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Enhancing the University Autonomy in Moldova
(EUniAM)

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Comparative Analysis of University Organizational Autonomy in Denmark, Lithuania, Romania, Scotland and Sweden

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1. Introduction

Universities need consolidated autonomy in order to better serve the society. But, specifically, university autonomy is necessary to ensure a favorable regulatory framework to allow university leaders to create effective internal structures, to select and train university staff, to develop study programs and use financial resources, all this, in accordance with the specific institutional missions and profiles.

University governance and the relationship between the state and higher education institutions are topics that have generated intense discussions in the recent years being considered as important conditions for modernizing universities.

This report aims at conducting a comparative study of the organizational autonomy, its regulatory level and method in the universities of the European Union member countries, partners in the project.

The results of this study may help develop specific proposals for strengthening organizational autonomy, in particular, and university autonomy, in general, of higher education institutions in Moldova.

To be able to reliably compare higher education systems, expression and regulation methods and level of university autonomy, a systemic definition of this notion is necessary.

Therefore, the current study used as a reference point the Lisbon declaration of the European University Association (2007), which defines the organizational autonomy as **the ability of universities to decide on the organizational structure and institutional governance - in particular, the ability to establish structures and governing bodies, university leadership and reporting (subordination) relationships.**

The governance structure of an institution indicates how stakeholders (including the executive management of the institution, staff, students, government bodies, etc.) communicate with each other: who and to whom they report, and who is responsible for what.

Increased autonomy and responsibilities have brought many changes to the traditional models of governance of a closed academic community. Today, there are new models of governance that redistribute responsibility, control and decision-making power between external and internal stakeholders.

2. Methodology

To achieve the objective of the present study, first of all, an office research was conducted.

Analyzing existing research on the comparative study of university autonomy in EU countries (University Autonomy in Europe I (2009), Thomas Estermann și Terhi Nokkala; University Autonomy in Europe II, the Scorecard (2012), Thomas Estermann, Terhi Nokkala și Monika

Steinel) and based on the experience gained in developing the consolidated report on the current situation aimed at university autonomy in higher education institutions in Moldova, there were identified criteria (and subcriteria) used to describe the organizational autonomy of universities.

The first phase was dedicated to the development and improvement of autonomy indicators and the description of elements which, in terms of higher education institutions, are certain restrictions. As a result of this phase, there was developed Appendix 1_ Data_collection_template – a template for collecting the data needed for the study.

At the second phase, there were collected and analyzed data derived from laws and other normative acts regulating, directly or indirectly, the higher education system, institutional statutes and other documents of universities in EU countries partners in the project.

To ensure clarity and comparability of the results and to get a broader picture of national trends, scope and constraints on institutional autonomy, in the third phase study visits were conducted at EU universities partners in the project. The results of the phases 2 and 3 are shown in Appendices 2_Data_collection-analysis_template – containing analysis of information collected by country.

3. Organisational autonomy by country

As mentioned, this comparative study is developed based on the criteria and sub-criteria presented in the table below, which, in our opinion, characterize in a comprehensive way all aspects of the organizational autonomy.

Criterion	Subcriterion	Explanation / Comments (if any)
1. Governance bodies	Tasks	
	Structure	The inclusion of external members and students
	Selection procedure of governing body members	Elections and appoint-ments, who elects / appoints, approval by the external authority
	Criteria (qualification requirements) applied to the selection of members of governing bodies	
	Term of office of governing bodies	
	Revocation of members from governing bodies	The reason and the authority which has the revocation right

2. Executive management	Tasks	
	Selection / appointment procedure of the executive management	Elections and appointments, who elects / appoints, approval by the external authority
	Criteria (qualification requirements) applied to the selection of candidates for executive management	
	Term of office of the executive management	
	Dismissal of the executive management	The reason and the authority which has the revocation right
3. Management of academic activity (teaching, research and knowledge transfer)	Structure(s) of decision. Tasks	
4. Freedom of the university to decide on the internal structure	Normative provisions on the internal structure	
	Academic subdivisions and their management bodies	Structure and interaction
	Approval of changes in the structure by the external authority	The need for approval, by which authority
5. Representation of students in university governance and management bodies		
6. Freedom of the university to establish legal entities: non-profit and/or commercial		Including the degree of limitation of activities and use of revenues of entities

3.1. Lithuania

3.1.1. University governing bodies

This criterion refers to the provisions of the regulatory framework covering responsibilities, structure, selection procedure for governing bodies of the , qualification requirements for members of management bodies, terms of office, and the degree of involvement in the process of external authorities.

In accordance with the Law of Higher Education and Science of the Republic of Lithuania, universities have a dual structure of government, consisting of two collegial bodies: **Board and Senate**.

The Law of Higher Education and Science stipulates responsibilities, structure, general criteria and method of appointment, revocation criteria and term of office of governing bodies.

3.1.1.1. Board tasks

The Board is the supreme governing body of the university responsible for:

- approval of the institution's mission and strategic plan;
- approval of the plan of reorganization of the internal structure of the institution;
- establishment of the management procedure, use and distribution of funds and assets of the institution;
- establishment of the procedure for organization of Rector's elections through open competition;
- appointment and dismissal of the Rector of the institution;
- approval of the annual statement of revenue and expenditure of the institution, and the report on the execution of this statement presented by the Rector;
- approval of the annual report on the activities of the institution presented by the Rector, conformity assessment of activities with the strategic plan, of the results obtained and their impact;
- ensuring institution's relations with the public and founders, annual report to the public on the results of implementation of the strategic plan of the institution, etc.

3.1.1.2. Board structure

The Board consists of 9 or 11 members, having as members:

- 1 student;
- 2 members, and if the Board consists of 11 members - 3 members, representatives of teachers and researchers of the institution;
- 1 member representing the administrative and auxiliary staff of the institution;
- 1 member selected jointly by the Ministry of Education and Science (MES) and the Senate of the institution;
- 4 members, and if the Board consists of 11 members - 5 external members (who are not employees of the institution).

The Board shall elect the Chairman from among its external members.

3.1.1.3. Board selection procedure

Internal members of the Board are elected according to the procedure laid down in the statutes of universities:

- the student representative is elected by a representative structure of students or by the general assembly of students;
- 2 members (i.e. 3 members, if the Board consists of 11 members) are elected by teachers and researchers of the institution;
- 1 member is elected by the administrative staff and other employees of the institution;
- 1 member is selected jointly by the Ministry of Education and Science and the Senate of the institution.

External members are proposed by individuals and legal entities and are appointed by the Ministry of Education and Science, on the recommendation of the Council for Higher Education - an advisory body of MES for strategic development issues of Higher Education - based on the opinion of the university.

The final decision on the appointment of external members is entitled to the Ministry of Education and Science.

3.1.1.4. Board selection criteria

Board member can be only the person who has a good reputation in the society, held or holds a position of responsibility in the fields of education, science, culture, public activity, or business (not applicable for students), and has knowledge and competences that enable him/her to achieve the objectives and accomplish the mission of the higher education institution. The President of the Republic, members of the Parliament and Government and civil servants can not be members of the University Board.

3.1.1.5. Board's term of office

The term of office of each member of the Board, except the student, is five years. The same person can hold no more than two consecutive terms. The student holds the office of member of the Board during 1 year.

3.1.1.6. Revocation of Board members

The reason for the revocation of a member of the Board is failing to properly perform the tasks laid down in the Statute of the higher education institution and the procedure rules of the Board. The member concerned shall be revoked by the person(s) who appointed him/her, following the request from the Chairman of the Board.

3.1.1.7. Senate tasks

The Senate is the governing body that manages educational and scientific activities of the university, and is responsible for:

- approval of the study and research & development programs, presenting proposals to the Rector on financing these programs and the reorganization of the university structure needed to implement those programs;
- evaluation of research results and the quality and level of all research activities;
- approval of internal quality assurance system of studies;
- approval, in accordance with the principles established for the selection and evaluation of universities, of the qualification requirements for teaching and research positions;
- establishment of the procedure for performance evaluation of teaching and research staff, as well as of the organization of the contest to fill the position; etc.

3.1.1.8. Senate structure

Members of the University Senate can be full members of the academic community, administration members and students of the respective university, and also teachers and researchers from other universities and research institutes.

Senate structure is established in the Statutes of universities, based on the criteria stipulated in the Law of Higher Education and Science, namely:

- students constitute at least 20% of the members of the Senate;
- full time teachers who hold positions of professor and head of the research division constitute at least 20 percent of the members of the Senate;
- full time teachers who hold functions of associate professor and main researcher constitute at least 20 percent of the members of the Senate;
- full time teachers who are ex officio members of the Senate, by virtue of their positions, constitute no more than 10 percent of the total members of the Senate.

Employees of other universities and research institutes can also be members of the Senate by virtue of their position.

The Rector of the university is ex officio member of the Senate, but can not be the chairman of this forum.

3.1.1.9. Senate selection procedure

Members of the Senate, except ex officio members, shall be elected in accordance with the procedure laid down in the Statute and / or other regulatory acts of the University.

Members of the Senate, except students, are elected at the meeting of teachers and research staff, with basic function at the university concerned.

Student representatives are elected by a representative structure of students or by the general assembly of students.

3.1.1.10. Senate's term of office

University Senate's term of office is up to 5 years, exact term being set in the university Statute.

3.1.1.11. Revocation of Senate members

The reasons and procedure for dismissing members of the Senate are not found in regulations, including institutional ones.

3.1.2. Executive management of the university

Although the university's executive management involves several key positions within the Institution, this study focuses primarily on the Head of the Executive who is referred to as the *Rector*.

3.1.2.1. Executive management tasks

The Rector is responsible for

- development and implementation of the strategic plan,
- structural reorganization of the university,
- financial activities of the higher education institution,
- proper management, use and allocation of funds and assets,
- setting fees, hiring staff,
- student admission, etc.

The Rector is a member of the Senate, but can not be chairman of this body.

3.1.2.2. Selection / appointment procedure of the executive management of the university

The Rector is elected and appointed by the Board members based on an open competition. The Rector shall be considered elected if voted by at least 3/5 of the votes of all Board members.

3.1.2.3. Selection criteria of the executive management

The candidate for the Rector position must have scientific degree and experience in teaching and management.

3.1.2.4. Dismissal of the executive management of the university

In accordance with the Law of Higher Education and Science, the Rector may be dismissed if the annual report on the activities of the higher education institution or the annual report on the implementation of revenue and expenditure statement presented by the rector of the institution is not approved by the majority of university board members.

3.1.2.5. Authority deciding on dismissal of the executive management

Rector's dismissal is within the competence of the board.

3.1.2.6. The term of office of the executive management

Rector's term of office is 5 years. The position of Rector of a HEI can be held by the same person no more than two consecutive terms.

3.1.3. Management of academic activity

The Senate is the governing body that manages the university's academic activities and is responsible for approving study programs, the internal quality assurance system, the establishment of qualification requirements for teaching and research positions.

The Senate shall be established in accordance with the procedure laid down in the statute of the higher education institution. There are no government / ministerial regulations in this regard.

3.1.4. Freedom of the university to decide on the internal structure

3.1.4.1. Normative provisions on the internal structure

There are no legal provisions concerning the organization structure of universities. Universities have the freedom to make their own decisions on this issue. The organizational structure of the university is stipulated in the Statute of the university.

3.1.4.2. Academic subdivisions and their management bodies

As a rule, the university consists of faculties, where there are various institutes, departments, laboratories and other subdivisions, as well as administrative units. Administrative units have different fields of activity: research management, education process management, international relations, library, accounting, internal audit, IT center, marketing, etc.

The main body governing the faculty is the Faculty Council. The structure and procedure for selection / election of members of the faculty council are stipulated in the internal normative acts of the university.

The Dean represents the executive management of the faculty. Deans are appointed by the Rector and approved by the University Senate. Deputy deans, heads of departments / institutes are appointed by the rector at the proposal of the Dean. The term of office of deans, deputy deans and heads of departments is 5 years.

In the departments / institutes there are academic committees responsible for the preparation, submission for approval and accreditation of study programs.

3.1.4.3. Approval of changes in the structure by the external authority

Changing the internal structure of the state university is an internal affair of the university and does not require any approval of the founder (Parliament) or the Ministry of Education and Science.

Proposals for the structural reorganization of the university are addressed to the rector and can be made by the Senate or the Rector of the institution himself/herself. The Rector submits these proposals to the Board for approval.

3.1.5. Representation of students in university governance and management bodies

Student participation in the governing bodies of the higher education institution is provided by the Law of Higher Education and Research. Thus, an internal member of the Board is a student of the university and one of the external members is elected by the representatives of university students; at least 20% of the Senate members are university students. Students have representatives in all management bodies, advisory and dispute resolution structures of the higher education institution.

3.1.6. Freedom of the university to establish legal entities: non-profit and commercial

In accordance with the Law of Higher Education and Research (Chapter II, Art. 7, p. 2:12) universities have the right to carry out economic and commercial activities that are not prohibited by law, and which correspond to the objectives of the HEI.

3.2. Scotland

3.2.1. University governing bodies

Universities in Scotland have a dual structure of government, consisting of University Board (University Court) and the University Senate.

The legislative act governing higher education in Scotland is the Further and Higher Education (Scotland) Act 1992. In this Act it is specified the Court as the governing body of the university, and also its relationship to the Privy Council, the Scottish Funding Council and the State Secretary.

This Act contains provisions on university governing and management bodies, university organizational structure, general criteria and method of appointment of members of university governing bodies.

3.2.1.1. Board tasks

The Court is responsible for:

- approval of general strategic direction of the University;
- monitoring the performance and development of the University (management and administration of income, property, staff and students);
- implementation of all activities of the university in accordance with its Statute (Statutory Instrument).

Tasks of the Court are set out in detail in the statutes of universities and provide for:

- review, modification, control and prohibition of any act of the Senate, in accordance with the Statute of the institution, must be reported to the Court;
- review and monitoring of the management of the university and its performance;
- establishment, based on the report of the Senate, of the faculties, schools, departments, institutes, centers and councils; determination of their structure and functions, as well as their modification or revision;
- establishment of all university fees after consultation with the Senate;
- managing and regulating finances, accounts, investments, property and all assets of the University;
- investing money belonging to the University;
- hiring and termination of employment of all staff, drafting provisions for retirement schemes, pensions or retirement benefits for all employees of the university.

