgaria	BG
Croatia	HR
Cyprus	CY
Czech Republic	CZ
Denmark	DK
Estonia	EE
Finland	FI
France	FR
Germany	DE
Greece	GR
Hungary	HU
Iceland	IS
Ireland	IE
Italy	IT
Latvia	LV
Lithuania	LT
Luxembourg	LU
Malta	MT
the Netherlands	NL
Norway	NO
Poland	PL
Portugal	PT
Romania	RO
Serbia	RS
Slovak Republic	SK
Slovenia	SI
Spain	ES
Sweden	SE
Switzerland	CH
Turkey	TR
United Kingdom	UK



³ In most cases the study refers to countries as units of analysis; however, this was not possible in the case of Belgium, where two distinct systems exist; the study therefore refers to two “systems” in Belgium. Whenever the data collected in the UK does not apply to Scotland, the report mentions it. For those countries where numerous systems coexist due to the federal nature of the state, such as Germany, Switzerland and Spain, the study either refers to the country when a feature is common to all systems, or includes more detailed information if available.

Organisational Autonomy

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Within the framework of organisational autonomy, this study especially focused on the universities' ability to establish their structures and governing bodies, and to define the modalities of its leadership model. The following analysis reveals that, while

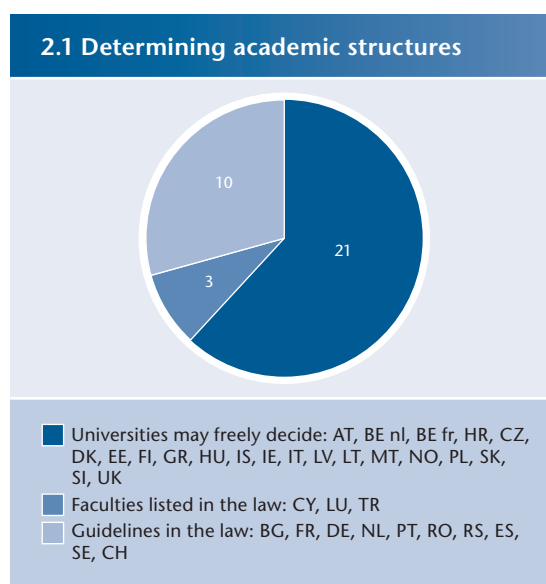
the design of internal academic and administrative structure is mostly under university control, governance structures and leadership are often strongly shaped by national legislative frameworks.

Internal academic and administrative structures

In two-thirds of the surveyed countries, universities are essentially free to determine their internal academic structures. In the remaining third, universities are subject to various restrictions in terms of their academic structure of which examples are given below:

Faculties listed by name in law	For Turkey, Luxembourg and Cyprus faculties are listed by name in the law ⁴ . In Turkey, the law defines the number, name and disciplinary scope of each faculty, vocational schools and graduate institutes. The departments can be established by the universities, but need to be approved by the Turkish Council of Higher Education.
Guidelines for academic structures included in the law	In ten countries (see Figure 2.1), universities must follow legal guidelines for their academic structure. However, in those cases the law does not hold provisions on the number and name of academic units.
Umbrella organisations and strong faculties	In the Western Balkans – at least in Slovenia, Serbia and Croatia – the faculties and other units are very strong and have a lot of independence from the university which effectively acts as a kind of loose umbrella organisation. In Croatia the faculties themselves are able to decide on their own internal structures independently from the universities. However, Croatian faculties have lost, since January 2007, their status of legal entities and are now fully integrated in the universities.

The graph below shows how free European universities are to determine internal academic structures.⁵



Administrative structures

The universities' ability to decide on their internal administrative structures is curtailed by law in a minority of countries that face specific restrictions: Bulgaria, for instance, defines the structure of its universities' administration by law, while Croatian faculties have been deciding on their administrative structure independently from the universities; Swiss universities are subject to restrictions which vary between cantons.

⁴ In Iceland, while universities in general may freely decide on their academic structures, faculties are explicitly named in the law for the University of Iceland, which generally comes under different regulations than the other universities of the country.

⁵ The categories in the chart aim at indicating general trends and may overlap to some extent, as countries that indicated that universities are free to determine their academic structures may have some types of provisions in the law.

Governing Bodies

2

Organisational Autonomy

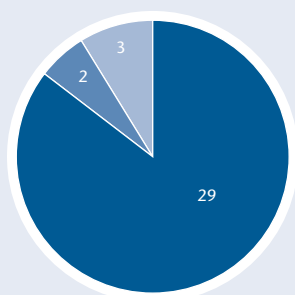
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To estimate the degree of organisational autonomy and institutional capacity of Europe's higher education institutions, one must also look into the structure of the universities' governing bodies. The following is a brief description of the main types of governing structures currently found in Europe, with an analysis of the composition of the governing bodies. The study focuses on the institutions' main governing bodies, i.e. the decision-making body/bodies (whether oriented towards management or academic affairs), as well as the main advisory bodies.

Framework of decision-making bodies

The basic framework of decision-making bodies is almost always stipulated in the relevant law or decree (29 cases). The universities may, however, have some autonomy in the implementation of such frameworks. For instance, the proportion of representation may be stipulated in the decree, but the universities may decide on actual numbers. This can be illustrated by the case of Italy, where the law only states that all faculties should be represented in the Academic Senate and that all categories of personnel be represented in the Administration Board. However, universities are free to add other bodies.

2.2 Framework of decision-making bodies



■ in the law: AT, BE nl, BE fr, BG, CY, CZ, DK, EE, FI, FR, GR, HU, IS, IE, IT, LV, LT, LU, MT, NL, NO, PL, PT, RS, SK, SI, ES, SE, TR
■ not in the law: HR, RO
■ varies: DE, CH, UK

In federal systems, such as Germany and Switzerland, the situation varies from state to state (or canton). The United Kingdom is an interesting case, where the decision-making structures are defined in the Higher Education Acts only for the post-1992 universities, while for older ones such provisions are contained in the Charters and statutes of the universities themselves.

Dual and unitary governance structures

In most cases national legislation contains some kind of guidelines for the formation or structure of the decision-making body/bodies, as well as the groups represented in them and the selection of members. However, the division of tasks and selection methods may be left for the university itself to define.

There are two main types of governance structures: dual and unitary. In most countries universities have a dual structure comprising a board or council (rather limited in size), and a senate (although terminology varies considerably, it is often a wider and more representative body, including the academic community and to some extent other categories of the university staff), with some type of division of power between them. This is the case in 23 countries (see Map 2.3), although in a few countries one of the two bodies has a primarily consultative role. Of these, the primary decision-making role tends to lie with the board/council in Croatia, Iceland and Luxembourg and with the senate (or other primarily internal body) in the Czech Republic, Estonia and the Netherlands. In Germany decision-making powers lie with the senate in some states, and with the board/council in others. The Portuguese and Latvian systems differ from others insofar as universities themselves may decide to have just one governing body or to set up an advisory body as well.

In a dual structure, the board/council is often responsible for more long-term strategic decisions, such as deciding on statutes, strategic plans, selection of the rector and vice-rectors, and budget allocation. The senate is often responsible for academic issues, such as curriculum, degrees and staff promotions. The senate in these cases consists mainly of internal members of the university community, sometimes only professors, but in most cases also representatives of the other categories of teaching staff, administrative staff and students.

Alternatively, in some countries, universities have a unitary system of only one main decision-making body, which may be called the senate, council or indeed by another name. This single decision-making body would then be responsible for all major decisions. The unitary system is used in Belgium/French community, Denmark, Finland, France, Greece, Hungary, Norway, Poland (in most of the public universities), Romania and Sweden. Poland's public universities may however also establish a consultative body called a convent, while private universities might also have a board of trustees. In Turkey

the private universities have a board of trustees and senate, whereas the public universities only have a senate (the latter case is reported in map 2.3).

External members in governing bodies

Another important element within the structure of governing bodies is whether they comprise external members and how these are selected. The selection can be carried out by the university itself and/or by an external body/authority.

Altogether 28 systems (see Map 2.3) have external members in the university governance structures. Of these, 22 have a dual structure and six (Belgium/French community, Denmark, Finland, France, Norway, Sweden) have a unitary structure. Dual structures that exclude external members are uncommon (Bulgaria). Although Portuguese universities may decide to have a unitary or dual governance structure, it appears that most have opted for a dual model in which external members are involved to some degree. In Turkey, the private universities have a dual structure with external members, and public universities have a unitary structure without external members.

In some cases the external members may have a majority in one of the governing bodies, or all members may be external, as is the case in, for example, Austria (in the Council), the Czech Republic (in the board of trustees), Estonia (advisory board), Luxembourg (all voting members of the board of governors), the Netherlands (supervisory board), and in some Swiss cantons and German states.

External members of governing bodies are usually in a position to participate in the most important decisions. Nevertheless, in some of the countries the main decision-making power lies with the governing body comprising only of internal members, whereas the governing body with external members holds a purely consultative

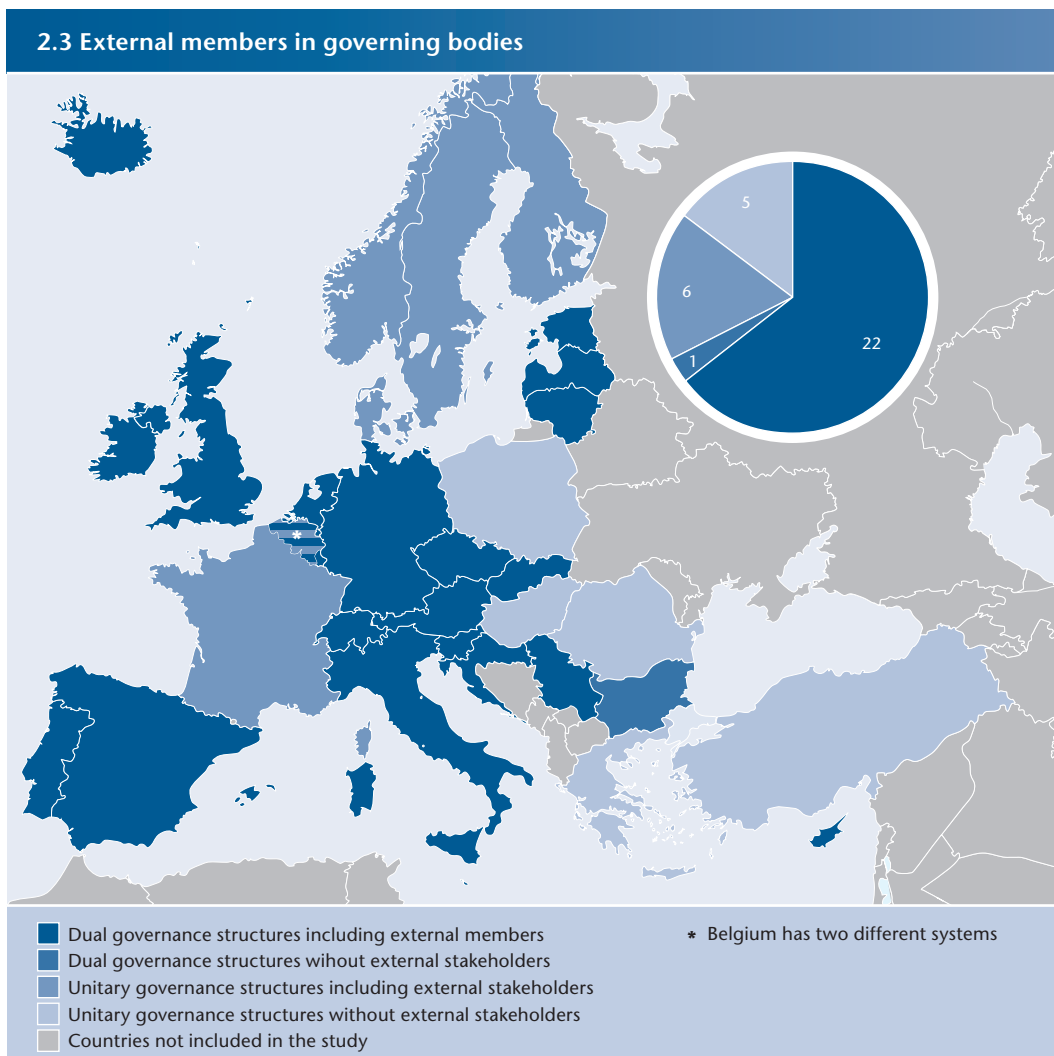
role. This is the case in Croatia, the Czech Republic, Estonia and Italy, while the situation in Germany varies from state to state. Latvia may also be included in this category as only the advisory board, which the universities are free to establish, effectively includes external stakeholders.

Although there is only partial information about the appointment of external members, selection procedures tend to follow two main models: they are either controlled by the university itself (for instance in Denmark, Finland, France and Portugal), or by a higher authority, such as the Ministry of Education (as is the case in the Czech Republic, Estonia, Iceland, Luxembourg, Malta, the Netherlands, Spain, Switzerland). In Austria, Ireland, Lithuania and the Slovak Republic, some of the external members are appointed by the university itself, and others appointed by external authorities. In Turkey, the founders of the private universities may appoint external members.

2

Organisational Autonomy

13



Executive leadership

2

Organisational Autonomy

14

The ability of universities to decide on their executive leadership is another key indicator of their organisational autonomy. The university “leadership” often comprises several key staff in the institution, such as the rector, the vice-rectors, the head of administration and the faculty deans⁶. In some cases, the law specifies the composition and competences of such a group. However, this study focuses primarily on the executive head of the university, referred below as “rector” as this is the most common denomination used throughout Europe⁷.