3.2.1.2. Board structure

The number of Court members (Governors) varies from one university to another (but does not exceed 25), the structure being the same for all HEIs.

The Court consists of:

- external members, selected from the business environment, industry and practitioners from various fields, which constitute an absolute majority in the Court;
- members - university graduates (alumni);
- ex officio members: the Rector and Vice-Chancellor (the original function name: Principal and Vice-Chancellor), can also be a vice-rector, and president of the Association of Students;
- members elected from among the academic staff;
- members elected from among the non-academic staff;
- members elected from among students.

3.2.1.3. Board selection procedure

The Court is responsible for organizing and conducting elections of Court members, representatives of the academic staff. After consultation with academic and non-academic staff, the Court establishes the rules under which the elections are made.

The Court is also responsible for selecting external members on a competitive basis in the management body. Candidates submit their applications for the contest, and a panel of the Court examines the applications and makes recommendations to the Court for approval of the selected candidates.

The Court shall elect its Chairman (Convener) from among its members.

3.2.1.4. Board selection criteria

Universities are free to set their own criteria for selecting Court members.

3.2.1.5. Board's term of office

The term of office of the Court members varies from one university to another and is stipulated in the Statute of the University.

Thus, the term of office of ex officio members is valid for the whole period of holding their function. The term of office of external members is 3 (4) years and may be reappointed, provided that the maximum period of holding the membership of the Court shall not exceed 9 years; the term of office members from among academic staff is 3 (4) years and may be extended, provided that the maximum period of holding the mandate does not exceed 6 (9) years.

3.2.1.6. Revocation of Board members

Terms of dismissing members of the Court are set out in the Statute and other normative acts of the University.

According to these acts, a member of the Court may be revoked in the following cases:

- did not participate in meetings of the University Court or commissions or its sub-commissions for six consecutive months;
- lost membership of the Senate, or of academic / non-academic staff (in the case of governors elected from among university staff);
- according to two thirds of the members the University Court, the Court member has been involved in conduct that discredits the governor or University, or
- according to two thirds of the members the University Court, the governor breached the contract between him and the university, or the governor significantly violated one of the University's policies or procedures.

3.2.1.7. Senate tasks

The Senate is the academic management body of the university and is responsible for all academic issues, including academic standards and quality of studies.

The responsibilities of the Senate include planning, coordinating, developing and supervising teaching and research, and other functions assigned by the University Court. All decisions of the Senate must be approved by the Court.

3.2.1.8. Senate structure

Senate numerical composition varies from one university to another. The number of members and the representation quotas of members of the Senate groups are established by legislation.

The Senate is composed of:

Ex officio members

- Rector, who is chairman of the Senate,
- Vice-Rectors,
- Deans and heads of academic departments,
- President of the University Student Association.

Elected members

Academic staff, co-opted members (5 people) and, in some universities, students. The number of elected members and their election procedure shall be proposed by the Senate and approved by the university Court.

3.2.1.9. Senate's term of office

Ex officio members of the Senate hold their mandates while holding their respective positions.

Senate members elected from among the academic staff hold a term of 3-4 years which may be renewed once.

Students are elected for a period of one year, in compliance with the rules established by the Student Association.

Co-opted members hold a term of 3-4 years, and after this period can be co-opted again.

3.2.1.10. Revocation of Senate members

Grounds and the procedure for dismissing members of the Senate are not found in regulations, including the institutional ones.

3.2.2. Executive management of the university

The executive management of the university is represented by the Chancellor and Rector, the latter being the Vice-Chancellor of the university.

The Chancellor is the ceremonial head of the university. He is appointed after consultation with the Senate, by the University Court, which sets out the obligations and rights of the Chancellor's office.

Chancellor's term of office is 4-5 years, but the university Court may establish any other term of office, which could then be renewed.

The Rector is the general academic and executive director of the university.

In his activity, the Rector is assisted by the so-called executive team. This team is responsible for providing guidance on overall strategic direction of the University, examination of important initiatives and resources necessary for their achievement and presentation of these proposals to the Senate and Court for final approval.

The executive team usually consists of:

- Rector, who is the chairman of the executive team,
- Vice-Rectors.
- Executive Deans,
- Head of the Financial Office.

3.2.2.1. Executive management tasks

The Rector is responsible for the daily management of the university, appointment and promotion of staff and performs any other functions delegated by the University Court. He also manages all financial activities of the university.

The Rector, assisted by the executive team, is responsible mainly for:

- development of the general strategic direction of the university, taking into account the available resources and the need to ensure sustainability of the university; submits, where appropriate, to the Senate and / or Court proposals in this regard for final approval;
- development of policy proposals on: university budget, priorities for resource allocation, institutional development, staff employment and any other university activities to be subsequently submitted to the Court for approval;
- analysis of policy proposals regarding teaching, research and academic development and academic priorities of the university, to recommend them to the Senate for final approval; etc.

The Rector is the chairman of the Senate and ex officio member of all committees of the Senate.

3.2.2.2. Selection / appointment procedure of the executive management of the university

The Rector is appointed by the University Court following a selection process and after consultation with the Senate. The procedure and criteria for selection of the rector and the term of office and contract conditions are determined by the University Court.

No normative document contains provisions on these issues, including the reason and the procedure for dismissal of the rector.

3.2.3. Management of academic activity

The Senate is the governing body of the university which is responsible for managing all academic activities. However, any decision of the Senate must be approved by the University Court.

3.2.4. Freedom of the university to decide on the internal structure

3.2.4.1. Normative provisions on the internal structure

According to the University Statute, the academic organizational structure of the university is determined by the Court, after consultation with the University Senate. The academic structure of the university is stipulated in the University's Ordinances - internal normative document of the higher education institution. The administrative structures of the university are not mentioned in any university normative document.

3.2.4.2. Academic subdivisions and their management bodies

In the university Ordinances, there are indicated faculties of the university established by the Court. Within each faculty, there are academic departments / schools. The University Senate determines the study programs for each department / school and which they are responsible for.

The executive Dean is the main management body of the faculty. The Dean is appointed by the Court or by a committee authorized by the Court. The term of office and contract conditions for the position of Dean are determined by the Court or the committee referred to. The Dean is a member of the university management team (the executive team).

The Academic Council of the faculty is the peer executive body which shall consider any questions of the faculty concerned, examine all the subjects proposed by the Senate for consideration and shall inform the Senate on its views. The executive Dean is the chairman of the Academic Council of the faculty.

The structure of the Academic Council of the faculty is established in regulations and includes ex officio members and elected members.

Ex officio members are: the dean, deputy dean (s), heads of departments. The number of elected members, the election procedure varies from university to university and is specified in institutional regulations.

Each university department has a Departmental Committee chaired by the head of the department. The Departmental Committee includes all members of the academic and research staff and trainee teachers in the department.

3.2.4.3. Approval of changes in the structure by the external authority

Any change in the organizational structure is approved by the university Court and does not require approval by external authorities.

3.2.5. Representation of students in university governance and management bodies

Within the University, there is a Student Association which aims at promoting the general interests of students and providing a channel of communication between students and university authorities recognized by the entire university community.

In accordance with the Statute of the university, student representatives are members of the university Court, Senate, and of various university committees.

3.2.6. Freedom of the university to establish legal entities: non-profit and commercial

The University has the right to establish commercial and non-profit legal entities and use revenues from their activities according to their own needs, without the approval of external authorities.

The external audit, which is conducted periodically, determines the correctness of the use of university revenues.

3.3. Sweden

3.3.1. University governing bodies

Higher education institutions (HEIs) in Sweden have a unitary structure of government. According to Swedish Higher Education Act, 1992, the governing body of the university is the Governing Board.

Swedish Higher Education Act and Higher Education Ordinance (amended in 2011) states in general terms responsibilities, structure, criteria and procedure for appointing the members of the Governing Board.

3.3.1.1. Board tasks

The Governing Board is responsible for the effective management and planning of continuous development of the higher education institution. The Board is the only body

responsible for all activities of the university. According to the Higher Education Ordinance, the Board shall make decisions on:

- annual reports, financial documents and provide an internal audit system that works effectively;
- measures resulting from audit reports and recommendations made by the Swedish National Audit Office;
- guidelines and internal audit activities and measures resulting from the comments and recommendations received from internal auditors;
- internal resource allocation and monitoring of their use;
- admission procedure;
- institutional normative acts;
- organizational structure of HEI; delegation of the decision-making right; procedure for appointing to positions, etc.

3.3.1.2. Board structure

The Governing Board consists of no more than 15 members and mandatory includes external members (outside the university). The Rector (Vice-Chancellor) of the University is ex officio member of the Board. According to the institutional normative acts of some HEIs, academic staff is represented in the Board by three members, students of the institution - 3 representatives, the rest - 8 members are external representatives. The activity of the Governing Board is led by the President.

3.3.1.3. Board selection procedure

Board members, representatives of the academic staff, are selected in accordance with the Regulation on the election procedure, drawn by the Governing Board. Student representatives are appointed by the Student Union of the HEI.

External members of the Governing Board are appointed by the Government at the proposal of HEI.

The President is appointed by the Government, and the Vice President is elected from among Board members.

3.3.1.4. Board selection criteria

External members are usually rectors of other universities in Sweden, prominent representatives of industry, CEOs of large companies, representatives of public authorities (mayors, heads of regional administrations, heads of governmental agencies, etc.).

3.3.1.5. Board's term of office

The term of office of each member of the Governing Board (except students and rector) is not more than 3 years. Student representatives are appointed to the Board for 1 year and the Rector is member of the Board for the duration of his term.

3.3.1.6. Revocation of Board members

There are no legal provisions on the procedure for dismissal of Board members.

3.3.2. Executive management of the university

The executive management in Swedish universities is represented by the Rector (Vice-Chancellor / President). The Rector is assisted in his work by a management group.

3.3.2.1. Executive management tasks

The Rector (Vice-Chancellor) of the university is the main executive authority of the HEI responsible for managing all university activities and ensuring achievement of the objectives set by the the Governing Board. The Rector has the right to decide upon all university issues, except for those areas which, according to the statute of the HEI, are the responsibility of the Governing Board. If the State does not specify decision making authority (Board or rector) for specific questions, they pass under the responsibility of the rector, who has a vast mandate in decision making.

The Rector is ex officio member of the Governing Board of the university and can be President/Chairman of this body.

3.3.2.2. Selection / appointment procedure of the executive management of the university

The Rector of the University is appointed by a Government decision made based on the proposal received from the Governing Board of the HEI. Before presenting to the Government the candidate for the Rector position, the Board must consult with the teaching staff, auxiliary staff and university students. The way to have these consultations is determined by the Governing Board.

The selection of candidates for the post of Rector (and the candidates for pro-rectors / vice-rectors) is performed by the Nomination Committee, appointed by the Governing Board. The Nomination Committee consists of representatives of academic staff, administrative staff and students. Numerical composition of the committee is determined by the Board.

3.3.2.3. Selection criteria of the executive management

A person eligible for appointment to the post of Rector must meet all requirements for employment in the position of professor or lecturer. In addition, there are considered administrative and leadership capabilities.

Under Swedish law, a person can not be appointed to the management position after reaching the age of 67. For the rector position, the restriction referred applies in the following way:

appointment of the person for the first mandate is limited to the age of 61, and for the second term to the age of 64.

In his activity, the rector is assisted by the Management Group which includes the rector, vice-rectors, (Pro Vice-Chancellors), Deputy Vice-rectors (Deputy Pro Vice-Chancellors), head of the university administration and, in some universities, deans.

3.3.2.4. The term of office of the executive management

According to the Swedish Higher Education Act and Higher Education Ordinance, the Rector is appointed to this position for a maximum period of 6 years. The appointment may be extended at most twice, for a period of 3 years each (3 + 3).

3.3.2.5. Dismissal of the executive management of the university

The legislation does not stipulate the conditions under which the Rector may be dismissed. Rector's dismissal is in the power of the Government, given that the Government appoints the executive management of the university.

3.3.3. Management of academic activity

All activities related to teaching, research, quality assurance are managed by the Management Group of the university chaired by the Rector.

Most universities in Sweden have a body that represents the entire university community and has various names: Academic Senate, Council for Teaching and Research, Faculty Council, etc. This is a consultative body of the rector that has the responsibility to discuss and express its views on:

- Objectives and strategy for university activities and interaction with the community;
- The internal structure of the university;
- Educational and research policies of the university.

3.3.4. Freedom of the university to decide on the internal structure

3.3.4.1. Normative provisions on the internal structure

The internal structure of public higher education institutions is not regulated by any law. Universities are free to decide on their organizational structure. This means that the governing bodies at the level of structural units may vary from one university to another. However, there are certain similarities in various universities due to the exchange of experience and best practice, which is highly developed in Swedish higher education system.

3.3.4.2. Academic subdivisions and their management bodies

Usually, the academic structure of the university consists of faculties (faculty) where there is a number of departments / schools.

At the faculty level, the main decision-making body is the Faculty Council consisting of the dean, vice dean (s), other representatives of the faculty community and student representatives. Additionally, external members can be also included in the Faculty Council.

At least 2/3 of the Council consists of teaching and research representatives who are elected by the entire teaching and research staff of the faculty. Student representatives are appointed under the Student Union Ordinance and constitute at most 1/3 of the Council members. No more than 2 external members may be included in the Council. The Chairman of the Faculty Council is the dean of the faculty.

The Dean is a person who has skills in research and teaching and is appointed to this position by the Rector, on the proposal from the faculty concerned. Vice deans of the faculty are appointed in the same manner. Selection of candidates for the position of dean and vice dean is done according to the internal rules of the university.

The Rector delegates many decision making rights to Deans, but issues of importance to the faculty are the responsibility of the Rector.