This chapter, therefore, examines in depth the range of procedures in place across Europe for the selection of the rector and his/her relation to the other governing bodies.

Selection of the rector

Selection procedures fall into four basic categories. The rector may be:

- **Elected** by a specific electoral body, which is usually large, representing (directly or indirectly) the different groups of the university community (academic staff, other staff, students), whose votes may be weighted
- **Elected** by the governing body which is democratically elected within the university community (usually the senate, i.e. the body deciding on academic issues)
- **Appointed** by the council/board of the university (i.e. the governing body deciding on strategic issues)
- **Appointed** through a two-step process in which both the senate and the council/board are involved.

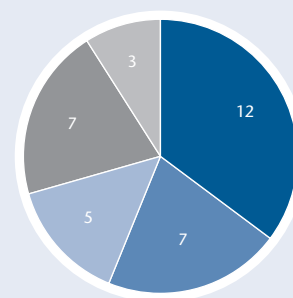
The first procedure, whereby the rector is elected by a large body, which may be specifically set up for this purpose and represents the different groups of the university community, is the most common (see figure 2.4). This group consists of countries where the entire university community directly takes part in the election of the rector, like in Greece, or where an electoral body is set up, as is the case in Estonia or Finland, among others. In seven countries,

universities select their rectors through a smaller group (such as the senate), and the cooperation of the two main governing bodies is required in five systems.

At the other end of the spectrum are those, primarily western European countries, where the rector is appointed by the board. In Germany, the procedure varies according to the state, and ranges from the rector being elected by the members of the university community, to the rector being appointed by the Ministry of Education. In Norway, the universities may themselves decide on the selection of the rector, and thus in some universities the rector is elected, in others appointed.

The selection of the rector may also have to be confirmed, if only formally, by a higher authority. In Iceland (for some of the universities), Romania, Sweden and some Swiss cantons, the appointment of the rector must be confirmed either by the government, or the relevant Ministry. In the Czech Republic, Hungary, the Slovak Republic and Turkey, the appointment is confirmed by the President of the Republic, in Luxembourg by the Grand Duke.

2.4 Selection of the rector



- Elected by large election body: BE fr, HR, CY, EE, FI, GR, IT, LV, PL, SI, ES, TR
- Elected by senate-type governing body: CZ, FR, HU, MT, PT, RO, SK
- Selected in cooperation of two bodies, typically board and senate: AT, BE nl, BG, RS, CH
- Appointed/selected by board: DK, IE, LT⁸, LU, NL, SE, UK
- Varies between universities: DE, IS, NO

⁶ In some countries, especially in the Netherlands, Ireland and England, this group was considered to be the most powerful body, with their ability to allocate budget.

⁷ Equivalents for the term of “rector” may be “president” (France, Ireland, Portugal), “vice-chancellor” (UK, Sweden), or “principal” (Scotland), among others.

⁸ In Lithuania, the new law which took effect on 12 May 2009 stipulates that the rector will now be appointed by the University Council rather than elected by the Senate as was the case before.

Qualifications of the rector

Provisions regarding the rector's required qualifications are often defined by law (in about two-thirds of the 34 countries included in the analysis). For a minority, this is not the case, and restrictions as to who may be eligible generally stem from the university's statutes or from common practice.

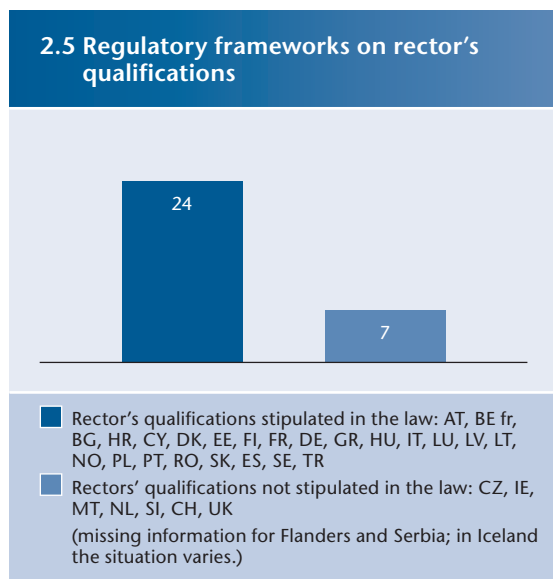


Figure 2.6 reveals that in a majority of cases the rector is expected to be a full or associate professor. In fifteen cases he/she must come from the university in question. Only in a few cases (mainly in north-western European countries) can the rector come from outside academia. This is consistent with those systems where the rector adopts a role closer to that of a chief executive officer (CEO) of a company. In a number of countries such as Austria, Finland, Denmark or Lithuania, the rector is also expected to demonstrate managerial skills.

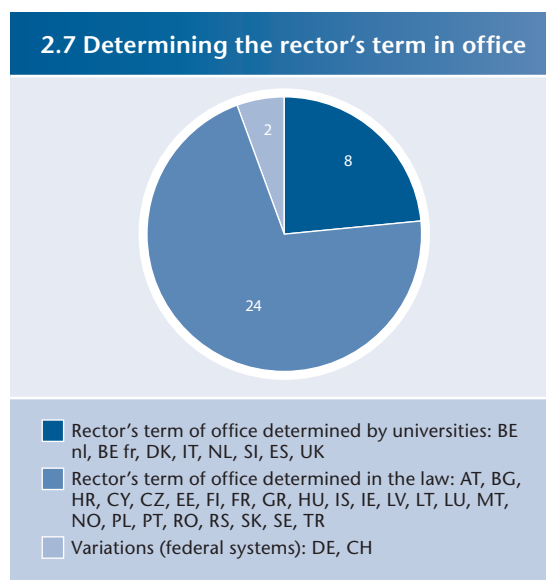
2.6 Rector's qualifications

	From within university	Also from other universities	
Professor	BE nl, BE fr, BG, HR, CY, CZ, GR, HU, MT, PL, RO, RS, SK, SI, ES	DK, EE, IT, LV, LU, PT, CH, TR	FI, FR, IS, LT (academic post, not necessarily professor)
Also outside academia	AT, IE, DE, NL, NO, SE, UK		

Rector's term in office and dismissal

The rector's term of office is usually stated in the law, either as a fixed length which is mandatory, or as a maximum period (in Latvia, universities are free

to set shorter terms in their statutes). The most common term of duration for the rector's office is four years (as is the case in at least half of the countries). However, it is interesting to note that the rector does not always have a fixed term of office. In England, for example, vice-chancellors can be appointed for an indefinite period, which reflects a more managerial approach to the function than in the majority of European countries (it is important to note, however, that there is no strong correlation between the mode of selection of the rector and the type of term in office chosen; appointed rectors can also have a fixed term in office). In two-thirds of the cases the term is renewable at least once, sometimes under different modalities (extension by 50% of the term of office, non-direct renewability but possible reelection of former rectors, etc).



Dismissal is a key indicator to assess the rector's accountability to the institution and to other stakeholders. In most cases, it is the same body that selects and dismisses the rector. There are, of course, exceptions. In Spain the rector is elected by an electoral council but is dismissed by the university senate. In Bulgaria he/she is elected by the general council but dismissed when 50% of the staff calls for new elections. In a handful of countries, the dismissal of the rector must be confirmed by a higher authority (like in the Czech Republic or Greece), whereas in others the dismissal may actually be initiated by the relevant higher authority, usually the ministry, based on cases of gross misconduct (Hungary, Poland, Portugal, Sweden, Turkey). In Italy, the rector cannot be dismissed during his term. In Lithuania, the rector is expected to present his report to the board and senate, who must conduct a vote of confidence. After two unsuccessful votes, the rector is obliged to resign.

2

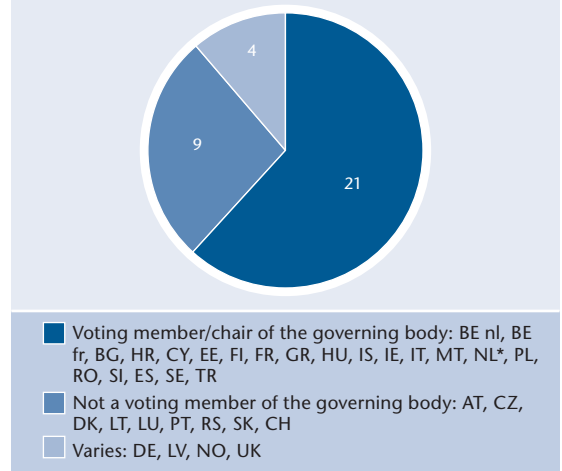
Relation to the governing bodies

Assessing the role of the rector with regards to the governing bodies of the institution also contributes to a deeper understanding of the degree and nature of organisational autonomy.

The following analysis looks at both unitary and dual structures. In the latter case, it focuses on the relation of the rector to the body that is mainly responsible for more long-term strategic decisions, such as deciding on statutes, strategic plans, selection of the rector and vice-rectors, etc, in opposition to the body mainly concerned with academic affairs.

The analysis reveals that there are two models: either the rector is part of this governing body (as a voting member or as the chairperson), or he is external but accountable to this body. The first model is found in a majority of European countries, while the latter is used in Austria, in the Czech Republic, Denmark, Lithuania, Luxembourg, Portugal, and in

2.8 Rector and governing bodies

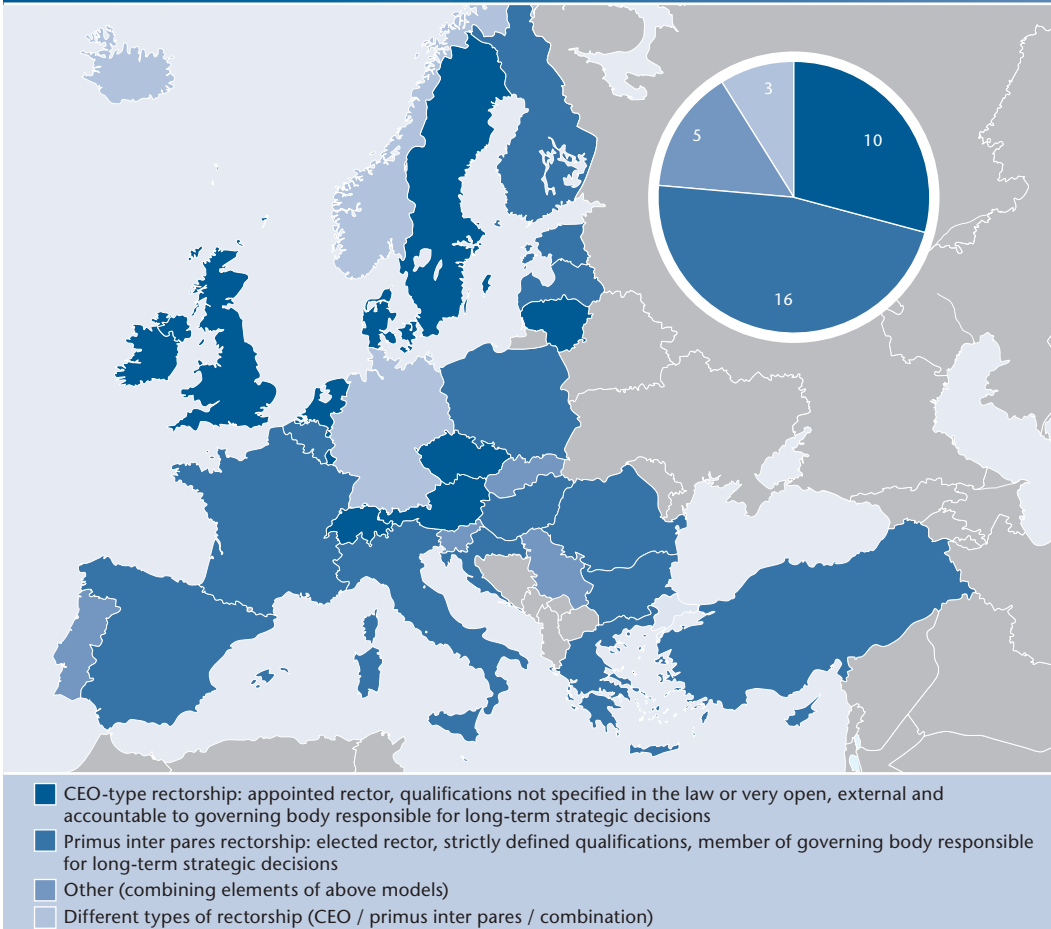


the Slovak Republic. In these countries, the rector is accountable to that body, in the sense that he is making proposals to it, and reporting to it, but does not take part in the votes.

In some countries, an intermediary model prevails, such as in Serbia or Switzerland, where the rector may be the chair of the academic senate without being a voting member of the board⁹.

The rector was reported to be the chair of the governing body that is mainly responsible for more long-term strategic decisions in 13 countries. (S)He may be the chair, but is not necessarily so, in Belgium/French community, Estonia, Ireland and in some universities in Norway. In Sweden it is possible for the rector to chair the board according to law, but this rarely happens. In Malta, the rector is the chair of the senate, and vice-chair of the council. In some Swiss universities, the rector presides over the senate.

2.9 Type of rectorship



⁹ The Netherlands is somewhat of a specific case, with its "College Van Bestuur" (CVB), which by law is limited to three members, including the Rector. It usually comprises, in addition, of the president and a third person responsible for finances. Because of its wide scope of competences, the CVB could be either qualified as a strategic governing body or as the university's executive leadership.