Deans are responsible for research and educational process carried out at the faculty, they are senior managers for heads of departments and represent the faculty in the university decision-making bodies and in the relationships with colleagues from other faculties.

Departments of the faculty are led by heads of departments appointed by the rector.

The Department Council, decision making structure of the department, is appointed by the Board of Governors, which usually delegates this right to the Faculty Council – direct superior body.

The Composition of the Department Council is determined by the rector based on the proposals of the department. The head of the department together with the Department Council organizes and manages the activity of the department.

3.3.4.3. Approval of changes in the structure by the external authority

Changes in the organizational structure of the university are within the competence of the Governing Board of HEI. Changes in the structure of the university does not require approval by external authorities.

3.3.5. Representation of students in university governance and management bodies

The Swedish Higher Education Act stipulates that there is a University Student Union within each university aimed at promoting the interests and rights of students and providing a means of communication between students and university authorities. In accordance with this act and internal documents of universities student representatives are members of the Governing Board, the Academic Senate and the Faculty Council, and various university committees.

3.3.6. Freedom of the university to establish legal entities: non-profit and commercial

Public universities in Sweden have the status of public agencies. According to the Swedish law public agencies do not have the right to set up legal entities. However, universities may be members of holding companies, which, in turn, can establish entities of any type and perform various activities both for profit and non-profit.

As a public institution, the university can not generate profit. All funds raised for training and research can only be used to cover the costs of teaching and research.

3.4. Denmark

3.4.1. University governing bodies

Universities in Denmark have a unitary system of government. According to the *Danish (Consolidation) Act on Universities* the Board is the governing body of the university.

The Danish Act on Universities outlines the general responsibilities, structure and procedure for appointing the University Board.

3.4.1.1. Board tasks

The Board is the main university authority protecting the interests of the university which is an institution of education and research, and establishes guidelines for its organization, development and long-term activities.

The Board has the following basic responsibilities:

- The Board is accountable to the Minister for university activities, including management of all resources of the university.
- The Board administers university funds.
- The Chairman of the Board, together with a board member, manages the university heritage.
- The Board approves the university budget, as recommended by the rector, and distributes all the resources.
- The Board hires and dismisses the Rector; upon rector's recommendation hires and dismisses the senior management team.
- The Board concludes a development contract with the Minister of Education.

3.4.1.2. Board structure

The Board consists of 9-11 members and is composed of external and internal members representing the academic community, including employed PhD students, technical and administrative staff and students of the university. The majority of the Board is composed of external members.

The (exact) number of external and internal members of the University Board is stipulated in the Statute of the higher education institution. The Board shall elect a Chairman from among its external members.

3.4.1.3. Board selection procedure

The procedure for selecting external members of the Board provides as follows:

The university establishes a *nomination* committee and a committee for the *selection* of external members. These committees must ensure that candidates for external member of the Board meet qualification requirements and commitment to the university.

The procedures for establishing the nomination and selection committees are developed by the Board. Their composition is stipulated in the statutes of the universities. They usually include representatives of the academic community of the university.

Internal members of the Board are elected by the entire university community and represent teaching and research staff (including employed PhD students), technical staff, administrative staff and students of the university. Students are represented in the Board by at least two members.

3.4.1.4. Board selection criteria

External members are selected based on personal qualifications. Candidates must have an insight into aspects related to research, education, dissemination and exchange of knowledge and experience in management, organization and finance, including the assessment of the budget and accounts.

3.4.1.5. Board's term of office

External members of the Board may hold no more than two terms of 4 years each. Internal members of the Board shall be elected for a term of 4 years and may be re-elected for another term. Student representatives in the Council are appointed for a period of 2 years.

3.4.1.6. Revocation of Board members

The dismissal of the external members of the Board is possible if:

(1) the Board does not consider the minister's orders concerning the rectification of illegal conditions; the Minister may order the dismissal of board so that a new board to be appointed;

(2) Board actions endanger the future existence of the university. The Minister may order the immediate dismissal of the board, and in this sense establish an interim Administrative Board until the appointment of a new Board.

Internal members of the Board, representatives of the academic community, including employed PhD students and technical and administrative staff, are protected against dismissal, in their capacity as members of trade unions in the field.

3.4.2. Executive management of the university

Within the framework set by the Board, the Rector is responsible for the daily management of the university. He acts as head of the executive management and delegates tasks and responsibilities to the members of the executive management team, which consists of rector, vice-rector (s), director of the university and deans.

The management team is responsible for the operation of the university, and for implementing the strategy and objectives of the university.

3.4.2.1. Executive management tasks

The main duties of the rector are:

- make recommendations to the Board regarding the hiring and dismissal of members of the executive management team of the university;
- hiring and dismissal of heads of academic units and doctoral schools (responsible for providing doctoral study programs). Doctoral schools are established by order of the rector;
- presenting the annual budget to the Board for approval and signing of annual accounts;
- determining the internal structure of the university, within the limits set by the Board;
- establishing the rules on disciplinary actions to be applied to students;
- in special circumstances, the Rector may dissolve academic councils, doctoral committees and study councils ;
- in special circumstances, the Rector can take over responsibilities and duties of academic councils, doctoral committees and study councils.

3.4.2.2. Selection / appointment procedure of the executive management of the university

The Rector is appointed and dismissed by the Board. The procedure for appointing to the rector position consists of the following:

The Rector (as well Vice rectors) is appointed after a public announcement on the recommendation of the nomination committee established by the University Board. This committee is constituted so as to ensure the representation of teachers, technical and administrative staff and students of the institution.

The Nomination Committee is chaired by the Chairman of the Board or another external member of the Board. The Committee shall make an overall assessment of candidates' qualifications and conduct interviews with candidates. The Committee proposes to the Board a limited number of qualified candidates for the position of rector and the Board of the University decides which candidate will be appointed as rector of the institution.

3.4.2.3. Selection criteria of the executive management

The candidate for position of rector must be a recognized researcher in one of the research areas of the university and know the higher education sector from the inside. He must be an experienced manager and organizer with experience in the research environment, understand the nature of the activities of the university and its relation to the society which it belongs to.

In addition, the university (Board) may establish specific requirements for the qualification level of the candidate for the position of rector (eg. to be professor or senior researcher).

No age restrictions are imposed, it applies to any employee of the university.

3.4.2.4. The term of office of the executive management

The Danish Act on Universities does not contain provisions regarding the term of office of the rector. In some university statutes it is mentioned that the Rector is appointed for a fixed term determined by the Board and there is the possibility of getting a second term.

3.4.2.5. Dismissal of the executive management of the university

There is no provision in the legislation concerning the reasons for the dismissal of the rector.

3.4.2.6. Authority deciding on dismissal of the executive management

The dismissal of the Rector is in the power of the Board.

3.4.3. Management of academic activity

In order to manage effectively all aspects of academic activities, the Rector establishes one or more academic councils. These councils can be set at different levels of organization (university, faculty, department level).

Members of the academic council are teachers, including employed PhD students, and students. In the academic council of the faculty, the dean is ex officio member by virtue of his/her position.

The Academic Council has the following duties and obligations:

- to inform the rector of the board's opinion (in the form of report, information note) on the internal distribution of funds.
- to express its opinion on key strategic questions related to research, education and knowledge exchange process.
- to make recommendations to the rector regarding the composition of academic assessment committees of candidates to teaching and scientific positions.
- to award titles and doctorate degrees in science.
- other responsibilities and obligations under the Statute of the University.

Academic Councils can make statements on all academic aspects of substantial relevance to the activities of the university and have a duty to discuss academic issues presented for consideration by the rector.

Each academic council shall elect a Chairman from among the elected members (ie, a dean can not be Chairman of the Council).

The number of members and term of office of the academic council are stipulated in the Statute of the University.

3.4.4. Freedom of the university to decide on the internal structure

3.4.4.1. Normative provisions on the internal structure

The organizational structure of universities is not regulated by law. Universities can decide on their structure themselves. The Rector is the body that determines the internal structure of the university, within the limits set by the university Board.

3.4.4.2. Academic subdivisions and their management bodies

Although universities are free to decide the internal structure, in the Act on Universities there are provisions on specific bodies, related to academic, research and collaboration with stakeholders issues: employers panels, doctoral committees, study councils, etc.

The organizational structure of the university is stipulated in the Statute of the institution.

The university is divided into faculties (main areas), where there is a number of departments, schools and study councils, doctoral schools and doctoral committees and administrative (management) units.

In general, Danish universities have the same internal structure, although there may be some differences derived from the specifics of the institution. Typically, a university consists of several faculties, but there are cases when the institution consists of one faculty.

The faculty. The Dean represents the faculty and is responsible for managing its activities.

The Rector of the University appoints the dean based on a public notice (in accordance with appointing rules existing in Denmark). The employment contract is concluded for a fixed period determined by the rector, and may be renewed.

The Dean performs the executive management of the Faculty, ensures consistency between research, study programs and public services provided by the faculty and the quality and strategic development of all directions of activity of the faculty. The primary responsibility of the dean is to manage finances of the faculty and staff management. He is a member of university's executive management team and member of the academic council of the faculty.

The Dean appoints and dismisses, after approval by the rector, the deputy dean (deputy deans), which will assist him in the faculty management in accordance with the contract concluded.

On the basis of right delegated by the rector, the dean of the faculty establishes one or more doctoral schools, sets up and dissolves study councils and doctoral committees. He appoints the heads of departments, appoints heads of schools and directors of schools, approves the chairmen and deputy chairmen of study councils and appoints chairmen and deputy chairmen of doctoral committees.

Within each faculty there are departments, doctoral schools, study councils (and in some universities, schools).

Department of the faculty is led by a head of department, hired by the dean on the basis of a public announcement. The period of employment is fixed in the employment contract that can be renewed.

The head of department performs the daily management and administration of the department, including planning and distribution of tasks. He/she ensures the quality, coherence and development of study programs offered by the department and the activities of teaching, research and knowledge exchange. Being assisted by the study councils and directors of studies, the head of the department monitors the process of assessment of the department's study programs and teaching activity.

The Head of the department establishes the department council, determines its size and structure, and the term of office of the elected members of the council.

The department Council is composed of the head of department, representatives of academic staff, including employed PhD students, technical and administrative staff and students. The head of the department together with the Council manages the department.

Doctoral School. The Dean is responsible for setting up and abolition of doctoral schools / centers within the faculty. Each doctoral school is run by the doctoral school director who is appointed and dismissed by the Dean. The director of the doctoral school must be a recognized researcher with experience in conducting doctoral studies.

Doctoral Committee. For each doctoral school, the dean establishes a doctoral committee, having as members representatives elected by and from among the academic staff with a term of office of 3-4 years, and doctoral students with the term of office of one year. The committee is designed to ensure the influence of students and academic staff over the whole poces of development, modernization and teaching of doctoral programs.

The number of members of the committee is determined by the dean. Following the recommendation of the doctoral committee, the dean appoints the chairman and, where appropriate, Vice chairman of the doctoral committee.

Study Councils. Study Councils manage one or more study programs and are established and dissolved by the dean of the Faculty, after consultation with members of the departments responsible for these programs. The number of Council members is determined by the dean. Each Study Council must include an equal number of representatives of teachers and students, elected by the academic staff and students respectively.

Study Council shall elect its Chairman for a term of one year. The Chairman is elected from among the academic staff employed on a full-time basis, members of the Study Council.

The main responsibility of the Study Council is to ensure the organization, performance and conduct of the teaching and learning process.

The School. In some universities (e.g. Aalborg University) Study Councils of study programs related to a subject / area are organized in *schools* that are approved by the rector on the recommendation of the dean of the faculty. Each school is administered by the school head.

School head. The Dean, on the recommendation of Study Council concerned, shall appoint and dismiss the head of the school. The candidate for the position of head of the school must be a recognized researcher, to know academic fields the school is responsible for, must have manager skills and experience in teaching.

The head of the school is generally responsible for:

- Development and implementation of school policies and strategies.
- Presenting recommendations to the dean of the faculty regarding school and its study council budgets.
- Coordination of all school activities and their quality assurance.
- Approval of the themes and deadlines for submission of master theses and student monitoring plan.
- In cooperation with the respective study council, the head of the school ensures planning and organization of teaching, tests and other evaluations included in the examination.
- Together with heads of departments and relevant study councils, the head of the school monitors the assessment of study programs and teaching process.

3.4.4.3. Approval of changes in the structure by the external authority

Decisions about structural changes are made by the University Board and do not require approval by external authorities.

3.4.5. Representation of students in university governance and management bodies

In most universities there are student organizations whose objective is to promote the general interests of students and to ensure effective communication with university authorities.

In accordance with the Act on Universities and statutes of universities student representatives are members of all management and advisory bodies of the university.

In Danish universities students have a major contribution in the management of the educational process, being represented in academic councils at all university levels and study councils in which students constitute 50% of the members.

3.4.6. Freedom of the university to establish legal entities: non-profit and commercial

Danish universities can create legal entities, both non-profit and commercial. In accordance with the legal provisions, the income from the activity of these entities can be used only for the purpose of carrying out research and consultancy. However, universities are interested to transfer as soon as possible their startups in the real economy to avoid paying additional fees.

3.5. Romania

3.5.1. University governing bodies

National Education Law stipulates that at university level management structures in higher education institutions are the University Senate and the Administration Board and management functions are held by the rector, vice-rector and general administrative director (university level).

3.5.1.1. Senate tasks

University Senate represents the university community and is the highest decision-making and deliberation body at the university level.

According to the National Education Law, the University Senate:

- a) ensures academic freedom and university autonomy;
- b) develops and adopts, after discussion with the university community, the University Charter;
- c) approves the strategic plan for institutional development and operational plans, on a proposal from the rector;
- d) approves, on a proposal from the rector and in compliance with current legislation, the structure, organization and functioning of the university;
- e) approves the budget and budget implementation;
- f) develops and approves the Quality Assurance Code and the Code of Ethics and Professional Conduct of the university;
- g) approves methodologies and regulations on the organization and functioning of the university;
- h) concludes the management contract with the rector;

- i) controls the activity of the rector and the Administration Board by specialized committees;
- j) validates public competitions for the functions in the Council of Administration;
- k) manages the university's academic activity;
- l) approves the competition methodology and results of competitions for the employment of teaching and research staff and periodically evaluates the human resource;
- m) performs other duties under the University Charter.

University Senate establishes specialized committees by which it controls the activity of the executive management of HEI and the Administration Board. The monitoring and control reports are regularly presented and discussed in the university senate, underpinning the university senate resolutions.

3.5.1.2. Senate structure

The University Senate is composed of 75% of teaching and research staff and 25% of university student representatives. The composition and size of the University Senate are determined by the University Charter.

The University Senate shall elect, by secret ballot, a Chairman who chairs the meetings of the University Senate and represents the University Senate in relations with the rector.

3.5.1.3. Selection procedure of Senate members

All members of the University Senate are established by the universal suffrage, direct and secret, of all full teachers and researchers, and of all students respectively. Each faculty has representatives in the senate, on shares of representation under the University Charter.

3.5.1.4. Senate's term of office

The term of office of the university senate is 4 years. The term of office of a member of the University Senate is 4 years, with the possibility of renewal for a maximum of two successive times. For students the term of office is regulated by the University Charter.

3.5.1.5. Revocation of Senate members

Reasons and procedure for dismissing members of the Senate are not found in regulations, including institutional ones.

3.5.2. Executive management of the university

The Rector is the Chairman of the Administration Board and provides executive management of the University, being authorizing officer; legally representing the University in relations with third parties.

3.5.2.1. Rector's tasks

The Rector has the following responsibilities:

- a) conducts the management and the operative management of the university, based on the management contract;
- b) negotiates and concludes the institutional contract with the Ministry of National Education;
- c) concludes the management contract with the University Senate;
- d) proposes for approval to the University Senate the structure and operation regulations of the university;
- e) proposes for approval to the University Senate the draft budget and budget implementation report;
- f) submits the annual report to the University Senate for approval;
- g) leads the Administration Board;
- h) performs other duties established by the University Senate, under the management contract, the University Charter and the legislation in force.

The Rector acts so as to apply the provisions of the Charter and university regulations and decisions made by the University Senate. The Rector is accountable to the Senate for his/her activity.

3.5.2.2. Selection / appointment procedure of the Rector

In compliance with the National Education Law, the Rector is appointed through one of the following ways:

- a) on the basis of a **public competition**, based on a methodology approved by the newly elected University Senate, pursuant to this Law; or
- b) **by universal suffrage**, direct and secret of all full teaching and research staff within the university and student representatives in the University Senate and faculty councils.

The way for the appointment of the rector is established with at least 6 months before each appointment of the rector, by universal suffrage, direct and secret of all full teaching and research staff within the university and student representatives in the University Senate and faculty councils.

If the rector is to be appointed through public competition, then the **appointment procedure** is as follows:

- Newly elected University Senate shall establish a selection and recruitment committee of the rector consisting of 50% members of the university and 50% scientific and academic personalities from outside the university in the country and abroad. This committee

comprises a minimum of 12 members, of which at least one representative of students or graduate students of the university appointed by the University Senate, according to the University Charter. The University Senate also develops and approves the endorsement, selection and recruitment methodology of the rector, according to the law.

- The competition for filling the position of rector can be attended by candidates who, based on the hearing in the newly elected University Senate plenum, obtained the approval to participate in the contest. The approval shall be granted only on the basis of a simple majority vote of the members of the newly elected the University Senate. The newly elected University Senate is required to approve at least 2 candidates. The candidates approved by the university Senate participate in the competition organised under the preceding paragraph.

The appointed Rector is confirmed by order of Minister of National Education (NE). After confirmation, the rector concludes a management contract with the university senate, including managerial performance criteria and indicators, rights and obligations of the parties.

3.5.2.3. Selection criteria of the Rector

In accordance with the National Education Law scientific or academic personalities in the country and abroad can participate in the contest for rector position.

3.5.2.4. Rector's term of office

The term of office of rector is 4 years. The term of office may be renewed at most once after a new competition, according to the University Charter. A person can not be rector of the same higher education institution for more than 8 years, regardless of the term period and its interruptions.

3.5.2.5. Authority deciding on dismissal of the Rector

In accordance with the National Education Law the rector of the university may be dismissed by the University Senate or by the Minister of National Education.

3.5.2.6. Dismissal of the executive management of the university

The Rector may be dismissed by the University Senate, under the conditions specified in the management contract and the University Charter.

The Minister of National Education may dismiss the rector according to art. 125: *If within 3 months from the date of (initial) referral the university still does not comply with the obligations laid down in art. 124* "Public accountability requires any higher education institution, public or private:

- a) to comply with applicable law, its own Charter and national and European policies in the field of higher education;
- b) to apply and comply with the regulations in force relating to quality assurance and

assessment in higher education;

- c) to comply with fairness and academic ethics policies contained in the Code of Ethics and Professional Conduct approved by the University Senate;
- d) to ensure the effective management and efficiency of resource use, in the case of public universities, and the spending of funds from public sources according to the institutional contract;
- e) ensure transparency of all its decisions and activities, as required by law;
- f) to comply with academic freedom of teachers, teachers' assistants and research staff, and the rights and freedoms of students.

3.5.2.7. Tasks of the Administration Board

The Administration Board of the university ensures, under the leadership of the rector or another person designated by the University Charter, in the case private and denominational universities, the operative management of the university and applies strategic decisions of the University Senate. Also, the Administration Board:

- a) establishes the institutional budget in operational terms;
- b) approve the budget implementation and annual balance sheet;
- c) approves the proposals on the contest of teaching and research positions;
- d) approves proposals for new study programs and makes proposals to the University Senate regarding the termination of study programs which no longer fall within the mission of the university or are inefficient from academic and financial standpoint;
- e) approves the financial operations which exceed the limits established by the university senate, in state universities, and by founders, in private universities respectively;
- f) proposes to the university senate long and medium term strategies and policies in the areas of interest of the university.

3.5.2.8. Appointment procedure of the members of the Administration Board

The Administration Board of state universities consists of rector, vice-rectors, deans, general administrative director and one student representative.

The Rector, based on consultations with the University Senate, shall appoint vice-rectors. Deans are selected through public competition organized by the Rector and approved by the University Senate.

The position of general administrative director is filled by competition organized by the Administrative Board of HEI. The Chairman of the competition commission is the Rector of the institution. The commission is, necessarily, composed of a representative of the Ministry

of National Education. The validation of competition results is made by the University Senate and the appointment to the position is done by the rector.

3.5.2.9. The term of office of the Administration Board

Membership of the Administrative Board is valid for the entire term of office of managerial position of the respective member.

3.5.3. Management of academic activity

The University Senate is responsible for all academic activities of the institution, having the following powers:

- a) approves the competition methodology and the results of competitions for hiring teaching and research staff and regularly evaluates the human resource;
- b) approves the organization and dissolution of study programs, including those with double specialization and double degree;
- c) approves the setting up or abolition of courses or graduate schools on the basis of proposals approved by the Administration Board;
- d) approves tuition fees based on the proposals made by faculties and approved by the Administration Board;
- e) determines the fees to be charged by the university in relation to the educational process; Tuition fees will be determined at least six months before the start of the next academic year;
- f) validates the results of competitions for filling teaching and research positions approved by the councils of faculties and departments;
- g) validates the election results of faculty and department councils;
- h) approves the Statute of doctoral schools and research units of the University;
- i) approves the regulations and annual reports of all bodies, committees and functional entities.

3.5.4. Freedom of the university to decide on the internal structure

3.5.4.1. Normative provisions on the internal structure

The organizational structure of the university is strictly regulated by the National Education Law. Academic and administrative structure of the university is stipulated in the Statute of the institution.

3.5.4.2. Academic subdivisions and their management bodies

According to the National Education Law any higher education institution may include the

following organizational components: faculties, departments, institutes, centers or laboratories, research and design units, consultancy centers, university clinics, studios and artistic workshops, theaters, museums, centers for continuous training of human resources, microproduction and service provision units, experimental stations or other entities for production activities and transfer of knowledge and technology. Administrative and technical services are included in the structure of higher education institutions.

The Faculty may include one or more departments, doctoral schools, graduate schools and university extensions that are responsible for the organization of study programs by university study cycles and types.

The deliberative and decision-making body of the faculty is the *faculty council* which has the following responsibilities:

- a) approves, on dean's proposal, the structure, organization and functioning of the faculty;
- b) approves the study programs managed by the faculty;
- c) controls the activity of the dean and approves his/her annual reports on the general state of the faculty, quality assurance and compliance with university ethics at the faculty level;
- d) performs other duties established by the University Charter or approved by the university senate and in accordance with the legislation in force.

The composition of faculty council members is maximum 75% teaching and research staff, and minimum 25% students. Representatives of teaching and research staff in the faculty council are elected by universal suffrage, direct and secret of all full teaching and research staff of the faculty and student representatives are elected by universal, direct and secret ballot by the students of the faculty.

The Dean represents the faculty and is responsible for the faculty management.

The Dean shall present an annual report to the faculty council on the state of the faculty, chairs the meetings of the faculty council and applies the decisions of the rector, Administration Board and University Senate. The duties of the Dean are determined in accordance with the University Charter and legislation in force.

Deans are selected through public competition, organized by the Rector at the faculty level. The competition is open to people from the university or any faculty in the country or abroad which, on the basis of the plenary hearing in the faculty council, received its approval to participate in the competition. The Faculty Council is required to approve at least 2 candidates.

The competition is organized by the Rector and approved by the Senate. The Dean shall appoint deputy deans after his/her appointment by the rector.

The Department may comprise research centers or laboratories, artistic workshops, graduate schools and university extensions.

The Department Council is a peer management structure of a department. Decisional competences of the Department Council are:

- a) initiates proposals for new study programs;
- b) develops the personal establishments;
- c) coordinates the didactic activity for study programs and research activity;
- d) proposes organization of competitions for teaching and research positions;
- e) proposes the competition commissions for teaching and research positions;
- f) performs other duties laid down in its own Regulation.

The director of the department performs the management and operative management of the department. In performing this function, he is helped by the department council, according to the University Charter. The director of the department is responsible for curricula, for the personal establishments, research and quality management and financial management of the department.

Selection, hiring, periodic evaluation, training, motivation and termination of staff's employment contractual relations are the responsibility of the Director of department, head of doctoral school or dean, according to the University Charter.

At the department level, the director of the department and members of department council are elected by universal suffrage, direct and secret of all full-time teachers and research staff.

3.5.4.3. Approval of changes in the structure by the external authority

Every faculty is set up, organized or abolished on the proposal and approval of the university senate, by Government decision on the structure of higher education institutions, initiated by the Ministry of Education annually.

The department is set up, organized, divided, merged or dissolved by decision of the university senate, at the recommendation of the faculty / faculties councils where it is located.

3.5.5. Representation of students in university governance and management bodies

Student participation in the management bodies of the university is determined by the National Education Law. Thus:

- Students, democratically elected by universal suffrage, direct and secret, at the level of various groups, programs or study cycles, both within the faculties and the university are legitimate representatives of the interests of students in each academic community.
- The management of higher education institution is not involved in organizing the

process of electing student representatives.

- Students may be represented in all decision-making and advisory structures of the university.
- Student organizations representing the interests of students at each university community level may have legal representatives in decision-making and executive structures of the university.

3.5.6. Freedom of the university to establish legal entities: non-profit and commercial

Higher education institutions may establish, alone or in association, commercial companies, foundations or associations, with the approval of the university senate.

When setting up companies, foundations and associations, the public higher education institution can only contribute with money, patents and other industrial property rights. The right to use and administrate public assets can not be the university's contribution to the share capital of a company, foundation or association.

3.6. Conclusions

The results of the above conducted research are at the basis of the comparative study presented in the following paragraph, concerning organizational autonomy of universities in member countries of the European Union, partners in the Tempus project "Enhancing university autonomy in Moldova".

4. Comparative study

The comparative analysis of the level and mode of expression and regulation of organizational autonomy of universities in Lithuania, Scotland, Sweden, Denmark and Romania was carried out based on criteria and sub-criteria identified and described in paragraph 3.

The table below gives an overview about the similarities and differences between the systems investigated related to the mentioned topic.

Lithuania	Scotland	Sweden	Denmark	Romania
Governing bodies				
Dual governance structure consisting of the Board and the University Senate.		Unitary structure of government. The governing body is the University Board.		Unitary system of government in which the governing body is the University Senate.

Executive management				
The Rector, elected and appointed by the Board, through an open competition. The Rector is a member of the Senate, but can not be elected as a chairman.	The executive management of the university is represented by the Chancellor (ceremonial leader) and the Rector, appointed by the University Board. The Rector is a member of the Board and Senate Chairman.	Rector, appointed to this position by a Government decision made based on the proposal of the University Governing Board. The Rector is ex officio member of University Board.	The Rector is appointed by the Board based on a public competition.	The Rector appointed based on a public competition, or by universal suffrage of all full-time staff of the university after approval by the Ministry of Education.
Management of academic activity				
The Senate is the governing body that manages academic activities.	All didactic, research, quality assurance activities are managed by the Management Group of the university chaired by the rector.	Academic Council, established by the rector, are responsible for managing academic activities.	University Senate is the governing body that manages academic activities.	
Freedom of the university to decide on the internal structure				
Universities have the freedom to make their own decisions about their organizational structure.				The organizational structure of the university is strictly regulated by the National Education Law. Academic and administrative structure of the university is stipulated in the Statute of the institution.
Representation of students in university governance and management bodies				
A student is an internal member of the Board; an external member of this body is elected by representatives of	Student representatives are members of the University Board, Senate, and of various university	Students are members of the Governing Board, the Academic Senate and the Faculty Council and university	Students are members in all government, management and consultation bodies at all	Students are represented in all decision-making, executive and advisory structures of the university.

university students; at least 20% of the university Senate members are students.	committees.	committees.	university levels.	
Freedom of the university to establish legal entities: non-profit and commercial				
Universities have the right to carry out economic and commercial activities that are not prohibited by law, and relate to the objectives of the higher education institution.	Universities have the right to institute commercial and non-profit legal entities and use revenues from their activities according to their own needs.	Universities do not have the right to institute legal entities, but may be members of holding companies, which in turn can create entities and carry out activities both for profit and non-profit.	Universities have the possibility to create legal entities, both non-profit and commercial, but the income from their activities may be used only for research and consultancy.	Higher education institutions may establish, alone or in partnership, companies, foundations and associations.