Key issues & findings

- While the design of internal academic and administrative structures largely falls under university control, governance structures and leadership are often strongly shaped by national legislative frameworks.
- The use of dual governing structures in European universities is now more widespread than the more traditional unitary system.
- External stakeholders are increasingly involved in the universities' governance structures, and especially in countries where universities have more than one governing body. This does not mean however that external stakeholders are necessarily confined to the consultative body; they may have a full role in the decision-making process.
- The shift towards a CEO-type leader in certain western European countries appears to go hand in hand with a greater autonomy in management and structure.
- In some countries small executive management groups, comprising the rector and other staff from the top management, can have broad competences and are therefore considered to be a powerful body.



Conclusions: Organisational autonomy

A study of internal academic and administrative structures showed that those universities which were relatively free to decide their own structure formed the majority. The minority had their structures shaped to a greater or lesser extent by law.

As far as leadership is concerned, the shift towards a CEO-type leader in certain western European countries appears to go hand in hand with a greater autonomy in management and structure. These more 'managerial' leaders are selected by a board, may be external to the institution and report to the governing bodies. At the other end of the spectrum are the more traditional, eastern European or Mediterranean countries, where the rector typically is an academic "primus inter pares", selected by the internal academic community amongst the professors of the university in question, chair of the university's governing body, with term and qualifications determined in the law. Between these two types falls a range of countries with various combinations of the above (see Map 2.9).

The traditional European model of university governance has been a unitary one of universities as primarily academic-run organisations. This study shows that nowadays dual governance structures are more common than unitary structures and that these bodies also comprise external members in a substantial number of cases. Their role, though, remains controversial as external "councils" are either seen as showing too little interest in and commitment to university affairs, or considered to have too much control over the academic issues of the university.

The inclusion of external members forms an important part of more autonomous universities' accountability towards their stakeholders and society at large. This will form a crucial part of current and future reforms on governance, as there is a pressing need to find the right degree of accountability by integrating external stakeholders in an efficient and appropriate way, in the light of the mission and the strategic priorities of each and every university.

3

Financial autonomy

Another significant and complex aspect of university autonomy is the scope of universities' financial autonomy. In this study we are chiefly concerned with two major aspects of financial autonomy: the report first addresses the procedural framework of public funding (which notably includes the types of funding contracts, intermediary funding bodies, as well as financial reporting procedures). The analysis then focuses on the universities' financial capacity, which covers key elements such as:

- the extent to which they can accumulate reserves and keep surplus on state funding
- the ability of universities to set tuition fees,
- their ability to borrow money on the financial markets
- their ability to invest in financial products
- their ability to issue shares and bonds
- their ability to own the land and buildings they occupy

Financial autonomy is certainly the area where the links to the other dimensions of autonomy are most obvious and this can therefore hardly be considered in isolation. The ability or inability of universities to decide on tuition fees has implications for student admissions, national regulations on salaries for all or some categories of staff impinge on staffing autonomy and the capacity to freely use income directly impacts on the ability to implement a defined strategy.

In the framework of its work on financial sustainability, EUA has designed a financial autonomy index¹⁰ which analysed the correlation of this dimension of autonomy and the universities' ability to generate income. These findings have also served as a basis for the work in this study and will be further explored with a larger number of cases in the ongoing EUDIS project¹¹.

What this work revealed and what was confirmed by this study is that financial autonomy is an area where it is crucial to take into account a possible dichotomy between formal and operational autonomy. While universities within a system may seem to enjoy a high degree of autonomy with regards to the ownership of their buildings, for instance, they may only be able to sell such assets under strict restrictions that effectively curtail their autonomy. It is therefore necessary to proceed to a more in-depth analysis of a wide selection of elements of financial autonomy to obtain an accurate image of the real state of autonomy of universities.

¹⁰ See « Financially sustainable universities : Towards full costing in European universities », chapter 7 on Autonomy and Accountability

¹¹ EUDIS : European Universities Diversifying Income Streams, www.eua.be/eudis

Funding framework

Public funding

More and more countries move to longer-term negotiated contracts between the Ministry and the university, in which the rights and responsibilities of the universities (in terms of resources and student numbers, for instance) are determined, with possible annual adjustments. There is a perceptible trend, especially in western Europe, towards the distribution of public funding through block-grants, rather than line-item budgets.

Block-grants are defined in this study as financial grants which cover several categories of expenditure such as teaching, ongoing operational costs and/or research activities. In this framework, universities are mainly responsible for dividing and distributing such funding internally, according to their needs, though some types of restrictions may apply.

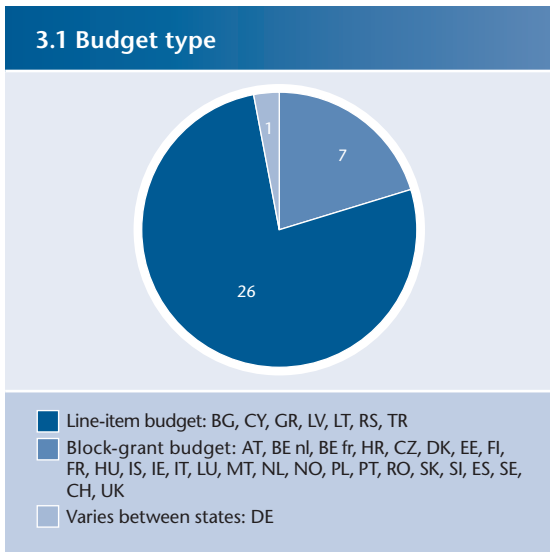
By contrast, line-item budget means that universities receive their funding already pre-allocated to cost items and/or activities; therefore, they are not able to make allocation decisions, or only within strict limits.

Line-item budgets, in which the funding is allocated by the Ministry or the Parliament are used in seven, predominantly eastern European countries, namely Bulgaria, Cyprus, Greece, Latvia, Lithuania, Serbia and Turkey. Some German states also continue to use this form of public funding. An extreme case is Serbia, where the main part of the public funding is allocated directly to the faculties, whereas in Croatia, where the faculties also used to be strong, legally independent entities, block-grant funding is nevertheless allocated to the university level.

In 26 systems, universities receive their basic funding from the Ministry in the form of a block-grant, which they can allocate autonomously to their internal activities. However, this does not necessarily mean that universities are entirely free to use such funding as they see fit. In Sweden and Slovenia, for example, this block-grant is subject to broad categorisation which impedes universities from transferring large amounts from a major post (i.e. staff expenditure, infrastructures, research, or teaching) to another.

Indeed, only eight countries (Austria, Belgium/Flemish community, Estonia, Norway, Poland, the Slovak Republic, Switzerland and the UK) have established systems in which universities encounter no or very

few restrictions as to how they can spend their resources. In all other countries, universities face restrictions in their use of public funding, ranging from tight itemized budgets, separate block-grants for teaching and for research, to lighter-touch requirements such as rules on public procurement procedures for example.



There are different forms of allocating public funding, such as funding formulas, performance agreements or targeted funding, which are often used in combination. In general, there seems to be a trend towards public funding being at least partly determined on the basis of funding formulas, which include input-related parameters (such as the number of first-year students enrolled), but also increasingly performance-based criteria – such as the number of degrees or credits awarded, for instance. Flanders is in such a transition period until 2012, by which time public funding will mostly be determined on output-based criteria. In Austria, public funding is based for 20% on a funding formula, while 80% is allocated on the basis of a “performance agreement” between the university and the Ministry. Such kinds of agreements, or contracts, are also found in other countries like France, and differ from funding formulas as they are wider in scope and include targets and tasks that the university commits to achieve.

In most countries, a part of public funding also comes as targeted or earmarked funding, whether competitive or not, which often corresponds to the direct funding of specific projects that match the authorities’ priorities.



Financial autonomy

3

Financial autonomy

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Intermediary funding bodies

The presence and scope of various intermediary bodies in the funding structure of a national higher education system reflects how the role of the state has evolved and to what extent it has delegated responsibilities to such bodies in a model that privileges indirect steering rather than direct intervention. Often named “councils”, these intermediary organisations may be established to distribute institutional and/or research funding to universities, acting therefore as “buffer bodies” between the political power and the higher education institutions. The analysis reveals that such intermediaries often fund research, but that institutional funding largely remains a direct attribution of the Ministries themselves.

Institutional financing

Most European countries have not established intermediary bodies in institutional financing; instead, basic operating grants are directly allocated by the relevant Ministry either at national or regional level. Few countries, such as England, Ireland and Romania, have set up intermediary bodies which are responsible for allocating funding to the universities. In five other countries, a separate body is involved, in addition to the relevant Ministry, in allocating institutional funding. Examples of this distribution of tasks are given below.

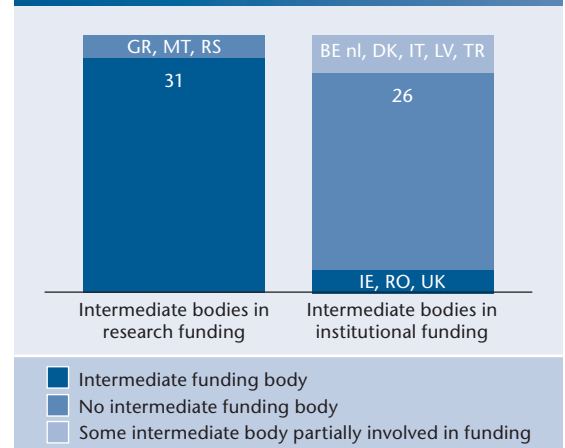
Belgium / Flemish community	The Commissioner for higher education verifies that universities comply with the relevant regulations, and manage their funds prudently.
Denmark	The Ministry has established a separate agency for universities and university buildings.
Italy	The National Committee for the Evaluation of the University System (to be included in the National Agency for Evaluation) is responsible for elaborating the criteria used in allocating funds and incentives to universities.
Latvia	The Parliament-appointed Council of Higher Education provides general strategic guidelines and suggestions for higher education funding, which is, however, ultimately decided upon by the Ministry of Education.
Turkey	The National Higher Education Council has to approve university budgets, although it does not allocate funding to universities.

Research funding

Intermediary bodies are more common in the field of research financing. Most European countries have established a system whereby state-funded bodies allocate all or part of research funding to universities, most often on the basis of competitive research proposals.

Research funding bodies can be found in all countries analysed except in a minority of countries including Greece, Malta and Serbia. In these cases, research funding is either directly allocated by the Ministry itself (in Greece, the General Secretariat for Research and Technology under the Ministry of Development), or by bodies working under the auspices of the Ministry.

3.2 Intermediate bodies in higher education funding



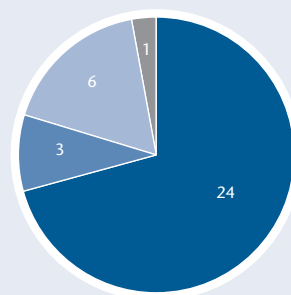
Financial reporting

Financial reporting to public authorities is one form of ensuring universities’ accountability for their financial activities. Almost invariably, universities need to submit financial reports to the funding Ministry, the Parliament, the regional government or other types of public authorities. Even in the few cases where universities do not report to the Ministry, as is the case in Iceland and in Luxembourg, they still have to fulfil the reporting requirements of existing auditing agencies. At the other end of the spectrum are cases like Austria, Finland and France, where the universities’ financial reports are actually used by the Ministry as a basis for contract negotiations for the following period.

Accountability is further ensured through the audit of the universities’ accounts, most often carried out by a national auditing agency, either on a yearly basis or at longer intervals. The different systems diverge however in the modalities of these audits: some countries demand that accounts be audited

both by public and private agencies, or by private companies which send the reports to the relevant authorities as well as make them public (like in the Netherlands or in Ireland). At the other end of the spectrum, the accounts of Greek universities are directly audited by the Ministries of Education and Finance. In Italy, the new National Agency for Evaluation is to be tasked with auditing the universities' accounts. The different German states have implemented diverging modalities, while they vary from one university to the other in Flanders and in Iceland.

3.3 Audit of university accounts



- Public audit office: BE fr, BG, HR, CY, CZ, EE, FI, FR, HU, IT, LV, LT, LU, NO, PT, RO, RS, SK, SI, ES, SE, CH, TR, UK
- Varies between States or universities: DE, BE nl, IS
- Private auditing company: AT, DK, IE, MT, NL, PL
- Ministry audit: GR



Financial
autonomy

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Financial capacity

In the framework of financial autonomy, the study also focused on the ability of universities to act as independent financial entities in relation to the following issues:

- The extent to which reserves may be accumulated and surplus state funding retained
- The ability to set tuition fees
- The ability to borrow and raise money on financial markets
- The ownership and sale of university real estate.

Reserves and surplus

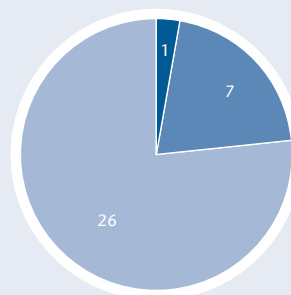
While universities in all countries are able to keep and build reserves from self-generated funding, it is not always the case that they can accumulate surplus from state funding. In two of the Baltic States (Latvia and Lithuania), as well as in some of the southern countries (Cyprus, Romania, Serbia, Turkey and Portugal), universities are required to return any potential surplus to the state at the end of the financial year.