Next, a more extensive and detailed comparison will be made for each criterion and sub-criterion which characterizes the organizational autonomy of higher education institutions.

4.1. University governing bodies

In two of the five countries studied, Lithuania and Scotland, universities have a dual structure of government consisting of the Board which includes a small number of people, and the University Senate. The powers of government are divided between the Board and Senate.

Universities in Sweden, Denmark and Romania have a unitary structure of government, the governing body being Governing Board in Sweden and Denmark, and the University Senate, in the case of Romania.

4.1.1. Governing bodies tasks

University Boards (of government) of education systems investigated with all the diversities specific to these countries have very similar functions, being responsible for long-term strategic decisions related to the development of the university, such as decisions on the statute, strategic plans, budget allocation, rector and vice-rectors election.

In the dual structure, existing in Lithuania and Scotland, the University Senate is responsible for academic affairs, namely curricula, teaching and research staff promotion, awarding of scientific degrees, etc.

As for Romania, the University Senate comprises the duties of the two bodies of government of the dual structure, being the governing body that makes strategic decisions on university's development, and manages the academic activity of the institution.

4.1.2. Governing bodies structure

Participation of external members in the management bodies is an important aspect of university governance.

University Board.

University boards in higher education systems studied - Lithuania, Scotland, Sweden and Denmark - have external members in their composition, who usually represent the business, industry and practitioners in various fields of economy, or famous people in science and culture.

In all mentioned systems, external members form the majority in university boards.

University Senate.

Senates of universities in **Romania** consist only of internal members of the institution, being composed of 75% of teaching and research staff and 25% of university student representatives. The composition and size of the university senate are determined by University Charter. University Senate shall elect the Chairman by secret ballot.

Although they have similar responsibilities, Senates of universities in Lithuania and Scotland still differ by structure. Senates of **Lithuanian** universities include elected members from the institution according to the criteria stipulated in the Law of Higher Education and Science: students, teaching and research staff, deans, heads of departments / research laboratories; but include also employees of other HEIs and research institutes.

In universities in **Scotland**, Senates are composed of elected members from the institution: academic staff, recruited members and, in some universities, students; ex officio members of the Senate are the rector, vice-rectors, deans, heads of academic departments and the president of the student association.

In HEIs in Lithuania and Scotland, the rector of the institution is a member of the Senate, and in the case the Scottish universities, is also the Chairman of the Senate. In universities in Romania, the rector is not member of the University Senate.

4.1.3. Selection procedure of governing bodies members

University Board.

The process of appointing external members in the studied systems is performed through different models:

- In Scotland and Denmark, universities are free to appoint themselves external members in their government bodies.
- In Sweden, external members are proposed by the university, but are appointed by the Government.

- In Lithuania, some external members are selected by the higher education institution, others are proposed from the outside, but all of them are appointed by the Ministry of Education and Science.

Internal members of the Boards are elected by the and from among the academic community and students of the respective universities.

In Scotland and Sweden, university rectors are ex officio members of the University Board.

University Senate.

Members of the Senate in the universities of Romania shall be elected by universal suffrage, direct and secret of all full-time teachers and researchers, and all students.

Also, in the case of Lithuania and Scotland, the entire university community is involved in the election of members of the Senate, except ex officio members. Members of the Senate, except students, are selected by teachers and research staff and student representatives by a representative structure of students or the general assembly of students. The procedure for electing members of the Senate is provided in the Statute and / or other regulatory documents of each university.

4.1.4. The term of office of governing bodies

The term of office of the members of governing bodies varies from system to system.

Thus:

- In universities in Lithuania, the term of office of each member of the **Board** (except the student who is elected for one year) is five years. The same person may hold no more than two consecutive terms.

University **Senate's** term of office is up to 5 years, the exact term being set in the Statute of each university.

- In Scotland, the term of office for the **University Board** member is
 - ✓ 3 (4) years in the case of internal and external members of the Board, and can be renewed, provided that the maximum period does not surpass 6 (8) years;
 - ✓ in the case of ex officio member, the term of office is valid for the entire period of holding the respective position.

The term of office for members of the **University Senates** in Scotland is

- ✓ 3-4 years, for elected and co-opted members of the Senate (excluding students), and may be renewed once;
- ✓ 1 year for students;

✓ ex officio members of the Senate hold their terms of office as long as they hold management functions.

- In Sweden, the term of office for the University Board member is:
 - ✓ maximum 3 years for each member of the Board, except for students and the rector;
 - ✓ 1 year for students;
 - ✓ the Rector is a member of the Board for the duration of his term.
- In higher education institutions in Denmark
 - ✓ external members can participate in the Board for up to 8 years during two terms;
 - ✓ internal members of the Board are elected for a period of 4 years;
 - ✓ student representatives are elected for a period of two years.

It is possible the reelection of internal members.

- In Universities in Romania, the term of office of a member of the University Senate is 4 years with the possibility of renewal up to two successive times. For students, the term of office is established in the university Charter of the institution.

4.2. Executive management

Although the executive management of HEIs may include several key positions in the university, such as rector, vice-rector, head of administration and deans, this study focuses primarily on the Head of the Executive, who is called **Rector** in this study, because this name is the most commonly used in Europe, including in the systems studied.

4.2.1. Rector's tasks

Although there are some differences in the 5 systems analyzed in terms of duties of the Rector, they are largely similar. Thus, in all systems, the Rector is the main executive authority of the higher education institution that provides daily management of the university.

The Rector is responsible for:

- developing and implementing the strategic plan of the university,
- organizing the internal structure of the institution,
- developing and submitting for approval to the governing body of the university budget,
- financial activities of the university,
- proper management, use and disposal of funds and assets,

- hiring and promotion of academic staff (except for Romania).

In universities in Scotland, Sweden and Denmark, the rector is also responsible for developing proposals on teaching, research and academic development and academic priorities of the University.

In universities in Romania, the rector does not intervene in the management of academic activities of the institution.

Rectors of universities in Lithuania and Scotland are members of the Senate, moreover, in Scotland, the Rector is also chairman of this forum. In higher education institutions in Sweden rectors are ex officio members of the Governing Board and can be elected as Chairman of the Board.

4.2.2. Selection / appointment procedure of the executive management of the university

The arrangements for the election / appointment of the rector of the university in higher education systems studied are different.

Thus, in Denmark and Lithuania, the head of the executive is appointed by the University Board on the basis of a public competition.

Scottish University rectors are also appointed by the university Board, the nomination process being developed by the same Board.

In Sweden, rectors are appointed by the Government, based on the proposals received from the Governing Boards of HEIs submitted after consultation with the university community. This ensures the participation of academic and research staff, other employees and students in this important exercise for universities.

In universities in Romania, the rector may be appointed by one of the ways:

- 1) on the basis of a public competition, based on a methodology approved by the newly elected senate; or
- 2) by universal suffrage, direct and secret of all full-time teachers and researchers within the university and student representatives in the university senate and faculty councils.

The way for the appointment of the rector is established minimum 6 months before each appointment of the rector, by universal suffrage, direct and secret of all full-time teachers and researchers within the university and student representatives in the university senate and faculty councils.

Appointed rectors of universities in Lithuania, Scotland and Denmark do not require confirmation of external authorities. In Romania, the appointed rector is confirmed by the order of the Minister of National Education.

4.2.3. Selection criteria of candidates for the executive management

The analyzed systems have very similar criteria (with non-essential differences) for selecting candidates for the position of rector of the university. These criteria are stipulated in the Law (Lithuania, Romania and Denmark), in university statutes or other institutional normative acts (Sweden) or are developed by the University Board (Scotland).

In all systems studied, academic staff who hold academic degrees and renowned researchers in one of the university research areas and who know the HE sector are eligible for the position of rector. In addition, candidates must have experience in research and / or higher education management.

In Sweden, filling the position of rector is conditioned by age. In accordance with national legislation, the person who exceeds the age of 64 can not be appointed to management positions.

4.2.4. The term of office of the executive management

In Romania, Lithuania and Sweden, the term of office of the rector of the higher education institution is established by law, being 4, 5 and 6 years respectively. In addition, a person can hold only two consecutive terms in the same institution.

The term of office for the rectors of universities in Denmark and Scotland is determined by the University Board.

4.3. Management of academic activity

In higher education systems studied, managing academic activities, including approval of study programs, quality assurance system, establishing qualification criteria for teaching and research functions, etc., is performed by different bodies and structures.

Responsible for the management of these activities are:

- University Senate - Romania, Scotland and Lithuania;
- Management Group chaired by the rector of the university and assisted by an advisory body - Sweden;
- Academic Councils existing at all university levels, established by the Rector and composed of teaching and research staff, doctoral students, and students - Denmark.

4.4. Freedom of the university to decide on the internal structure

4.4.1. Normative provisions on the internal structure

In Lithuania, Scotland, Sweden and Denmark, the internal structure of higher education institutions is not regulated by legislation. Universities are free to decide on their organizational structure.

In Romania, the situation is different in this respect. National Education Law strictly regulates the organizational structure of universities.

4.4.2. Academic subdivisions

In general, universities in investigated systems have similar internal structures, exception being some universities in Denmark, in addition to traditional structures (faculties, departments, doctoral schools, etc.) they have schools and study councils, created to manage one or more study programs.

4.4.3. Approval of changes in the structure by the external authority

Changes in the structure of universities in Sweden, Scotland, Lithuania and Denmark do not require approval by external authorities.

In Romania, the establishment, organization and dissolution of faculties in the university (proposed and approved by the university senate) is done by a Government decision.

4.5. Representation of students in university governance and management bodies

In all systems analyzed, students are represented in all decision-making, executive and advisory structures of the university. This is stipulated in both institutional regulations and legislative acts (except Scotland).

In Danish universities, students have a major contribution to the management of the educational process, being represented in academic councils at the level of department, faculty and study councils, where students constitute 50% of the members.

4.6. Freedom of the university to establish legal entities: non-profit and commercial

Universities in Lithuania, Scotland, Denmark and Romania have the right to establish legal entities, both non-profit and commercial. But in Lithuania and Denmark there are some restrictions on the activities undertaken and the use of revenues from such entities. Namely:

- Lithuanian universities can only carry out economic and commercial activities related to the objectives of HEI;
- Danish universities can use the revenues from activities of commercial entities only for the purpose of carrying out research and consultancy.

Universities in Sweden do not have the right to establish legal entities. However, they may be members of holding companies, which in turn can create companies of any type and carry out various activities both for profit and non-profit.

4.7. Conclusions

The study performed, beyond the existing differences, reveals a number of common trends in terms of organizational autonomy of universities in investigated systems.

In most systems (except for Romania) there is a governance body (University Board) responsible for strategic institutional development in the long term, which comprises members from outside the university.

In three out of five systems, the Senate is the governing body of the university, whose duties, in the case of Lithuania and Scotland, are managing all academic activities; and, in the case of Romania, being the only governing body, the Senate makes strategic decisions on the development of the university, but also manages the academic activity.

In four systems, the rector is selected by the University Board and, in three of them, is appointed by this body without requiring confirmation from external authorities.

Management of university didactic activity in three systems is performed by the University Senate, in the other two, there are set up specific structures for this activity.

Four out of five investigated systems have the capacity to decide freely on the internal structure of the university and do not require approval from external authorities in the case of its changes.

In all HE systems analyzed, students are represented in all decision-making, executive and advisory structures of the university. In Danish universities, students have a major contribution to the management of the educational process, being represented in the academic councils at the level of department, faculty and study councils where students represent 50% of the members.

Universities can establish, in a way or another, legal entities (non-profit and for profit) in all systems studied.

5. Final conclusions

Although universities in almost all systems analyzed have external regulations, which provide a framework for organizational autonomy, the number and degree of detail of these rules differ a lot. In most cases, the national law contains only guidelines on establishment of governing body / bodies, their structure, constituting representative groups and / or criteria and the selection method of members of these bodies.

In most countries studied, universities are relatively free to decide on administrative structures. This is also true for their ability to decide, within the limits of the legal framework, on the academic structures and on the creation of legal entities. By such entities, institutions may conduct additional activities more freely, both non-profit and commercial.

Experience of the visited countries shows that a better governance of HEIs is provided by the governing bodies with a small number of members, in which external members form the majority. Usually, external members come from the management bodies of the business environment, industry, local government and practitioners from various fields and contribute to a more efficient management of the university, particularly in terms of organization, finance, property and institutional investment.

Regarding the executive management, in most countries analyzed, the transition to a "managerial" leadership type seems to contribute to greater autonomy in the management of universities and the determination of their internal structure.

In all systems of higher education, the rector of the university is the main executive authority that ensures the daily management of the institution and the fulfilment of objectives set by the governing body of the university. Chief Executive of the university, accountable to the governing body, is selected with the participation of the academic staff of the institution, which fact ensures support of the academic community in implementing the strategic plan developed.

It should be noted that the degree of interest and involvement of students in decision making in universities is different. However, higher education institutions where students actively participate in the decision making process their input generally is constructive and contribute to a better governance of universities.

Carried out analysis shows that the manner of exercising organizational autonomy in universities varies, but insignificantly, and depend on the existing traditions (national, of the university) and the vision of persons holding decision-making positions within the institution.