In all other parts of Europe, universities are allowed to keep a potential surplus. Nevertheless, at operational level, one can distinguish a series of limitations to this freedom: the Czech and Swedish universities, for instance, can only keep the surplus up to a maximum percentage of the total funding; in Malta, Italy or Slovenia, the surplus can only be used for pre-defined, specific activities; in a number of countries, universities would need to secure the Ministry's approval or at least justify the intended use of the saved

amounts. Finally, English universities, while allowed to keep surplus from the block-grant, may have to return surplus generated from earmarked funding. Besides, their capacity to build reserves is regulated by their legal status of registered charities.

These examples all concur to show that, even if the formal autonomy of universities may seem relatively extensive, as the case appears to be in the matter of building up financial reserves, a closer look at the modalities of such autonomy reveals a much more mixed picture where regulation remains a major element to take into account.

3.4 Keeping surplus from state funding



- Varies between States: DE
- Universities may not keep surplus on state funding: CY, LV, LT, PT, RO, RS, TR
- Universities may keep surplus on state funding: AT, BE nl, BE fr, BG, HR, CZ, DK, EE, FI, FR, GR, HU, IS, IE, IT, LU, MT, NL, NO, PL, SK, SI, ES, SE, CH, UK

3

Financial autonomy

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Students' financial contributions

This study considers the issue of "tuition fees" as far as it is relevant to determine the universities' financial autonomy. It is therefore not a complete analysis on students' financial contributions, as detailed data was not collected on the differing amounts of financial contributions or levels of indirect support provided by the public authorities to universities through student aid. The analysis on the status of these contributions was underpinned by data from EUA's internal database on tuition fees.

The ability that universities have or do not have to set such fees and decide on their amount constitutes an integral part of the analysis of their financial capacity, as they result in the generation of new funding streams for the institution through private contributions. In some countries, this income stream forms a high percentage of a university's budget and plays therefore a different role in an institution's strategy than in a university without this form of income.

This study considers students' private contributions under two forms¹²:

- Tuition fees, as annual contributions paid by students to cover all or part of tuition costs in higher education; and
- Administrative fees, as contributions of students to different administrative costs (entrance fees, registration fees, certification fees).

It is important to note that such contributions may bear different names in different systems, and that administrative fees, the level of which is usually lower than tuition fees, may nonetheless have a significant impact in terms of funding in some countries, in particular in south-eastern Europe¹³. Finally, considerations on the amounts of the financial contributions required are not detailed here, aside from an analysis of the distribution of responsibilities in setting the fees (who determines what).

In the majority of the analysed countries, universities collect tuition fees or administrative fees from part or all of the home/EU student population. These 25 cases include Cyprus, Greece and Slovenia, where

fees do not apply to the Bachelor's level. In addition, countries such as the Czech Republic, Denmark, Finland¹⁴ or Malta, where higher education is free for the main student population, charge fees to international (non-EU) students.

However, fees may in some cases only represent a marginal income stream for universities. There are, most often, regulations and limitations attached to such systems. Fees may, for example, only apply to a minority of students, like distance-learning students; they may only be applicable for limited purposes (i.e. student services) as is the case in Turkey. They may also only apply for students not occupying state-funded study places. In Greece, only international students and students engaged in master's courses pay fees. Finally, in countries where universities are not allowed to charge fees to the main student population, there may be exceptions for those students exceeding the standard duration to complete their degree (for instance in the Czech Republic)¹⁵.

In terms of financial autonomy, the distribution of responsibilities in setting the fees is an important element to judge the financial capacity of a university. There are three models existing in Europe: the fees may be determined by the university itself, by the Ministry (or any other relevant public authority), or by both.

The first model, where universities can autonomously set the level of the fees, can be found in ten, mainly eastern European countries. On the contrary, in the opposite model, fees are exclusively determined by public authorities in nine systems including France, Spain¹⁶ or Turkey.

Between these two types, the model of cooperation is the most common. In these countries, the universities and the government both set the level of fees, according to different modalities. The government may set a ceiling under which universities are free to decide on the level of the fees, or approve fees set by the universities. Interestingly, a "differentiated cooperative model" exists in many countries, where the fees are set by different bodies for different groups of students – for instance with the government

12 Definitions are taken from Eurydice, Key Data on Higher Education in Europe, 2007 edition

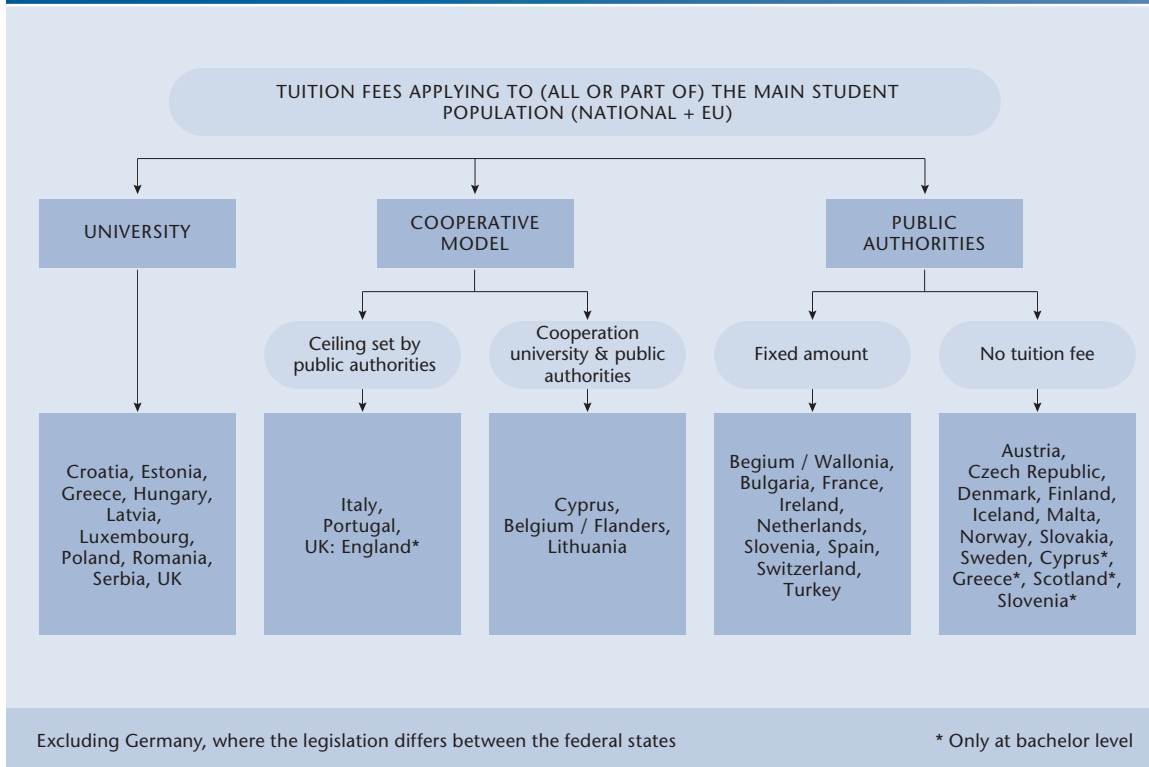
13 Financing Higher Education in South Eastern Europe, Centre for Education Policy, Belgrade, 2009, p.95

14 Fees will apply in Finland from 2010 onwards to non-EU students enrolled in Master's degrees taught in English.

15 In Austria, due to an amendment to the University Act in September 2008, regular students are not due to pay tuition fees as long as they are within the regular duration of studies plus two tolerance semesters. Fees are also waived if they can prove that they exceeded this limit because of certain obligations such as child care or part time employment.

16 In Spain, the national authorities set a general ceiling of the tuition and administrative fees; then, the autonomous communities determine the amount of those fees.

3.5 Setting tuition fees



regulating fee levels for the main student population (national and EU students), while universities are able to decide on fees for international, non-EU students (north-western model: England, the Netherlands, Ireland). In England, there is a ceiling for national and EU bachelor's students, while universities are free to charge fees for all other levels.

Figure 3.5 summarises the different models currently used in Europe to set tuition fees for the main student population (i.e. at Bachelor and Masters' level, for full-time, on-campus, national and EU students not exceeding standard duration of studies). It excludes administrative fees, which universities have generally more freedom to set. Non-EU students, PhD students, distance learning students or part-time students are not considered here.

Borrowing and raising money

The third element studied here which is related to the ability of the universities to act as independent financial actors is their capacity to borrow money from banks, or raise money on financial markets. While it appears that it is quite common

for universities to be able to borrow money, only very few systems allow them to invest in stocks and shares or issue bonds for example. In this respect, in most cases governments exert some kind of control over the universities' financial activities.

While about two-thirds of the countries allow universities to borrow money¹⁷, the law, especially in northern Europe, often sets out restrictions to this ability by limiting available amounts, requiring that universities get authorisation from the relevant authorities (Denmark, Latvia), or by only allowing universities to borrow from the National Bank, as is the case in Sweden (up to a certain amount). Other countries have started implementing reforms that open the possibility for universities to borrow money from banks, but within very strict conditions. This is the case in France with the ongoing governance reform, whereby universities can now resort to borrowing if such a move is approved by a number of relevant public authorities.

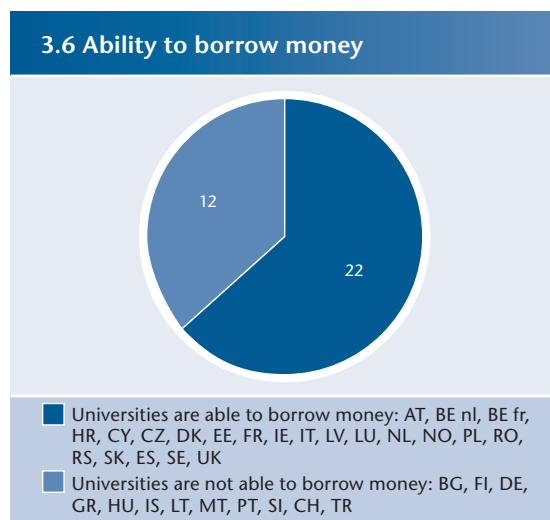
However, in about one-third of Europe, universities are denied this possibility. Universities may get around this, though, by establishing legal entities

¹⁷ In Germany, only universities in Lower Saxony and North-Rhine Westphalia have the capacity to borrow money from banks. The situation is similar in Iceland where only the University of Iceland is allowed to resort to borrowing.

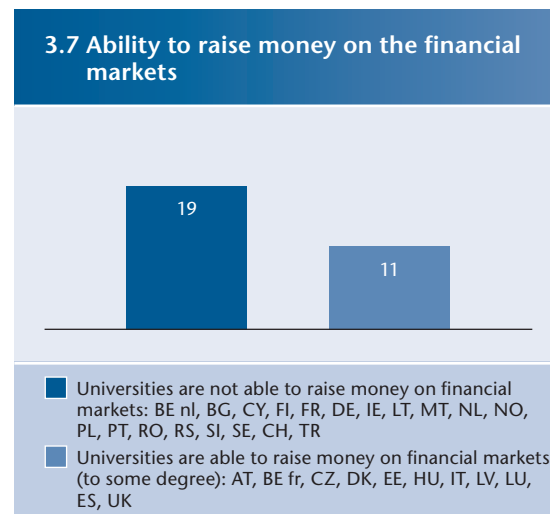
3

Financial autonomy

such as foundations (Switzerland) or research centres (Greece) that do have the capacity to borrow from banks.



While universities' ability to take out bank loans is already limited, stringent restrictions make it even more difficult to raise money on the financial market. Though this data proved more difficult to collect, the study reveals that few systems allow their universities to invest in stocks and shares or to issue bonds for instance. Austria, Belgium/French community, the Czech Republic, Denmark, Estonia, Hungary, Italy, Latvia, Luxembourg, Spain and England are exceptions to this general picture across Europe. Nevertheless, universities in these countries are not fully independent financial actors as permission of public authorities may be required (Denmark) or the possibility to issue shares and bonds may be limited to university-related companies (England). In the Czech Republic and Hungary universities can acquire securities issued or guaranteed by the state. In other countries universities are allowed to own shares of their spin-off companies (to the exclusion of other shares), or their foundations may be able to operate on the financial market (Finland, France, Turkey). In Luxembourg, the university may invest in financial products but is not allowed to issue shares and bonds.



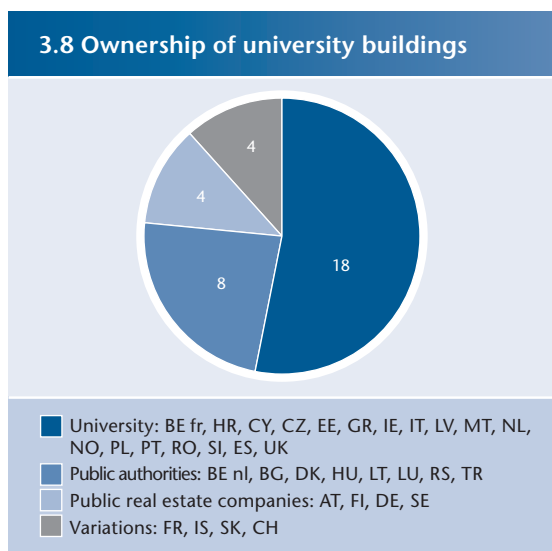
Ownership of land and buildings

Universities' financial autonomy is also affected by their (in)ability to own their real estate as this usually represents an asset of important financial value. The capacity of universities to buy, sell and build facilities independently forms not only an integral part of their financial autonomy but is also strongly linked to their ability to exert the freedom they have in relation to their institutional strategy and academic profile. In this area, however, the study confirmed that cultural differences, perceptions and traditions are, to a large extent, determining factors of whether facilities should be owned or rented (from the universities' perspective). High maintenance costs or restrictions associated to historical buildings are reasons why universities in some countries would rather not own their facilities.