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Appendix 1. Identified issues and questions for Lithuania

Autonomy type	Problem formulation	Material consulted	Unresolved question/issue	Suggested meetings
Organizational	<p>1. What are the generic/state specific rules in terms of university governance and management?</p> <p><i>The Law on Higher Education and Research has strict guidelines on the governance and management bodies (their structure, membership numerical composition and responsibilities).</i></p>	<p>1. LAW ON HIGHER EDUCATION AND RESEARCH_REPUBLIC OF LITHUANIA.</p> <p>2. Lithuanian Education Strategy 2003-2012.</p> <p>3. THE STATUTE OF MYKOLAS ROMERIS UNIVERSITY, 2011.</p> <p>4. Mykolas Romeris University EVALUATION REPORT, 2013.</p> <p>5. Web site of Kaunas University of Technology (http://en.ktu.lt/).</p>	<p>1.1. By what kind of “legal and natural persons” shall be proposed the external members of the University Council?</p> <p>Any one can propose a candidate for the Council.</p> <p>The Council of HE analyses and evaluates the candidates and proposes to Ministry a number of persons (double number). The ME selects and appoints the 4 external members.</p> <p>1.2. What is their relation to the specific HEI?</p> <p>It is possible that they are alumni of the university, but it could be that they have no relations at all to the HES. They could be retired businessmen with good achievement in the field, persons from city magistrate, etc.</p> <p>1.3. What happens, if some of proposed candidate is not accepted by the HEI?</p> <p>The university shall comply with the Ministry’s decision on the appointment of external members, even if it disagrees.</p> <p>1.4. Who is responsible for the elaboration of the university statute?</p> <p>The Parliament (Seimas).</p> <p>1.5. Who can make the proposal of amendments</p>	

			<p>of the university statute?</p> <p>The university addresses a request in regards with the wanted amendments of the statute to the member/s of Seimas and these members could make proposals on these amendments to the Seimas.</p> <p>1.6. Are the recommendation on tuition fee and the rates of other fees elaborated only by rector? No other body is involved (i.e. deans, etc)?</p> <p>The recommendation is made only by rector. It is not difficult issue, because if the fees will be less than the fixed state vouchers (the lump sum paid by the state for student), than this lump sum will be paid to the said HEI in less amount.</p> <p>1.7. Does the principles of selection and assessment of employees set by the Council refer also the academic staff? Shouldn't it be the issue of the Senate?</p> <p>No answers.</p> <p>1.8. On what criteria are set the remunerations of the Council members?</p> <p>It may be, but not necessarily.</p> <p>1.9. Who is making the final decision on this issue? Who approves it?</p> <p>The Senate. No approvals at the higher level.</p> <p>1.10. Since the procedure of payment of council members is stated in the university Statute and this document is approved by the council, it</p>	
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	<p>2. How is the interaction between the governmental body and the university staff performed?</p> <p>3. How the generic/state rules (if there are some) are applied in private universities?</p>		<p>seems there is a conflict of interests. Is it so? No, see above.</p> <p>1.11. Is the procedure of election of the Senate members set up by the ministry or by the university? No.</p> <p>1.12. What determines the number of members of the Senate? The university.</p> <p>2.1. What is the instrument of interaction between the governmental body (Council) and the university staff (academics, researches, non-academic)? No answer.</p> <p>2.2. What are the mechanisms ensuring that the governing body is well informed of the views of staff across the institution? No answer.</p> <p>3.1. Are the governance and management of the private universities regulated by the same rules? If not what is the difference? Why? Private universities could be joint venture (for profit) and public (non-for-profit) are regulated by the law of HE, no difference with the public Universities founded by the Seimas.</p>	
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	<p>4. What is the organizational structure of a university (incl., management, studies, and research areas)?</p> <p>5. What is the composition of governing and management bodies – down to faculties and departments (e.g., the board, the study boards, etc.)?</p> <p>6. What is the degree of university</p>		<p>4.1. Are there legal provisions concerning the organizational academic structure of the universities?</p> <p>4.2. Who can make the proposals for reorganization of the structure of the higher education institution? The Senate or rector?</p> <p>4.3. Must the changes made in the organizational structure (establishing / liquidation of the faculty or department) be approved by the ministry (government)?</p> <p>5.1. Is the composition of governing and management bodies at faculties/departments level the same in all universities? If not what is the reason?</p> <p>5.2. How are the governing and management bodies – down to faculties and departments elected / appointed?</p> <p>5.3. Who is responsible for setting up the procedure of their election?</p> <p>5.4. Do these bodies need to be approved by the Rector, Council or Senate?</p> <p>5.5. What are the terms of office and dismissal for these bodies?</p> <p>6.1. Can the university use the revenues from its own commercial entities as it consider</p>	
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	freedom in creating legal entities (non-for-profit, commercial, startups. etc)?		appropriate? 6.2. Should the university governance bodies inform the ministry/government on how the HEI is using its own revenue?	
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Appendix 2. Identified issues and questions for Scotland

#	Autonomy type	Problem formulation	Material consulted	Unresolved question/issue	Suggested meetings
1	Organizational	<p>1. What are the generic/state specific rules in terms of university governance and management?</p> <p>2. What are the university specific rules in terms of university governance and management?</p>	<p>1. The Scottish Code of Good HE Governance, 2013</p> <p>2. A STRATEGIC ANALYSIS OF THE SCOTTISH HIGHER EDUCATION SECTOR'S DISTINCTIVE ASSETS. A study commissioned by British Council Scotland, Neil Kemp, William Lawton, April 2013.</p> <p>3. Statement of Primary responsibilities, University of Strathclyde, 2010.</p> <p>4. CHARTER of the University of Strathclyde, 2010.</p> <p>5. STATUTES of the University of Strathclyde, 2010.</p> <p>6. ORDINANCES of the University of Strathclyde, 2013.</p> <p>7. REGULATIONS of the University of Strathclyde,</p>	<p>1.1. Are any guidelines on the governance bodies, their membership and numerical composition, set up by the law? If yes, what are they?</p> <p>2.1. What are the criteria on election/appointment of Lay members of the Court?</p> <p>2.2. By whom are elected / proposed and appointed these members?</p> <p>2.3. What is the procedure of dismissals of members of the Court (especial of the Lay members)?</p> <p>2.4. On what criteria are set the remunerations of the Court members? And who makes the final decision on this?</p> <p>2.5. Does the management structure of the HEIs established in the law?</p> <p>2.6. What are the criteria according to which the Principal is selected for the appointment? The same question is for the Vice-Principles and Pro-Vice-Principals?</p> <p>2.7. What are the qualifications required for the Principal function? Should he/her have academic degrees/titles? Should</p>	<p>Step 1. Ask for additional material that is not available on-line or missed during search</p> <p>Step 2. Suggest organization /function within organization whom you would like to meet and discuss these issues</p>

		<p>3. How is the interaction between the governmental body and the university staff performed?</p>	<p>2013.</p> <p>8. Guide for Members of Higher Education Governing Bodies in the UK, Committee of University Chairs (CUC), 2009.</p> <p>9. Scottish Statutory Instrument, the Glasgow Caledonian University Order of Council, 2010.</p> <p>10. UNIVERSITY COURT STANDING ORDERS, the Glasgow Caledonian, 2011.</p>	<p>he/her work in the education area, be an employee of the university in question?</p> <p>2.8. What are the terms of office for the Principal?</p> <p>2.9. What is the reason that the terms of office of the Principal are not stated in the Statute?</p> <p>2.10. What are the terms and the procedure of Principal dismissal?</p> <p>2.11. Is the Senate consulted on the appointment of the rector? How can the Senate's opinion influence the appointment?</p> <p>2.12. What are the duties of the Chancellor? Why such a position is needed?</p> <p>2.13. Does the Senate of Strathclyde University have students as its members?</p> <p>2.14. If there are variances (on university governance and management) across universities, why is it the case?</p> <p>3.1. What is the instrument of interaction between the governmental body and the university staff (academics, researches, non-academic)?</p> <p>3.2. What are the mechanisms ensuring that the governing body is well informed of the</p>	
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		<p>4. How the generic/state rules (if there are some) are applied in private universities? What are the differences? Why?</p> <p>5. What is the organizational structure of a university (incl., management, studies, and research areas)?</p> <p>6. What is the composition of governing and management bodies – down to faculties and departments (e.g., the board, the study boards, etc.)?</p>		<p>views of staff across the institution?</p> <p>4.1. Are the governance and management of the private universities regulated by the same rules? If not what is the difference?</p> <p>5.1. Is the organizational structure of the university established by law? If so what is it?</p> <p>5.2. Are there legal provisions concerning the organizational <i>academic</i> structure of the universities?</p> <p>5.3. Must the changes made in the organizational structure (establishing / liquidation of the faculty or department) be approved by the ministry (government)?</p> <p>6.1. Is the composition of governing and management bodies at faculties /departments level the same in all universities? If not what is the reason?</p> <p>6.2. How are the governing and management bodies – down to faculties and departments elected /appointed?</p> <p>6.3. Who is responsible for setting up the procedure of their election?</p> <p>6.4. Do these bodies need to be approved</p>	
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		7. What is the degree of university freedom in creating legal entities (non-for-profit, commercial, startups. etc)?		<p>by the Principal or the Court?</p> <p>6.5. What are the terms of office and dismissal for these bodies?</p> <p>7.1. Can the university use the revenues from its own commercial entities as it consider appropriate?</p> <p>7.2. Should the university governance bodies inform the ministry/government on how the HEI is using its own revenue?</p>	
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Appendix 3. Identified issues and questions for Sweden

#	Autonomy type	Problem formulation	Material consulted	Unresolved question/issue	Suggested meetings
1	Organizational	1. What are the generic/state specific rules in terms of university governance and management?	<p>1. The Swedish Higher Education Act, updated 2013.</p> <p>2. The Higher Education Ordinance, 2011.</p> <p>3. HE in Sweden, 2013 status report, Swedish Higher Education Authority.</p> <p>4. The website of the Royal Institute of Technology in Stockholm: http://www.kth.se/en/</p> <p>5. The website of the Lund University: http://www.lunduniversity.lu.se/</p> <p>6. The website of the Stockholm University: http://www.su.se/</p>	<p>1.1. Are there any legal provisions on the number of external and academic representatives of the board of governors? If yes, what are they?</p> <p>1.2. What are the criteria on selection for appointment of the external members of the board of governors?</p> <p>1.3. What is the procedure of election of academic representatives in the board?</p> <p>1.4. What is the procedure of dismissals of members of the board of governors?</p> <p>1.5. Are the members of the board of governors remunerated? If so, on what criteria are set the remunerations of the board members? And who makes the final decision on this?</p> <p>1.6. Does the management structure of the HEIs established in the law?</p> <p>1.7. What are the criteria according to which the Vice-Chancellor (President) is selected for the appointment? The same question is for the Pro Vice-Chancellor?</p>	<p>Step 1. Ask for additional material that is not available on-line or missed during search</p> <p>Step 2. Suggest organization /function within organization whom you would like to meet and discuss these issues</p>

		<p>2. How is the interaction between the governmental body and the university staff performed?</p> <p>3. How the generic/state rules (if there are some) are</p>		<p>1.8. Are there any specific qualifications required for the Vice-Chancellor position? Should he/her have academic degrees/titles? Are there any age restrictions?</p> <p>1.9. What are the responsibilities of Pro Vice-Chancellor?</p> <p>1.10. What are the terms of office for the Pro Vice-Chancellor?</p> <p>1.11. What are the terms and the procedure of Vice-Chancellor dismissal?</p> <p>1.12. If there are variances (on university governance and management) across universities, why is it the case?</p> <p>2.1. What is the instrument of interaction between the governmental body and the university staff (academics, researches, non-academic)?</p> <p>2.2. What are the mechanisms ensuring that the governing body is well informed of the views of staff across the institution?</p> <p>3.1. Are the governance and</p>	
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		<p>applied in private universities? What are the differences? Why?</p> <p>4. What is the organizational structure of a university (incl., management, studies, and research areas)?</p> <p>5. What is the composition of governing and management bodies – down to faculties and departments (e.g., the board, the study boards, etc.)?</p>		<p>management of the private universities regulated by the same rules?</p> <p>If not what is the difference?</p> <p>4.1. Is the organizational structure of the university established by law?</p> <p>If so what is it?</p> <p>4.2. Are there legal provisions concerning the organizational <i>academic</i> structure of the universities?</p> <p>4.3. Must the changes made in the organizational structure (establishing / liquidation of the faculty or department) be approved by the government?</p> <p>5.1. Is the composition of governing and management bodies at faculties/departments level the same in all universities? If not what is the reason?</p> <p>5.2. Are there any legal provisions on selection candidates for appointing on the dean and vice-dean positions?</p> <p>5.3. What are the terms of office and dismissal of the dean / vice-dean?</p>	
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		<p>6. What is the degree of university freedom in creating legal entities (non-for-profit, commercial, startups. etc)?</p>		<p>6.1. Does the university's capacity to create legal entities (non-for-profit, commercial, startups. etc)?</p> <p>6.2 Can the university use the revenues from its own commercial entities as it consider appropriate?</p> <p>6.3. Should the university governance bodies inform the government on how the HEI is using its own revenue?</p>	
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Appendix 4. Identified issues and questions for Denmark

#	Autonomy type	Problem formulation	Material consulted	Unresolved question/issue	Suggested meetings
1	Organizational	1. What are the generic/state specific rules in terms of university governance and management?	<p>1. Danish consolidation Act on Universities, 2012, with amendments 2013.</p> <p>2. Ministerial Order concerning the Act on Universities, 2007.</p> <p>3. Statutes of Aalborg University, 2012.</p> <p>4. Aarhus University By-laws, 2011.</p>	<p>1.1. Are there any legal provisions on the number of external and academic representatives of the board of governors? If yes, what are they?</p> <p>1.2. Can the university set specific requirements for the external members of the board in addition to the existing in the law? What are the terms of office for internal members of the board?</p> <p>1.3. What is the procedure of election of academic representatives in the board?</p> <p>1.4. What are the conditions of dismissal of the internal member of the board?</p> <p>1.5. Are the members of the board remunerated? If so, on what criteria are set the remuneration of the board members? Who makes the final decision on this issue?</p> <p>1.6. Can the university set specific requirements for the rector position in addition to the existing in the law?</p> <p>1.9. What are the terms of office of the Rector?</p> <p>1.10. What are the responsibilities of the University Director?</p> <p>1.11. If there are variances (on university governance and management) across universities,</p>	

		<p>2. How is the interaction between the governmental body and the university staff performed?</p> <p>3. What is the organizational structure of a university (incl., management, studies, and research areas)?</p> <p>4. What is the composition of governing and management bodies – down to faculties and departments (e.g., the board, the study boards, etc.)?</p> <p>5. What is the degree of university freedom in creating legal entities (non-for-profit, commercial, startups. etc)?</p>		<p>why is it the case?</p> <p>2.1. What is the instrument of interaction between the governmental body and the university staff (academics, researches, non-academic)?</p> <p>2.2. What are the mechanisms ensuring that the governing body is well informed of the views of staff across the institution?</p> <p>3.1. Are there legal provisions with regard the organizational structure of the universities? If so what are these provision?</p> <p>3.2. Must the changes made in the organizational structure (establishing / liquidation of the faculty or department) be approved by the ministry?</p> <p>4.1. Are there legal provisions concerning the organizational structure of the faculty?</p> <p>4.2. Is the composition of management bodies at faculties/departments level the same in all universities? If not what is the reason?</p> <p>4.3. What are the terms of office and dismissal of the dean, head of department, academic council, PhD committees and study boards?</p> <p>5.1. Does the university's capacity to create legal entities (non-for-profit, commercial, startups. etc)?</p> <p>5.2. Can the university use the revenues from its</p>	
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				<p>own commercial entities as it consider appropriate?</p> <p>5.3. Are there legal provisions which regulate this right of the university?</p> <p>5.4. Should the university governance bodies inform the government on how the HEI is using its own revenue?</p>	
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Appendix 5. Data reporting and data analysis for Lithuania

Problem/question formulation	Findings	Comments
	<p>Record here what you found in the documents and from interviews (addressing the what, how who, when questions).</p> <p>IMPORTANT: make sure you also always try to get to the route of the problem/question/issue by addressing the ‘why’ questions.</p>	<p>Please record here any of your ideas, concepts, relationships between/across the concepts/types, potential impact, potential implications for Moldovan system, etc. – it is IMPORTANT to record ALL your thoughts and ideas immediately as you record the findings.</p>
<p>Legal provision on the HES.</p> <p>Types of HEIs. Relations with the State.</p>	<p>There are two types of HEIS: universities and colleges. HEIs may be state and non-state.</p> <p>State HEI is public institution.</p> <p>A non-state HEI shall be a public legal person or a private legal person.</p> <p>Colleges are under the government responsibility.</p> <p>The universities in Lithuania are formed by the Seimas. The Statute of the university is approved by the Seimas. Any amendments to the university statute can be made only by Seimas.</p> <p>The university addresses a request in regards with the wanted amendments of the statute to the member/members of Seimas and this member/these members may make proposals to the Seimas on these amendments.</p>	<p>Two type of HEIs: one, UNIVERSITY, on the higher stage (I, II, II cycles, doing fundamental and applied research) and the second, College, dealing with the vocational HE, having only I cycle.</p> <p>A non-state HEI, could have private founders and be public HEI if it is non-for profit. A private HEI which is for-profit is a Joint venture.</p> <p>This situation limits the political pressure on the universities.</p> <p>MES does not have implications in the university activities. !!!</p>
<p>1. What are the generic/state and university specific rules in terms of university governance</p>	<p>The governing and management bodies are established by Law of HE&R¹.</p>	<p>The structure of the Council was change in accordance with the decision of the Constitutional Court that says the number of external members of</p>

¹ Law of Higher Education and Research of Republic of Lithuania, 30 April 2009 No XI-242

<p>and management?</p> <ul style="list-style-type: none"> • The governing body (bodies) • The management body 	<p>The universities have <i>dual</i> governance structure.</p> <p>A state university must have the collegial management bodies – the <i>council</i> and the <i>senate</i>, as well as a sole management body – the rector.</p> <ul style="list-style-type: none"> • Council¹ is the main body of the university. <p>Council's Structure (Law) –</p> <p>9 (11) members:</p> <p>1 student;</p> <p>2(3) from the academic staff;</p> <p>1 from the administration;</p> <p>1 appointed by ME & Senate;</p> <p>4 (5) external members.</p> <p>This has changed: 5 from university & 4 external members.</p> <p>Any one (inside the university) can propose a candidate for the Council.</p> <p>The internal members are elected among the members of the academic staff. Student representative is elected by and among the students.</p> <p>The external members could be alumni of the university, but it could be that they have no relations at all to the HES. They could be retired businessmen with good achievement in the field, persons from city magistrate, etc.</p> <p>The Council of HE (an advisory body for the MES on strategic issues of HE development) analyses and evaluates the candidates and proposes to Ministry of E&S a number of persons (double</p>	<p>the university council cannot be bigger than the number of internal members.</p> <p>As external members of the Council shall be proposed persons having the necessary capacities and which can ensure their commitment to the university's interest. And since the numbers of such persons is not so big the proposed university governance system to work, the number of the universities should not be large.</p> <p>It seems not a very good idea to give the Ministry (Council of HE) the power of decision on the candidate for the university Council. The right of choosing should be only of the universities. The Ministry should only make public announcement on the composition of the Council.</p> <p>It is not clear if and how council members are penalized if the rector appointed by them will fail.</p> <p>The establishment of employment and assessment criteria for the academic (profs and researchers) staff should be Senate responsibility only.</p> <p>The Council's approval of the study and research programs proposed by the Senate should be a formal, or even it shouldn't be at all.</p>
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	<p>number). The MES selects and appoints the 4 external members.</p> <p>The university shall comply with the Ministry's decision on the appointment of external members, even if it disagrees.</p> <p>The chairman of the Council is elected among the external members. (Law)</p> <p>The rector shall attend meetings of council in an advisory capacity.</p> <p>The remuneration of the Council members is possible, but not necessarily. At some university it is a single time payment, at other they are hourly remunerated for a time worked, based on the rector's salary multiplied with coefficients (from 1 to 0,5)². The decision on this issue (also on the amount of remuneration) is made by the Senate and it should be stated in the Statute. No approval at the higher level is needed.</p> <p>Terms of office of a council member: 5 years.</p> <p>Dismissal: The member of the council is dismissed by the body/person who has appointed him/her.</p> <ul style="list-style-type: none"> • Senate^{Error! Bookmark not defined.} is the management body of academic affairs of the university, responsible for approving study programmes, internal system of quality assurance, setting qualification requirements for positions of teaching and research 	<p>Academics are admitted to their posts by the rector according to regulations on selection and promotion of academic and administrative staff. All staff members are admitted to their posts by public tender competitions and promoted by the rector, following proposals of the recruitment commission, after an evaluation of employees' qualifications which is carried out using established criteria (for the academic staff – by the Senate).</p> <p>It seems to me that it would be better to set : the rector must be a person who has a scientific degree, who has the experience in pedagogy and management.</p> <p>The Rector is the main management executive body. He is responsible for elaboration of the strategic plan, structural reorganization, financial activities of the higher education institution, proper management, use and disposal of funds and assets, fees establishing, etc.</p>
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² Vilniaus universiteto statuto redakcija patvirtinta 2013-11-27 Senato nutarimu S-2013-7-4 (Vilnius University Statute was approved by Resolution of the Senate 2013-11-27 S-2013-7-4)

	<p>staff.</p> <p>The Senate shall be set up/elected in accordance with the procedure laid down in the statute of HEI. No governmental/ministerial regulations.</p> <p>Structure: students $\geq 20\%$; Professors & chief research staff $\geq 20\%$; Associate professor and senior research staff $\geq 20\%$; Members of the senate based on their position, including Rector $\geq 10\%$; Employees of other HE may also be members of Senate. The number of Senate members is determined by the university. The rector of a HE is members of Senate based on his position, but he may not be chairman of the senate.</p> <p>Senate's terms of office – 5 years. Is set up in accordance with the procedure laid down in the statute of HE.</p> <p><u>The Rector</u>Error! Bookmark not defined. is the main management executive body. He is responsible for elaboration and implementation of the strategic plan, structural reorganization, financial activities of the higher education institution, proper management, use and disposal of funds and assets, fees establishing, employment of staff, students recruiting, etc.</p> <p>Rector appoints the candidates of University Vice Rectors,</p>	
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	<p>University Chancellor, Faculty Deans, Department Heads and Institute Directors and submit them to the Senate for approval.</p> <p>The Rector is elected ($\geq 3/5$ of council members) by an open competition, appointed and dismissed by the council.</p> <p>Qualifications: The rector may be a person who has a scientific degree, who has the experience in pedagogy and management.</p> <p>The rector of a HE is members of Senate based on his position, but he may not be chairman of the senate.</p> <p>Term of office: 5 years.</p> <p>The same person may be elected as rector of the same HE for not more than 2 terms of office in succession and not earlier than after the lapse of five years since the end of the last term of office, if the last term of office was consecutively second.</p> <p>Dismissal: The rector may be dismissed by the council if the council does not approve one of the annual reports.</p> <p>The Rectorate is an advisory corporate body chaired by the Rector. The Rectorate consists of the Rector, the Vice-Rectors, the Head of Administration of the University, Deans of the Faculties, heads of the subdivisions, including the subdivisions with the rights of legal entity and a member delegated by the Student Representative Body.</p>	
<p>2. How is the interaction between the governmental body and the university staff performed?</p>	<p>There are lots of commissions at university and faculties level with different responsibilities related to the activities of the university/faculty.</p> <p>Their members are university academic and/or administrative</p>	

	<p>staff. The rector's decisions with regard to the specific issue are made based on the information and proposals made by these commissions. There are commissions on: study programmes, on recruitment and assessment, on staff payment, etc.</p>	
<p>3. How the generic/state rules (if there are some) are applied in private universities?</p>	<p>All private HEIs on organizational and academic arias are ruled by the Law of HE, except they didn't receive vouchers. The Law of HE didn't mention any difference in the functioning of the state and private universities.</p> <p>Law HE, Chapter II, Art. 6, p. 4: A non-state HEI shall be a public legal person functioning as a public establishment or a private legal person (joint venture).</p>	
<p>4. What is the organizational structure of a university (incl., management, studies, and research areas)?</p>	<p>There are no legal provisions concerning the organizational structure of the universities. The universities are free to make their own decision regarding this issue.</p> <p>Usually the university is divided into faculties (within which operate a number of institutions/departments) and management (administrative) units.</p> <p>Management Units have different areas of activities: management of research activities, management of studies, international relations, library, accounting, internal audit, IT center, marketing, etc.</p> <p>The proposals on the reorganization of the university structure are addressed to the rector and can be made by the senate or by the rector himself. These proposals are presented by rector to the Council that approves it. The Ministry of Higher Education and even the Parliament, does not involve in the procedure.</p>	
<p>5. What is the composition of governing and management</p>	<p>The main governing body of the faculty is the Council of Faculty. The members of the faculty council are elected. The election</p>	

<p>bodies – down to faculties and departments (e.g., the board, the study boards, etc.)?</p>	<p>procedure and criteria are (should be) stated in the statute or in the specific university regulation.</p> <p>The Dean is a main management body of the faculty. The Dean is appointed by rector and approved by the Senate.</p> <p>The vice-dean, heads of institutes/departments are appointed by the rector on dean’s proposal. The terms of office of deans, vice-deans, head of institutes is 5 years.</p> <p>Within institutes there are academic commissions responsible for elaboration, submission for approval and accreditation and delivering of study programmes.</p> <p>The scientific work is done at the institutes, laboratories and centers within faculties.</p>	
<p>6. What is the degree of university freedom in creating legal entities (non-for-profit, commercial, startups. etc)?</p>	<p>The university can establish non-for-profit, commercial entities and startups, in the terms of the Law of HE. (Chapt. II, Art. 7, p. 2:12: HEI shall have the right to pursue economic and commercial activities which are not prohibited by laws and which are inseparably connected with the objectives of activities thereof)</p> <p>The university can use the revenues from its own commercial entities as it consider appropriate, without informing ministry or other governmental bodies on how HEIs is using its own revenue.</p> <p>The external audit, which is done periodically by the Court of Auditors, will determine the correctness of the revenue use.</p>	<p>It is a high degree of autonomy which enables the universities to implement their strategies in a flexible and adequate way and hence to carry out their main missions.</p>

Appendix 6. Data reporting and data analysis for Scotland

Problem/question formulation	Findings	Comments
	<p>Record here what you found in the documents and from interviews (addressing the what, how who, when questions).</p> <p>IMPORTANT: make sure you also always try to get to the route of the problem/question/issue by addressing the ‘why’ questions.</p>	<p>Please record here any of your ideas, concepts, relationships between/across the concepts/types, potential impact, potential implications for Moldovan system, etc. – it is IMPORTANT to record ALL your thoughts and ideas immediately as you record the findings.</p>
<p>Legal provision on the HES.</p> <p>Types of HEIs. Relations with the State.</p>	<p>There is only one type of HEIS – the Universities.</p> <p>There are 3 groups of universities: Ancient – have statutory base, new established by Charter in the 1960s, and the “very new” designated as universities under the Further and Higher Education (Scotland) Act 1992³. All universities are accountable to the Royal representative (Secretary of State, Privy Council).</p> <p>The undergraduate studies are free of charge (for Scottish and EU [non-UK] students), funded by the Government through the Scottish Founding Council (SFC), which is established by the Secretary of State. For the rest there are study fees: for UK students above 9000 pounds, for the international (non-EU) much more (could be around 60000 pounds). Postgraduate (master & PhD) studies are paid by the all students.</p> <p>The budget given to the university by SFC consists of 3 parts: a part for teaching (60%), part for basic fund for research (which</p>	<p>Universities are public institutions.</p> <p>The colleges are not part of HES.</p> <p>This situation (accountability to the higher authority than the ministry) limits the political pressure on the universities.</p> <p>ME is responsible for elaboration of the educational policy in general and does not have implications in the university governing, management, activities!!!</p> <p>Universities are INDEPENDENT bodies!!!</p> <p>The relevance of the master studies are supported by the professional councils (bodies from the real market) that give authorization to practice a profession. They</p>

³ Further and Higher Education (Scotland) Act 1992

	<p>is based on the REF evaluation performed each 5 years and is designated to maintain infrastructure, for the equipment, for salary) and part (capital) for institutional development (based on the application with strong explanations).</p> <p>REF – research excellence Framework.</p> <p>The research activity is funded from: 1) the budget given by SFC (); 2) the research national and international grants obtained through the competition; 3) the industrial grants.</p> <p>The university is accountable to SFC only for the money given by it, but not for the own revenue.</p> <p>The main sources of the university's earnings are the postgraduate programs, and could be also, the research activities.</p>	<p>establish the requirements, which contain the master study degree as one of necessary conditions for the authorization.</p>
<p>1. What are the generic/state and university specific rules in terms of university governance and management?</p> <ul style="list-style-type: none"> • The governing body (bodies) • The management body 	<p>Dual type of Governance structure: the University Court (Council) and the Senate.</p> <p><i>In the Further and Higher Education (Scotland) Act 1992 is mentioned the Court as governing university body, as well as its relations with the Privy council, SFC and Secretary of State. This law does not contain provisions on university governing and management bodies, university organizational structure, criteria and procedures of election / appointment of members of any university body.</i></p> <p>Court is responsible for approving the University's overall strategic direction and exercising general oversight of the University's performance and development (the management and administration of the revenue, property, staff and students). It is responsible for ensuring that the University's business is conducted in accordance with the Statute (Statutory Instrument).</p>	<p>The selection criteria of the lay members usually are stated in the Statute. I.e. Statutory Instrument of Glasgow Caledonian University⁵.</p> <p>May be the proposition to apply for court lay membership comes from university representatives, or someone else.</p> <p>Scottish universities function much more based on the experience gain through the centuries, common sense and citizen's responsibility. Their legal provisions and regulations are not too rigid.</p> <p>The Executive Team is responsible for providing recommendations on the overall strategic direction for</p>

There are different numbers of court members in different universities (usually not more than 25), but the composition of court is the same.