While in some countries it is common practice that universities own their buildings, it is the tradition in others that the state lends or rents property to the higher education institutions (though they may be allowed to own property). The study reveals that both models coexist roughly on equal terms in Europe, with a trend towards more university ownership.

Four countries stand out from the rest as they have established systems in which university land and buildings are in most cases not owned directly by the institutions nor by the state but by state-owned companies. This model is specific to Austria, Finland, Germany and Sweden.

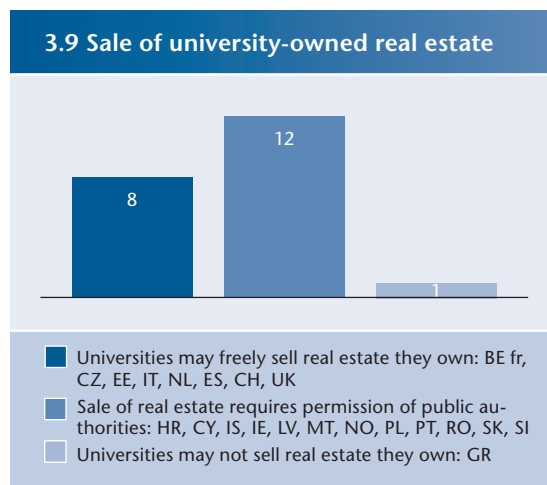
Finally, it is important to note that ongoing reforms are constantly modifying this picture. In France for instance, some universities have gained ownership of their buildings, while others will continue to occupy state-owned facilities.



Universities that occupy publicly owned facilities do not necessarily have to pay rent for them. The analysis reveals that, while it is relatively common for universities to have to pay some sort of rent to the state, this is not the case in Bulgaria, France or Luxembourg for instance.

A closer analysis of the legal framework of those countries in which universities own their buildings shows though that higher education institutions are not necessarily able to decide freely on the investment on their real estate, nor can they autonomously decide on the sale of these assets¹⁸. Indeed, in most cases there are strong restrictions to the sale of university' buildings.

Those restrictions vary and include differing forms of approval from the state (Norway) or other authorities to cases where universities are simply not able to sell these assets at all (as is the case in Greece). Only a few systems seem to grant a larger degree of autonomy to their universities on this issue; these are the Czech Republic, Estonia, the Netherlands, Belgium/French community, Italy, Spain, Switzerland and the UK.



Conversely, universities using state-owned facilities may still be able to build or receive buildings through private donations. There are, nonetheless, cases where the universities are obliged to ask for permission even when they can finance buildings independently (e.g. Portugal and Romania), while in Turkey a building donated to the university technically becomes state property.

This analysis shows that the issue cannot simply be summarised to a question of owning or renting facilities but that the concrete circumstances – such as the right to use real estate assets as a security to obtain loans, or the ability to sell facilities and land – determine the real degree of ownership and autonomy.



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¹⁸ Graph 3.9 only includes countries where it is common practice that universities own property. Therefore it does not include countries such as Austria, where although universities are legally able to buy real estate, the majority of university property is not owned by them.

Key issues & findings

- There is a trend towards public funding being allocated as block-grants, which are often based on – or accompanied by – performance criteria or targets.
- In most European countries, universities are allowed to collect fees from at least part of their student population, although there is great variety in the way the fee levels are set and the amounts they represent.
- Universities are still faced with a number of restrictions when operating on the financial markets; borrowing is relatively common but investing and raising money are activities mostly open to “satellite” legal entities of universities (not the universities themselves).
- Ownership of land and buildings is quite diversified across Europe and depends to a large extent on national cultures and traditions. However, formal ownership does not necessarily open possibilities for universities to use their assets without limitations.

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Financial
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Conclusions: Financial autonomy

A university’s capacity to control fully and allocate their budget internally is an important element of their financial autonomy. Although there is a trend towards block-grant funding there are still some cases where line-item budgets are used, with universities having no possibility to shift funding between budget lines. However, block-grants may also come with some restrictions in the use of the money received.

Line-item budgets seem to exist mainly in some of the eastern European and eastern Mediterranean countries, whereas block-grants exist in all four corners of Europe. Analysis of grant systems (block-grant vs. line-item budget) and the possibility to accumulate reserves by keeping surplus from public funding reveals that state control over public funding (line-item budget and no possibility to keep surplus) is tightest in Cyprus, Latvia, Lithuania, Serbia and Turkey. The majority, at least 20 countries, enjoys more autonomy in this respect, with block-grants and the ability to keep surplus.

In general, however, there is little clear correlation between grant allocation types and other elements of financial autonomy, such as the ability to borrow

money, or the ability to set tuition fees. But looking at all the features of financial autonomy collectively, it seems that western European countries benefit from a greater autonomy than their eastern counterparts. One might argue that, in general, universities in western Europe have more autonomy to use the public funding they receive, but less autonomy to decide on tuition fees. Countries in eastern Europe tend to have less autonomy with public budgets, but in many cases have more autonomy to decide on privately-funded study places, and the fees those command. The clearest examples of this are Latvia and Serbia, which have line-item budgets, but are able to set tuition fees freely.

University buildings, representing an asset of important financial value, may be state-owned or unseizable for historical reasons, with universities having little or no possibility to decide on selling them – even in cases when their maintenance is consuming resources which might be better spent on education and research. Even in cases where universities are owners of their facilities, there are quite often restrictions on selling or using them as securities for loans, ranging from seeking the necessary authorisation to outright prohibition.

Staffing autonomy

4

Within the framework of staffing autonomy, this study focused on the capacity of universities to recruit their own staff and negotiate terms of employment¹⁹.

The ability of universities to decide on staff recruitment is integrally related to its financial and academic autonomy, as staff salaries and employment contracts are, to a great degree, determined by the financial agreements between the university and its funders, and financial regulations on staffing directly impact on the ability to recruit the appropriate staff. Therefore, it is necessary to analyse staffing autonomy in relation to an institution's academic and financial autonomy.

Comparing different elements of staffing autonomy in more detail further faces the challenge that, in addition to the hugely diverse regulations of the

different staff categories at universities, the differing legal frameworks of public and private labour law impact as well on the ability to recruit staff. Acknowledging these challenges and the limited capacity of this study to analyse in detail the complete legal employment conditions across 34 countries, the following three dimensions were examined to allow for comparisons among institutions and countries:

- the recruitment procedures related to the appointment of senior academic staff²⁰
- the status of university employees (whether considered civil servants or not)
- the salary levels

Further work within this will aim to expand the analysis towards all staff categories and collect comparable data on human resources development, career models and promotions.

Recruitment of staff

The analysis clearly demonstrates that even in generic terms there are significant differences in staffing autonomy across different European countries, ranging from a larger degree of freedom in the recruitment of staff to very formalised procedures including external approvals, sometimes by the country's highest authorities.

Figure 4.1 shows that, in twelve systems, universities are essentially free to recruit their own staff. It concerns primarily countries that are situated in the

north-western parts of Europe. In another sixteen countries, universities are free to implement individual staff recruitment practices, but they need to abide by national regulations with regard to the qualification requirements and recruitment procedure for certain or all categories of staff. These countries are referred to in figure 4.1 as countries with "specifications in the law" relating to recruitment procedures. The analysis shows that these conditions are primarily present in Nordic and eastern European countries. In six, predominantly southern

¹⁹ Due to the limited scope of this study, the analysis of data focused mainly on academic staff categories, although where other information was available, it is used. Given the increased importance of support staff in the achievement of a university's aims and missions it will be necessary to extend this to all categories of staff in further work.

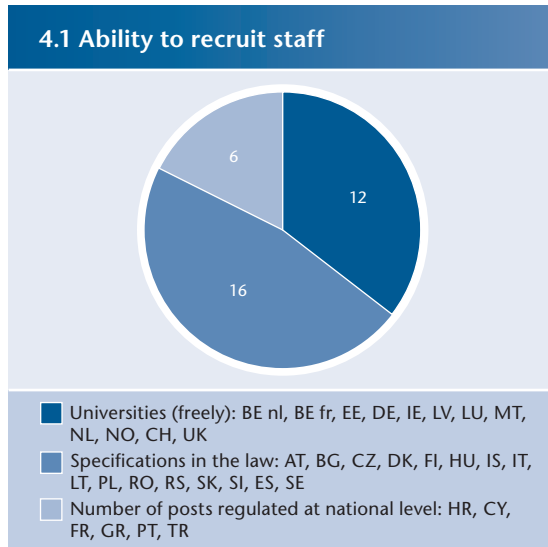
²⁰ The term "senior academic staff" is used to stand for the highest academic staff, which, across the countries under study, has different names and different regulations and is usually involved in teaching and research (and sometimes in management activities/leadership activities).

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European countries, universities may only partially decide on staff recruitment practices, as the numbers of posts in certain staff categories (usually professors and/or senior administration) are set at national level.



It is also important to note that, in at least six countries (Bulgaria, France, Poland, Romania, the Slovak Republic, and some German states), the appointment of certain categories of staff (usually professors) has to be confirmed by the relevant public authority (the Ministry or the President of the country, as is the case in Poland, where the title of Professor is granted by the President of the Republic).

The analysis also identified some other procedures which had an impact on the universities' ability and flexibility to recruit their own staff. In Greece, for example, the selection of people for permanent administrative and technical posts is not in the hands of the universities and is instead made by a national body. The university provides the position requirements and the national organisation is responsible for the administration of the entire recruitment process including the selection.

Some countries also have compulsory personal accreditation in place for certain academic posts. Thus, only those individuals who have acquired a professorial accreditation can apply for posts as professors. This procedure is used for example in the Slovak republic, Slovenia and Spain. In Romania, the selected candidates for the highest teaching and research posts, have to go through an evaluation by the National Council for Confirmation of Titles, Degrees and Diplomas, before their appointment is confirmed by the Ministry.

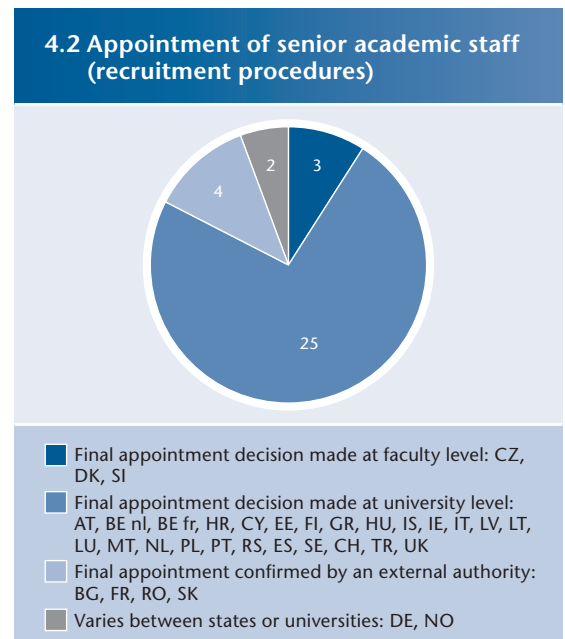
Staff recruitment procedures

As the positions of university professors tend to be the most strongly regulated category of staff in most countries, this section will focus on a thorough examination of their recruitment procedures. This does not, however, mean that some countries would not apply similar procedures to other staff categories.

Although there is some variation in the practice of recruiting senior academic personnel, most countries follow fairly similar procedures. It is common practice to specify the selection criteria at faculty level and set up a selection committee to evaluate the candidates. The successful applicant is subsequently appointed at the faculty level or alternatively by a university-level decision-making body. The selection committee either recommends one successful candidate or provides the decision-making body with a shortlist of preferred candidates in order of priority.

The final decision on the selection or appointment of the candidate is made at faculty level in the Czech Republic, Denmark and Slovenia. This also applies to some German states and in larger universities in Norway. In the majority of systems (25), however, the appointment is made at university level.

The analysis further shows that for Croatia and Serbia the university would equally be involved in appointing professors, even though the faculties are (or were, in the case of Croatia, until January 2007) independent legal entities. Finally, a few systems require that the decision to appoint a new professor must be approved by an external body, usually the relevant Ministry (see Figure 4.2).



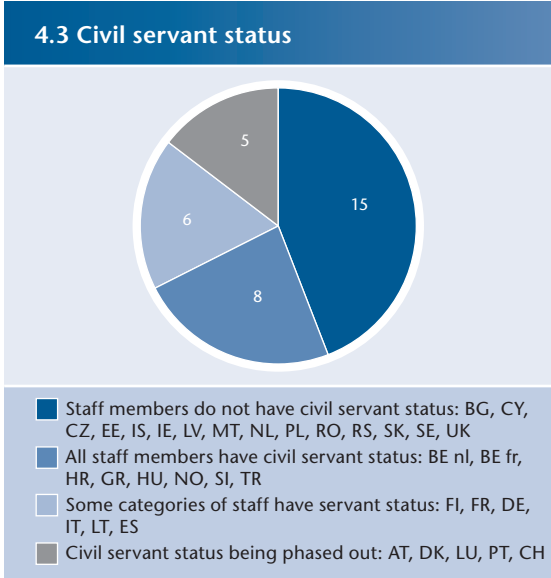
Civil servant status

None of the university staff members have civil servant status in 15 countries (see Figure 4.3). While “civil servant status” may not have the same meaning in all countries, due to different legal frameworks and traditions, the term is understood here as representing a group that benefits from a stronger and more protective regulation. In some countries, certain categories of staff may not be called civil servants but have a similar status (Ireland, Poland). Rules and regulations of civil servant employment may also be applied to some categories of staff only. A common feature is that these universities have less flexibility in their human resource management compared to those where staff do not have civil servant status.

In certain countries including the Czech Republic, the Slovak Republic and Iceland, only staff employed at state universities have civil servant status. In these countries, university staff employed at other universities (both public and private) do not qualify as civil servants (except for the rector in Slovak public universities).

All members of university staff have civil servant status in eight systems, predominantly in central and eastern Europe, along with Belgium and Norway.

In the remaining countries, the status of civil servant is limited to specific categories of university staff. In Austria, Denmark, Luxembourg and Portugal, the



Staffing autonomy

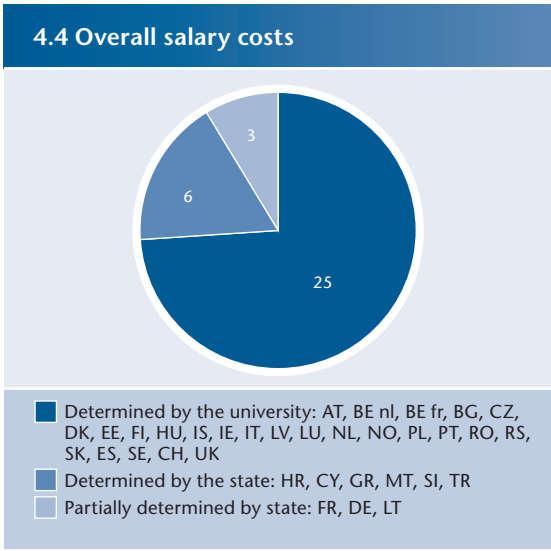
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employees who have been serving the longest tend to have civil servant status, whereas those who have been employed more recently do not qualify as civil servants, which is to a certain extent the result of recent autonomy reforms. In Finland, France, Germany, Italy, Lithuania and Spain, the status of civil servant is related to the organisational hierarchy and applied often to senior academic positions. In Switzerland the situation varies between cantons, but even in those cantons where staff do possess civil servant status this is currently being phased out.

Salaries

With regard to salaries, the study considered staffing autonomy in relation to the universities’ ability to determine their overall salary costs and individual salary levels independently, or if these were determined (and to which degree) by a higher authority, such as the government.

The overall salary costs can be determined, within certain limits, by the universities themselves²¹ in most countries as shown in figure 4.4. However, it appears that the national government prescribes the standards for university salary levels in six Mediterranean countries. The analysis further indicates that in Greece salaries are not only prescribed but also paid directly by the government. Salary costs are partially determined by the state in France, Germany and Lithuania leaving the universities



²¹ This relates to the university’s capacity to shift resources internally and freely allocate them to the payment of salaries.

with limited autonomy in an important part of the recruitment procedures. In France, the system is currently in transition as the ongoing reform now makes universities responsible for human resources. In Finland, with the new reform adopted in June 2009, universities will replace the state as official ‘employers’.

In most cases, a university’s ability to determine overall salary costs is correlated with the form in which the university receives its funding. If the universities receive funding from the state as a block-grant, they are usually able to determine their overall salary costs independently. If the funding is allocated in the form of a line-item budget, universities usually do not have the autonomy to determine overall salary costs. The analysis showed exceptions for six countries (Bulgaria, Croatia, Latvia, Malta, Slovenia and Serbia), as there was no correlation between the budget allocation and the university’s ability to decide on their salary costs. In Bulgaria, Latvia and Serbia universities receive a line-item budget but are nevertheless able to determine to some extent their salary costs, as they may be allowed, for instance, to increase salaries above the amount defined by law. In Croatia, Malta and Slovenia the universities receive block-grant funding, but are not able to determine their overall salary costs.

The analysis showed that universities typically have less control over individual salary levels²² than the overall salary costs. Only four countries, namely Bulgaria, the Czech Republic, Estonia and Norway, reported that the universities were entirely free to decide on individual salary levels. In eight systems universities do not have the authority to decide on individual salary levels of their staff, as they are fixed by the national authorities.

In a majority of countries (21), however, universities are able, at least in part, to determine individual salaries. Again, the limitations cover a broad range of options. This may mean that universities are authorised to set the salaries of certain staff, but not of all staff members (universities in Austria, France, Germany, Italy, Portugal and Spain may freely decide on

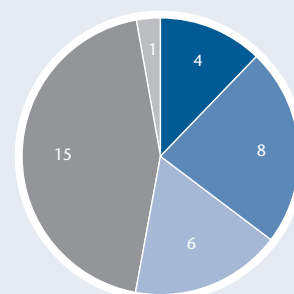
the salaries of contracted staff or newly employed staff, who do not have civil servant status). In other situations staff salaries are prescribed by governments within salary bands (though these may also be the result of negotiations). Universities may have either limited flexibility to appoint people within these categories (particularly at the higher levels), or they may only determine the salary within the prescribed band subject to a minimum standard. This usually applies to staff with a civil servant status, in which case the salary band is set at national level. National guidelines that prescribe salary bands and allow universities some autonomy in determining salary levels within these limits (or above a certain minimum) are applied in a large number of countries (15) as depicted in figure 4.5. It should be noted, however, that detail of these guidelines varies greatly among countries. In some countries these salary bands are negotiated by the state and institutions or unions. In the Netherlands, negotiations only involve the universities and the unions with no intervention of the state. Finally, there are, in several countries, some exceptions in salary regulations for international professors, in order to allow universities to attract them by designing specific incentives.

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Staffing autonomy

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4.5 Individual salary levels



- Entirely decided by universities: BG, CZ, EE, NO
- Entirely decided by other body: BE nl, BE fr, CY, GR, IE, MT, SI, TR
- Universities may decide salaries of some categories only: AT, FR, DE, IT, PT, ES
- Universities may decide within certain limits: HR, DK, FI, HU, IS, LV, LT, LU, NL, PL, RO, RS, SK, SE, UK
- Varies between cantons: CH

²² This refers to the university’s capacity to determine the salary levels of individual employees and/or employee categories.

Key issues & findings

- The analysis shows that involvement of the public authorities in staffing issues ranges from determining (directly or indirectly) the salaries to being direct employer of university staff.
- While universities are in most cases able to determine their overall costs, they are rarely able to set staff salary levels freely.
- Although there is a trend to reduce civil servant status, there is still a large number of countries where either all or a large number of employees have this status.



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Conclusions: staffing autonomy

One of the important elements of staffing autonomy is the extent to which universities have control over the financial aspects related to their staff. This includes the overall salary costs and individual salary levels, as well as the degree of flexibility universities have in the recruitment of staff (even if procedures are regulated to a certain degree). Universities' staffing autonomy is limited wherever universities are largely unable to decide on their staffing policy, including recruitment practices, salary levels, and tenure. If these issues are set to a large degree by the public authorities this leaves universities with little capacity to control overall salary expenses, or devise incentives for attracting high quality staff.

Recruitment policies and decisions may also have to be confirmed by higher level authorities, such as academic appointments that need to be approved by national governments. Although in some countries this is only a formality, it nevertheless impacts on the length of a recruitment procedure and therefore on the flexibility to act quickly in an increasingly competitive international recruitment environment.

The analysis reveals that, in some aspects, universities gained a greater flexibility in their staffing autonomy, in particular as in most countries staff is directly paid and/or employed by the university instead of the government. When looking at a wider range of important elements of staffing autonomy though, in particular the ability to define individual salaries, control is still exerted to a large degree by the government. The fact that in almost half of the countries studied all or the majority of staff has civil servant status also shows a need to continue to change to more flexible forms of employment for university staff.

Some countries like Croatia, Cyprus, Greece and Turkey seem to have little freedom within their staffing autonomy as they have no possibility to determine the numbers of staff they recruit, and have no control over overall salary costs - even individual salary levels are determined by national authorities. In three of the four countries (Croatia, Greece and Turkey), all staff members also have civil servant status, which is subject to various other regulations and entitlements.

5 Academic autonomy

In relation to academic autonomy, this study focused on gathering information on the universities' ability to determine their own institutional strategy, to determine their academic profile, in particular their ability to introduce or terminate degree programmes, to decide on the structure and content of these degree programmes, as well as on their roles and responsibilities with regard to the quality assurance of programmes and degrees, and finally the extent to which they can decide on student admissions.

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Analysis of the data gathered on these elements proved to be particularly challenging. This was to be expected, given that important aspects of academic autonomy are closely linked not only to the other dimensions that are core to institutional autonomy, but also to the ongoing Bologna Process reforms. Over the last ten years all the countries surveyed have enshrined the core elements of the Bologna reforms extensively in national or regional legislation. This is the case specifically for the Bologna three-cycle study architecture, backed

up by national qualifications frameworks, for the implementation of ECTS credit frameworks and for quality assurance arrangements. On all these major issues European frameworks exist, developed jointly by the representatives of governments, universities, staff and students. They are being implemented on a voluntary basis at national level and by institutions across Europe in all 34 countries surveyed.

Further definition and detailed analysis of the concept of academic autonomy will need to take account of and, indeed, be based on a broader understanding of these developments, in particular the ongoing implementation at national level of the three-cycle structure in the context of the European Qualification Framework for Higher Education (2005) and of national quality assurance arrangements being put in place in the context of the European Standards and Guidelines also adopted by Ministers (2005).

The comments made below are to be considered in the light of these remarks.

Institutional strategy

The concept of "Institutional strategy" used in this study refers to the ability of the university to define its basic mission in terms of research and teaching orientation and other activities and includes decisions regarding which actions are necessary to best achieve these missions. It is clear that a university's ability to define its own institutional strategy also touches important elements of the other dimensions of autonomy and could therefore be considered as an overarching framework of all its activities.

Although universities across Europe largely appear to be responsible for defining their own institutional strategy, it is quite common for them to face diverse restrictions, which range from necessary compliance with the Ministry's strategy, detailed development plans, or, for instance, limitations in terms of language policy. Belgium is a case in point, where universities are only permitted to operate within certain set territories and in the official language of their community, thereby limiting their ability to determine institutional strategy. In Finland, universities are designated as Finnish-speaking, Swedish-speaking or bilingual by law.

Academic Profile

Universities in the majority of European countries (29) are essentially free to develop their own academic profiles. (Two of these countries (Malta and Switzerland) seem to enjoy particularly high levels of autonomy in this respect as their universities are completely free to introduce new degree programmes or end existing ones.) Of course, universities in all countries are subject to different forms of accreditation, licensing or negotiation procedure, according to their national legislation as well as in certain cases to European level requirements, as is the case, for example, for programmes leading to professional qualifications, with which compliance is mandatory. This includes the sectoral professions (principally, medical doctor, dental practitioner, veterinary surgeon, pharmacist, architect) and the professions subsumed in the so-called general system (of which engineer is the most pertinent example)²³.

In universities in five countries (Denmark, Finland, Germany, Ireland and Spain) institutions' educational responsibilities are stipulated in the national law, determined by the relevant ministry, or negotiated between the Ministry and the university.

More specifically, in Finland the list of possible degrees and fields of study is stipulated by law or by the Ministry of Education, and the Spanish and German universities negotiate educational responsibilities with the relevant regional governments. But even in countries where there are no official interventions or negotiations with a higher authority, there seems to be a strong steering through funding by the relevant body, which can effectively influence a university's decision on its academic profile.

An example of a country where the Ministry of Education plays a particularly strong role with respect to the development of the academic profiles of institutions is the Netherlands. Indeed, the Ministry oversees the system's efficiency and discourages universities from establishing degree programmes in fields of study that are already catered for by a number of other institutions. However, where new degree programmes require accreditation, it is likely that the procedure will also take into account the balanced provision of different disciplines across the country, in particular at master level.



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Degree programmes

Structure and content of degrees

The last decade of Bologna reforms across Europe has led to the introduction of the Bologna three-cycle degree structure and the ongoing development of national qualifications frameworks in all the countries surveyed.

The responsibility for the design of curricula, on the other hand, generally rests with the universities themselves. The development of new Bologna compatible study programmes at bachelor and master level has generally been accompanied by the establishment, at national or regional level in most countries, of quality assurance agencies that are in many cases responsible for ensuring the external quality

or the accreditation of these new study programmes and degrees. This is most often the case in those countries that previously offered longer degrees with no first-cycle qualifications.

Introduction and termination of degree programmes

More generally, the introduction of new programmes usually requires some form of approval by the relevant Ministry or by another public authority. The following paragraphs describe the variety of the different procedures that exist across the countries surveyed.

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Academic autonomy

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In general, new programmes must pass some type of accreditation. However, due to the national or regional allocation of educational responsibilities, opening programmes in certain fields may be more difficult if the discipline is already well catered for in other parts of the country. Alternatively the establishment of new programmes needs to be negotiated with the responsible Ministry. These negotiations are often related to the financial impact of these programmes. The data collected suggest that there are a number of requirements involved in opening or closing programmes.

While the Maltese and Swiss universities appear to be largely autonomous in relation to the introduction of new degree programmes, it is much more common over the rest of Europe for new programmes to be submitted to an official accreditation, licensing or evaluation.

In some countries, national lists of possible degree programmes exist, often stipulated by law. In the Slovak Republic and Hungary for example, this is combined with a two-stage accreditation process, depending on whether the new programme the institution wishes to establish is already part of listed programmes or not. In this case, obtaining accreditation is generally easier. If not, an official endorsement of the curriculum and learning outcomes by a national accreditation agency or by the relevant Ministry is required. The newly created programme is then registered with the official body and institutions seeking to establish such programme in the future can secure accreditation faster for their specific programmes.

In those countries where the legislation determines the distribution of educational responsibilities (i.e. the degrees that an institution is allowed to grant), the establishment of new programmes is necessarily heavily constrained. Finnish, Walloon and Luxembourg institutions, among others, may only open programmes which pertain to their wider educational remit.

The standard accreditation process can include specific procedural requirements in some countries. In the Netherlands, accreditation is only required for programmes within bachelor, master and Ph.D. degrees, whereas the universities are independent in

deciding on the establishment of other post-graduate programmes. Turkey has implemented a slightly different system that requires official approval of the national higher education council (YÖK) for two and four year programmes, and programmes within bachelor and Ph.D. degrees, but allows universities to introduce new master programmes independently. In Norway and Sweden, if government-endorsed universities are able to establish programmes independently, university colleges, however, are required to accredit their master and Ph.D. programmes with the respective Ministry.

In Spain, whilst there is a national accreditation process in place, universities also need to engage in resource negotiations with the regional government in order to obtain programme funding. Finally, whilst French universities, among others, would technically be able to introduce new programmes regardless of a negative evaluation, they would not be eligible to receive public funding.

Institutions in several countries, such as Austria, Cyprus, Germany²⁴, Greece and the UK have to engage in resource negotiations with the relevant Ministry, or another national agency, to secure resources necessary to open potential new programmes. Additionally, institutions may have to fulfil prerequisites such as securing a minimum number of students to be granted the authorisation to open new programmes (Luxembourg and Portugal).

Finally, universities in several European countries, generally the new member states, are able to open programmes independently for fee-paying students, while the number of government-funded places need to be negotiated with the relevant authorities. The chapter on student admissions further elaborates on this specific issue.

Universities across Europe are generally more autonomous as regards the termination of existing programmes. Institutions either have complete authority to close programmes independently (Belgium/French community, Estonia, Greece, Hungary, Italy, the Netherlands, Poland, Romania and Sweden), or may have to negotiate with the relevant Ministry, especially as far as overall student numbers are concerned (Austria, Cyprus, Spain).

24 In Germany, approval of the Ministry may be needed in a few *Länder*, such as Hessen and Schleswig-Holstein.

Student admission

The ability to decide on key issues related to the selection of students (student admission) is an important part of academic autonomy, including:

- whether the universities are able to decide on overall numbers of students
- if they can decide numbers of students per discipline
- if they have control over student admission mechanisms
- if they need to comply with special quotas

The following analysis shows that there are considerable limitations to university autonomy in relation to the selection of students.

Overall numbers of students

There are three basic models in terms of who decides on the student intake into universities (see figure 5.1). The decision on the overall number of students is either taken by the university itself (in a minority of countries), by the relevant public authorities or shared by public authorities and universities.

Exclusive intervention of the public authorities means that either a fixed number of study places or a ceiling is set (In Bulgaria, Greece, Lithuania, Norway and Turkey, the student numbers are pre-fixed by the state) or that the law stipulates that all those possessing a predetermined qualification have free access to university (9 systems).

An intermediate, “cooperative” model includes the intervention of both the university and the public authorities. This can take place in the framework of negotiations with the relevant Ministry or the process of the accreditation of a programme (maximum or minimum numbers of students may be set during the accreditation process). This can also be organised through a split system, where the public authorities decide on the number of state-funded study places and the university can decide on the number of fee-paying students, thus influencing the overall number of students.

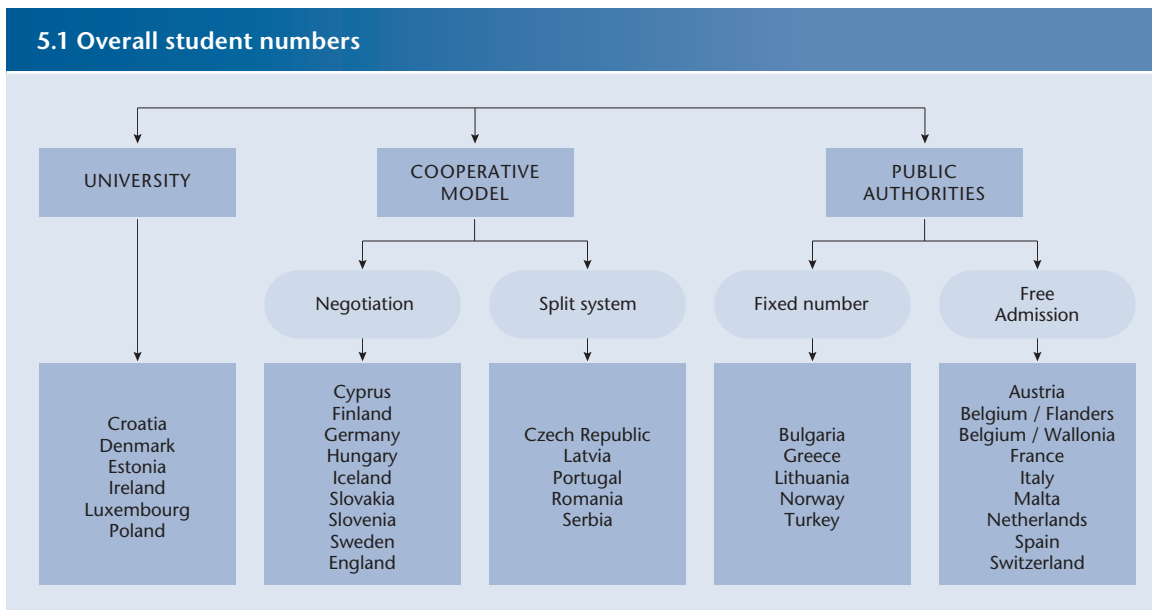
In Latvia for instance, the Ministry of Education decides on the amount of state-funded study places, which are often allocated to specific programmes (especially in natural sciences, engineering, teacher training and medicine). The universities on the other hand can decide on the overall student numbers and numbers of student per discipline regarding in the self-funded study places.

Numbers of students per discipline

In a third of the European countries analysed, the universities can freely decide on the number of student places per discipline. The allocation however may, in some fields, be subject to negotiations with the relevant authorities, or set within the accreditation procedure.



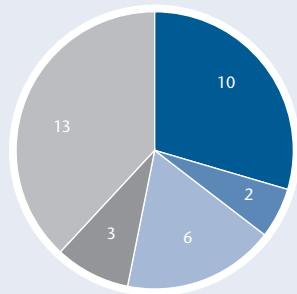
Academic autonomy



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Academic autonomy

5.2 Number of students per discipline



- Disciplinary allocation freely decided by universities: HR, CZ, EE, FI, GR, HU, IS, LT, LU, SE
- Disciplinary allocation decided entirely by the state: BG, TR
- Free entry, and state may decide on disciplinary quotas: AT, BE fr, FR, IT, ES, CH
- Free entry but universities may decide on disciplinary quotas: BE nl, NL, MT
- Disciplinary allocation subject to negotiation or accreditation in some fields: CY, DK, DE, IE, LV, NO, PL, PT, RO, RS, SK, SI, UK

The study also uncovered cases, where universities have no authority to decide on student numbers per discipline. In Bulgaria and Turkey, the state allocates a fixed number of study places for each discipline. While in Austria, Belgium/French community, France, Italy, Spain and Switzerland, entry into universities is generally free, a numerus clausus may still be introduced for some disciplines (for instance, medicine) when this has been endorsed by the government.

Students in the Flemish community in Belgium, the Netherlands and Malta also have free entry into

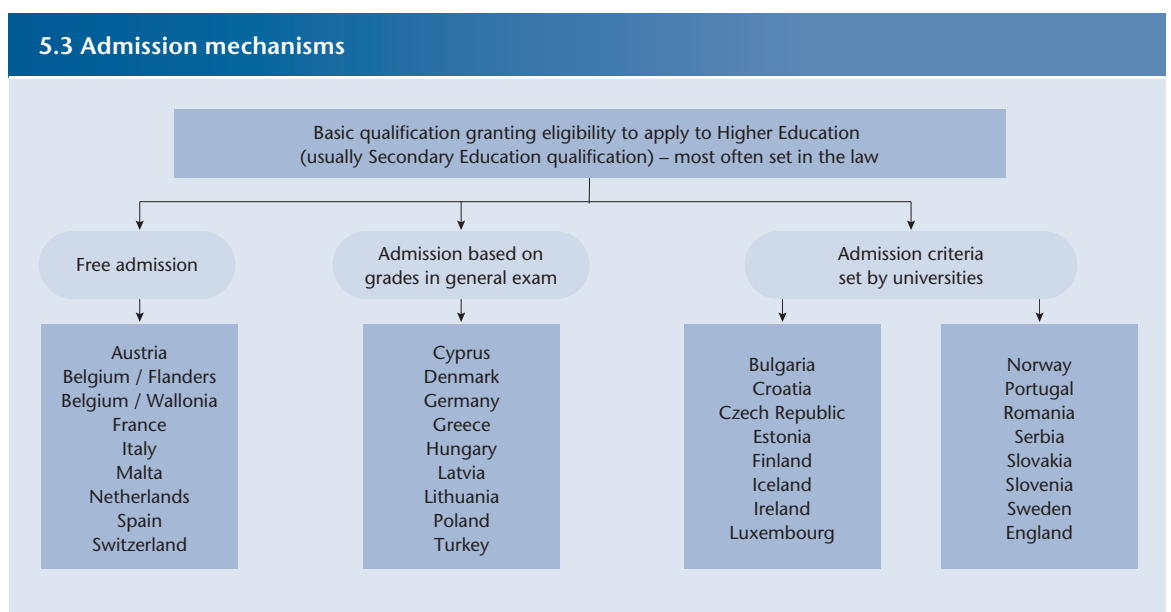
university programmes, but the universities are entitled to set quotas for specific disciplines themselves.

Admission mechanisms

Admission to university can be clustered into three different models. All systems require that candidates hold a type of secondary education qualification or succeed in a general matriculation exam (this is most often stipulated in the national legislation), which grants them basic eligibility to apply to university. Three main types of mechanisms unfold on this basis (see Figure 5.3):

- Free admission: in nine systems, holding such a qualification opens a right to obtain a study place in a higher education institution (as is the case in France or Spain for instance);
- Admission based on grades: the results obtained by the candidates in the national matriculation exam (or centralised university admission test) determine admission policy. Minimum achievement standards (level of points to be achieved) may be set by the Ministry (Cyprus, Greece), or by the universities themselves (Poland, Hungary). This may apply for all or only certain disciplines (Germany, Latvia, Lithuania).
- Admission criteria set by universities: universities are able to set their own admission policies as they are free to add criteria to the basic requirements set by law. This may occur in relation to specific disciplines, and this may also only be allowed at certain levels (in Hungary, universities can only apply additional criteria for post-bachelor degrees).

5.3 Admission mechanisms



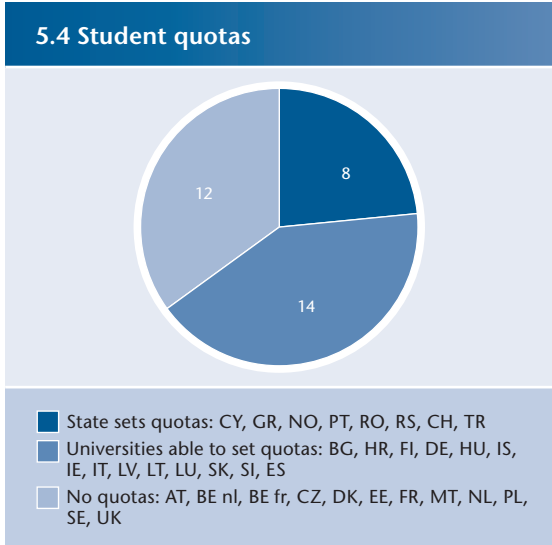
Student quotas

Public authorities, in a minority of countries, can set entry quotas for students of specific socio-economic backgrounds or foreign students (Cyprus, Switzerland, Turkey), or students with disabilities (Greece). The Norwegian government has also set minimum quotas of students entering university for a first qualification.

Universities themselves are allowed to set quotas in many countries throughout Europe, from Ireland to Bulgaria, and from Finland to Spain. These quotas would necessarily be diverse as they fall under the responsibility of the individual universities but may target students through criteria of nationality or origin (in Iceland, most universities limit their intake of international students), disabilities or outstanding capacities; in certain contexts, quotas may aim at facilitating access to higher education of children of war victims (Croatia). These measures are taken according to the internal decision-making process of the university.

Most often, when there is free admission to universities, the institutions may not set quotas, but neither does the state. Italy and Spain are exceptions to this trend as their universities, though operating under a system of free admission, are allowed to introduce such measures. This may apply to part-time students or to high level athletes.

A few countries, where access to higher education is regulated, nonetheless do not have quotas (neither at state level nor at university level). In some of these cases, public authorities have set incentive mechanisms to encourage institutions to offer study places to students coming from disadvantaged backgrounds (as in the UK), instead of setting quotas, which represents a more distant form of steering at system level. This also applies to Flanders, where measures attracting students combining work and study, for instance, are intended to complement the government's free admission policy.



Academic autonomy

Key issues & findings

- European processes such as the Bologna process and European frameworks have had a strong impact on many issues related to academic autonomy.
- Student selection is strongly regulated, whether by setting frameworks for admissions, or by limiting student intake in specific disciplines.
- More countries resort to imposing direct limitations (e.g. setting student quotas) instead of indirect steering by incentives.

5

Academic
autonomy

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Conclusions: Academic autonomy

In terms of academic autonomy, key issues include the ability of universities to decide on their academic profiles, especially educational responsibilities (conferring degrees in certain areas), and the ability to select students. Student admissions tend to be free for all students that meet the basic entry level requirements in a majority of countries (usually a secondary education degree and/or national matriculation exam).

The data analysis tried to assess whether there is a correlation between certain elements of financial autonomy and academic autonomy, in particular comparing block-grant funding and the ability to open new programmes. It is interesting to see that this is not the case. Countries with a block-grant budget cover all different types of procedures for opening degree programmes. Similarly, countries with a line-item budget can have both liberal and tightly regulated procedures for establishing programmes.

Based on two central elements of student admissions, the overall numbers of student intake and the allocation of student numbers into programmes disciplines, universities in Croatia, Estonia and Luxembourg appear to have the greatest freedom in this respect. Bulgarian and Turkish universities, on the other hand, have the least power to decide on those elements, as they are entirely determined by the state. However, one could argue that equally restricting countries with regards to student admissions are Belgium/Flemish community, France, Italy, Spain and Switzerland, which all have free admission in general, and when disciplinary quotas exist, they are determined by the state rather than by the university.

Finally it is apparent that universities which seem to be more autonomous when it comes to opening programmes in reality face limitations, as this freedom is often tied to budget negotiations, which effectively curtails the universities' academic autonomy.

Concluding remarks – Perceptions and Trends

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Perceptions

As outlined in the introduction, autonomy is a concept that is understood differently throughout Europe. What autonomy should comprise or how it should be introduced also differs dramatically depending on the viewpoint (university perspective or policy level). While there is broad acceptance of the concept that autonomy requires accountability as a counterbalance and that there needs to be a framework for universities in which they can operate, debate on the exact nature and extent of accountability is fierce.

The study aimed to provide a glimpse of what the representative organisations within Europe's higher education systems see as the main challenges for university autonomy at the present time and in the years to come. These perceptions can be categorised into the following five groups:

Financial issues

This proved to be the area where the majority of national rectors' conferences saw a current or future challenge. The main issues mentioned were related to the low levels of public funding, short funding contracts which made planning difficult, line-item budgets and a lack of independent financial capacity, such as lack of ownership of university buildings or limitations on universities' employment policies. Reporting procedures were also perceived to be heavy and cumbersome, and, in a number of cases, irrelevant.

Student-related issues

It was, in particular, universities in countries where access to studies is free which pointed out the challenge this represents for planning at the university level. A lack of ability to determine the level of tuition fees or to decide on their introduction was in

some cases seen as a competitive disadvantage in an international higher education market.

Institutional capacity

A lack of familiarity with the consequences of increased autonomy, new accountability tools, and a rapidly changing, competitive environment are proving problematic for some institutions. Reforms on governance and autonomy are usually not complemented by the necessary support measures and resources for staff development and training. Overly powerful faculties or their *de facto* strong representation in the relevant governing bodies were occasionally judged to be limiting the effectiveness of top management.

Relations with relevant ministry

Relations with the respective ministries responsible for universities were sometimes perceived as troublesome. Some ministries were viewed as lacking a long-term vision for the steering of universities. The ministries were similarly inexperienced in using the new steering mechanisms, which led to either a non-indented outcome (in particular with funding mechanisms) or to a too short phase of adaptation to the new circumstances.

Relations with state and society

In federal or regional systems with differing operating conditions, some universities felt unable to compete on a national level. There were also concerns about the long-term commitment of society to funding universities and guaranteeing their autonomy even under conditions of an economic downturn. Universities also made the point that it was challenging to maintain an adequate distance from the short-term interests of politics and business.

Trends

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Concluding remarks –
Perceptions and Trends

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While universities in almost all the systems under review have external regulations which provide a framework for their **organisational autonomy** (and at the same time provide the regulatory frame for their accountability), the number and detail of these regulations differ quite significantly. In most cases national legislation contains some kind of guidelines for the formation or structure of the decision-making body/bodies, as well as the groups represented in them and the selection of their members. The study revealed, however, that a certain degree of independence is available across Europe. In the majority of countries, universities are relatively free to decide on administrative structures. This is also true, although already to a lesser extent, of their capacity to shape their internal academic structures within the legal frameworks.

There is also a trend towards the inclusion of external members in the university decision-making processes, especially where universities have dual governance structures. This is also regarded as an important form of accountability but clearly serves other, strategic purposes as well (external stakeholders are also selected to help build links for multiple purposes with other sectors and industry). Their role though remains controversial as external stakeholders may be either seen as showing too little interest and commitment to university affairs, or considered to have too much control over academic issues. Finding the right balance and providing an efficient and appropriate way of including external stakeholders will form a crucial part of current and future reforms on governance.

As far as leadership is concerned, the shift towards CEO-type rectors in certain western European countries appears to go hand in hand with a greater autonomy in management and structure design. On the other hand a significant number of more traditional models exist where the rector is an academic “*primus inter pares*” and is selected by the internal academic community amongst the professors of the university in question.

Otherwise, it appears clearly that dual governance structures (with some type of division of power between bodies, usually comprising a board/council and a senate), as opposed to unitary structures, are on the rise.

Financial autonomy is one crucial factor allowing universities to achieve their strategic goals. If there is not a certain freedom to act independently in terms of financial issues, then the other dimensions of autonomy may well only exist in theory. In the majority of countries, universities receive their funding via block-grants, but there are still some cases where line-item budgets are used, with no possibility for the universities to shift funding between budget lines. These exist mainly in some eastern European and eastern Mediterranean countries. In a small number of cases even self-generated revenue is strictly regulated.

The way in which funding is allocated is another important factor that reflects how independent universities are vis-à-vis the political authorities. Analysis reveals that intermediary funding bodies often fund research, an area where political interference tends to be restricted to steering by priorities, but that institutional funding largely remains a direct competence of the Ministries themselves.

While in the majority of countries universities are allowed to borrow money, the law, especially in northern Europe, sets restrictions by limiting available amounts or requiring authorisation. This is quite often a reason for universities in those countries to establish independent legal entities (if they have the ability to do so), such as foundations, which are allowed to borrow. On the other hand only very few systems allow universities to invest in stocks and shares or issue bonds. In this respect, in most cases, governments exert some kind of control over the universities’ financial activities or simply do not allow those activities.

In the majority of the countries analysed, universities can collect tuition fees or administrative fees from at least part of their student population. Nevertheless, this does not mean that these fees reflect a significant contribution to the costs of education or a significant form of income. Additionally there are, in most cases, regulations and limitations attached to the ability of universities to set fees as a means to generate income.

In general there is little clear correlation between grant allocation types and other elements of financial autonomy, such as the ability to borrow money,

or the ability to set tuition fees. Looking at all the features of financial autonomy collectively, it seems that western European countries benefit from a greater autonomy than their eastern counterparts. It can be argued that, in general, universities in western Europe have more autonomy to use the public funding they receive, but less autonomy in relation to tuition fees. Countries in eastern Europe tend to have less autonomy with public budgets, but in many cases have more autonomy to decide on privately-funded study places, and the fees those command. The clearest examples of this are Latvia and Serbia, where universities have line-item budgets, but are able to set tuition fees freely.

In half of the surveyed countries, universities own their buildings. Although cultural differences, perceptions traditions or indeed the high maintenance costs are to a large extent determining factors of whether universities themselves want to own their facilities, it is a crucial aspect of being an independent financial actor. But even in those countries where universities are owners of their facilities they are not automatically able to decide freely on the investment of their real estate, nor can they necessarily autonomously decide on the sale of these assets. Restrictions range from authorisation to the prohibition of selling.

Almost invariably, universities need to submit financial reports to the funding Ministry, the Parliament, the regional government or other types of public authorities. This financial reporting to public authorities is one form of ensuring universities' accountability for their financial activities. Accountability is further ensured through the audit of the universities' accounts, which is carried out either by a national public auditing agency, a private agency (or both) or, in a small number of cases, directly by the Ministry of Education.

One of the important elements of **staffing autonomy** is the extent to which universities have control over the financial aspects related to their staff. This includes control over the overall salary costs and individual salary levels, as well as the degree of flexibility universities have in the recruitment of their staff (even if procedures are regulated to a certain degree).

The analysis reveals that, in some countries, universities are gaining a greater flexibility in their staffing autonomy, in particular as staff is generally directly paid and/or employed by the university rather than by the government. The ability of universities to define individual salaries is still, however, controlled to a large degree by the government. The fact that in almost half of the studied countries all or the majority of staff has civil servant status also shows a need to continue to change to more flexible forms of employment for university staff.

The analysis shows that there are significant differences in the recruitment of staff, ranging from a larger degree of freedom to formalised procedures including external approvals, sometimes by the country's highest authorities. Although in some countries this is only a formality, it nevertheless impacts on the length of a recruitment procedure and therefore on the flexibility to act quickly in a competitive increasingly international recruitment environment.

Some Mediterranean countries have very little freedom in their staffing autonomy as they have no possibility to determine the number of staff they recruit and hence have no control over the overall salary costs. Even individual salary levels are determined by national authorities.

In terms of **academic autonomy**, key issues include the ability of universities to decide on their academic profiles, especially educational responsibilities (conferring degrees in certain areas), introducing and terminating programmes and the ability to select students.

The introduction of new programmes usually requires some form of approval by the relevant Ministry or by another public authority and is often tied to budget negotiations, which shows again the interdependence of different dimensions of autonomy. In the majority of countries universities have complete authority to close programmes independently and only in a smaller number of systems do they have to negotiate this with the relevant Ministry.

Admission to higher education institutions tends to be free for all students that meet the basic entry



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level requirements in a majority of countries (usually a secondary education qualification and/or national matriculation exam). In a minority of countries, the decision on the overall number of students is taken by the university itself. In most cases this is determined by the relevant public authorities or decided jointly by public authorities and universities.

In a third of the European countries analysed, the universities can freely decide on the number of student places per discipline. The allocation however in some fields may be subject to negotiations with the relevant authorities, or set within the accreditation procedure.

Looking at the overall numbers of student intake and the allocation of student numbers into programmes disciplines, universities in Croatia, Estonia and Luxembourg appear to have the greatest freedom in this respect. Bulgarian and Turkish universities, on the other hand, have the least power to decide on those elements, as they are entirely determined by the state.

Although the study confirms the existence of a general trend towards an increase in university autonomy throughout Europe, there are still a large number of countries that do not grant their universities enough autonomy, thereby limiting their performances. There are equally cases where autonomy previously granted has now been reduced. Quite often there is also a gap between formal autonomy and the real degree of a university's ability to act with certain independence. In a number of cases a significant increase in accountability measures has effectively curtailed university autonomy, which indicates the importance of finding the right balance in terms of the introduction of accountability tools.

Although EUA has monitored, amongst its membership, the impact of the economic crisis on university funding during the project phase it is not yet clear what the long term effects of the global economic downturn on certain aspects of autonomy will be. It might mean that national governments will again resort to more direct steering mechanisms or that tighter public budgets will lead to heavier reporting measures. In a number of cases drastic cuts in public funding were a short term reaction to the economic crisis, which placed universities under strong pressure.

The public authorities need to find ways of steering the universities through performance and information measures, without resorting to excessively burdensome and potentially misplaced reporting measures, or too short-term funding. The commitment to long-term stable university funding is crucial for institutional autonomy. Being dependent on state funding, as most European universities are, inevitably limits a university's ability to function independently. The diversification of institutional funding to multiple funding streams, however, tends to create additional accountability requirements, which may prove cumbersome to comply with.

In conclusion, reforms in the field of governance and autonomy will not achieve their aims if they are not accompanied by measures to develop institutional capacity and human resources. These are necessary for universities to face the new demands placed on them, with a need for efficient and effective management and leadership and new technical and specialist expertise in many areas. This issue needs to be addressed jointly, by both universities and the relevant public authorities.

EUA, for its part, will continue to give the necessary attention to this important condition for the success of Europe's universities.

Contributors to the study

Respondents to the online questionnaire

The Rectors' Conferences of the following countries responded to the online questionnaire of the study: Austria, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Lithuania, Luxembourg, The Netherlands, Poland, Slovak Republic, Sweden, Switzerland, Turkey, and the United Kingdom.

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The European University Association (EUA) is the representative organisation of universities and national rectors' conferences in 46 European countries. EUA plays a crucial role in the Bologna process and in influencing EU policies on higher education, research and innovation. Thanks to its interaction with its members and a range of other European and international organisations EUA ensures that the independent voice of European universities is heard wherever decisions are being taken that will impact on their activities. The Association provides a unique expertise in higher education and research as well as a forum for exchange of ideas and good practice among universities. The results of EUA's work are made available to members and stakeholders through conferences, seminars, website and publications.

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