Its membership comprises:

- Lay members (appointed governors) drawn from business, industry and the professions who retain an overall majority.
- members drawn from former students (alumni)
- Ex officio (governors) members being the Principal (could be also a Vice-Principal) and the President of the Students' Association.
- elected members from amongst academic staff.
- elected members from amongst non-academic staff.
- members drawn from the students.

The majority of the Court (main governor body) is formed by the external (lay) members.

Court is responsible for the holding and conducting the election of staff governors. After consulting academic and non-academic staff the Court makes the rules of this election.

It is also responsible for the **inclusion and selection of the external member in governing bodies.**

The lay members are appointed on the contest base. They are themselves applying to the court. Special group within the court analyses the application and make recommendations to the Court for approval of the appointments⁴.

The Court shall elect from among the Lay Members a **Convener**

the University, for considering all major initiatives emerging and the resources required to support them, and for proposing these to the Senate and the Court as appropriate for final approval.

In particular the Executive Team is responsible for

(a) developing the overall strategic direction of the University, taking account of the resources at its disposal and the need to ensure sustainability in all aspects of University business, and making proposals on these, as appropriate, to the Senate and to Court for final approval;

(b) considering policy proposals on the University budget, on resource allocation priorities, on physical development, on employment and any other University business, for onward transmission and decision at the Court;

(c) considering policy proposals on the teaching, research and academic development and on the academic priorities of the University, and on any other matter within the remit of the Senate – including, specifically, recommendations on University ceremonials and the award of honorary degrees, and for recommending these to the Senate for final approval;

(d) considering all major initiatives emerging from both within and outwith the University and whether or not these should be pursued, taking account of the fit with

⁴ Ordinances of the University of Strathclyde.

<p>of Court.</p> <p>The terms of office of the Court members differ from university to university and are set up in the Statute.</p> <p>Terms of office: ex officio – during his/her terms of office; appointed governors – 3 (4)years and could be re-appointed that maximum period of membership in the court will be max 9 years; staff governors – 3(4) years and could be re-appointed that maximum period of membership in the court will be max 6 (9) years.</p> <p>The dismissal conditions of Court members are stated in the Statute.</p> <p>The remuneration of Court members is nominal (but is not a normal salary) and the decision on this issue is made by a special Committee.</p> <p>Senate.</p> <p>The Senate is the academic governing body within the University and is responsible for all academic matters including academic standards and quality.</p> <p>The responsibilities of Senate are the planning, co-ordination, development and supervision of the academic work of the University and other assigned functions of the University Court, subject to the general control and direction of the University Court^{5,6}. Any its decisions should be approved by the Court.</p>	<p>the overall University strategy, the resources required to support them, their sustainability and the overall priority to be attached to them;</p> <p>(e) engaging with the Court Business Group in order to consider key proposals emerging within the University before they are forwarded to the Court for consideration and approval;</p> <p>(f) developing and maintaining a Strategic Investment Framework embracing a holistic approach to the development of major initiatives across the University, taking account of the resources required to support these, including staff, funding, information technology and estates, and also, in a similar approach, considering areas of disinvestment and proposing these to the Court for approval;</p> <p>(g) monitoring the implementation of these major strategic developments and regularly reviewing the overall University strategy to ensure that it remains relevant and sustainable.</p> <p><i>Composition</i></p> <p>1.1.2. The Executive Team will be composed of:</p> <p>(a) The Principal <i>ex officio</i> (Convener)</p> <p>(b) The Vice-Principal <i>ex officio</i></p>
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⁵ The Glasgow Caledonian University Order of Council 2010, p. 5.

⁶ Statute of the University of Strathclyde. 2010.

The Senate numeric composition varies from university to university. It is not stated in the Statute as well as the representative proportions of the members groups of Senate.

The Senate consists on (*Glasgow Caledonian Univ.*)

Ex officio members

- **Principal and Vice-Chancellor**, which is **Chair of the Senate**
- Vice- and Pro-Vice-Principals,
- Heads of academic departments, including deans,
- President of student's association.

Elected members

- Academic staff +1 student that will consist $\geq 1/3$ and $\leq 2/3$ of the aggregate nr. of ex officio members.
- **Academic staff** (teaching & research staff) **is elected** in accordance with the arrangements made by the Senate and approved by the Court – for 4 (3) years and can be re-elected once.
- Students are elected according their own rules – for 1 year.
- Co-opted members (not more than 4(5) persons) – not more than 4 years and are eligible to be co-opted again⁵.

There are a number of Senate committees dealing with different issues that are under Senate responsibilities.

Terms of office:

ex officio member – as long as they hold their positions,
academic staff – for 4 years and can be re-elected once,

- (c) The Executive Deans *ex officio*
- (d) The Chief Operating Officer *ex officio*
- (e) The Chief Financial Officer *ex officio*

Although the Principal is selected and appointed by the Court, it is necessary / required Senate's opinion Senatului!

With regard to the Principal's engaging conditions, salary, terms of office, all of this is depends on the Court. Nothing is fixed. It could be change by curt time to time, depending (may be) on the university goal or on the candidates applied to this position.

Student – for 1 year,

Co-opted members – not more than 4 years and are eligible to be co-opted again.

The Chancellor is the titular head of university. Is appointed by the Court (after consultation with the Senate), which determines the duties and rights of the Chancellor's office.

Chancellor's term of office – 4-5 years, but the court could establish any other terms of office (could be re-appointed).

The Principal & Vice-Chancellor is the chief academic and executive officer of the university. In the absence of the Chancellor the Principal and Vice-Chancellor perform the functions of the Chancellor.

The Principal, Vice-Principals and Pro-Vice-Principals **are appointed by the Court**, after **consultation with the Senate**.

Court delegates its functions relating to the organization and management of the University to the **Principal and Vice-Chancellor** who, assisted by the **University Executive Team** (*Principal, Vice-Principals and their PAs, Chief Financial Officer, Univ. Court representative, Executive Deans of schools and their PAs*), is responsible for the day to day running of the University.

The Principal shall be responsible to the Court **for the finances** of the University.

The **Principal is the Chair of the Senate** and shall be ex officio a member of all Committees of Senate.

The criteria and requirements for Principal's appointment.

In all of Scotland's universities, the Principal is currently

	<p>appointed by the Court, <i>usually following an executive search and interview process.</i></p> <p>The appointment of the Principal is made by the Court by the manner (including term and conditions) to be determined by the Court time to time.</p> <p><u>There are no qualification requirements for the Principle function stated in some official university documents, but the Principle is a person from university environment, having scientific degree and reputation, management experience.</u></p> <p>Remuneration. The contractual terms of Principals are determined by the governing body, and his or her remuneration is set by a remuneration committee of the court.</p> <p>Terms of office and dismissal: The term and conditions of the Principle appointment are to be determined by the Court time to time. No provision on this issue in the university Statutes or Ordinances.</p>	
<p>2. How is the interaction between the governingl body and the university staff performed?</p>	<p>There are lots of committees at the departmental, faculty and university levels with different responsibilities related to the activities of the faculty/ university. Their interaction is made by the following scheme:</p> <p>Representative of Departmental committee ⇒ Faculty committee ⇒ University committee (of the Court and of the Senate).</p> <p>Their members are university academic and/or administrative staff.</p>	
<p>3. How the generic/state rules (if there are some) are applied</p>	<p>Not the case.</p>	

in private universities?		
4. What is the organizational structure of a university (incl., management, studies, and research areas)?	<p>The organizational structure of the university is established by the Court, after report of Senate, in accordance with the university Statute.</p> <p>The organizational structure of the university is stated in the internal document of the HEI, the University Ordinances⁴.</p> <p>Any modifications of the org. structure are approved by the Court.</p>	
5. What is the composition of governing and management bodies – down to faculties and departments (e.g., the board, the study boards, etc.)?	<p>The Executive Dean is a main management body of the faculty. The Dean is appointed by the Court or by the committee to which this power was delegated by the Court.</p> <p>The remuneration, terms or conditions of office of Executive Dean are determined by the Court or by this committee. Executive Dean is a member of the Executive team.</p> <p>The Board of Study constituted for a Faculty shall have the right to discuss any matter relating to that Faculty and any matter referred to it by the Senate, and to convey its views thereon to the Senate. The Executive Dean of the Faculty shall be ex officio the Convener of the Board of Study constituted for that Faculty.</p> <p>Each Department of the University shall have a Departmental Committee which the Head of Department shall Chair. The Departmental Committee shall comprise all members of Academic staff, Research staff and Teaching staff at Grade 8 and above and any probationary lecturers in the Department.</p>	

<p>6. What is the degree of university freedom in creating legal entities (non-for-profit, commercial, startups. etc)?</p>	<p>The university can establish any type of legal entities: non-for-profit, commercial, startups, etc.</p> <p>The university can use the revenues from its own commercial entities as it consider appropriate.</p> <p>The external audit, which is done periodically, will determine the correctness of the revenue use.</p> <p>The university even can</p> <ul style="list-style-type: none"> ◆ invest its own monies in such stock, funds, shares or securities as the Court shall from time to time think fit, whether authorized by the general law for the investment of trust monies or not, and whether within or outside the United Kingdom, or in the purchase of heritable property in the United Kingdom, including rents, with the like power of varying such investments from time to time; ◆ sell, buy, exchange, lease, and accept leases of lands and other property, heritable and moveable; ◆ borrow money. 	<p>It is a high degree of financial autonomy which enables the universities to implement their strategies in a flexible and adequate way and hence to carry out their main missions.</p> <p>The university shall be responsible to the Privy Council only for the use of money received from the SCF.</p>
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Appendix 7. Data reporting and data analysis for Sweden

Problem/question formulation	Findings	Comments
	<p>Record here what you found in the documents and from interviews (addressing the what, how who, when questions).</p> <p>IMPORTANT: make sure you also always try to get to the route of the problem/question/issue by addressing the ‘why’ questions.</p>	<p>Please record here any of your ideas, concepts, relationships between/across the concepts/types, potential impact, potential implications for Moldovan system, etc. – it is IMPORTANT to record ALL your thoughts and ideas immediately as you record the findings.</p>
<p>Legal provision on the HES.</p> <p>Types of HEIs. Relations with the State.</p>	<p>The Riksdag (Swedish Parliament) and Government have overall responsibility for higher education and research, which means that they make decisions about targets, guidelines and the allocation of resources. Education and research are the remit of the Ministry of Education and Research. . Under the general mandate, given by the Government, state universities and university colleges decide their organisation, curricula, admission criteria and internal funding for undergraduate programmes.</p> <p>As of 1 January 2013, the Swedish Higher Education Authority (Universitetskanslersämbetet) and the Swedish Council for Higher Education (Universitets- och högskolerådet) are the central government agencies responsible for matters relating to higher education. However, universities and university colleges remain separate state entities and make their own decisions about the content of courses, admissions, grades and other related issues.</p> <p>The Swedish Council for Higher Education is responsible for admission issues, information concerning university-level studies, assessments of foreign qualifications, and international co-operation, among other things. The Swedish Higher Education Authority mainly has a scrutinising function, and is responsible both for reviewing the quality of higher education and granting</p>	

	<p>degree-awarding powers. It is also responsible for the supervision of universities and university colleges, and for maintaining official statistics.</p> <p>Universities and other higher education institutions in Sweden are autonomous agencies, directly responsible to the Government.</p> <p>There are 14 universities and 22 higher education institutions whose principal is the state, which means that responsibility ultimately lies with the state. In addition there are ten or so private education providers, including Chalmers University of Technology, Jönköping University and the Stockholm School of Economics.</p> <p>The main task of the state universities and higher education institutions is to organise educational programmes based on scientific or artistic.</p> <p>Over 80 per cent of funding for Sweden's universities and university colleges comes from the Government, of which 78.2 per cent is in the form of direct grants. A further 4.8 per cent comes from other public sources of funding. The remaining funding came from private sources and financial revenue.</p>	
<p>1. What are the generic/state and university specific rules in terms of university governance and management?</p> <ul style="list-style-type: none"> • The governing body (bodies) • The management body 	<p>A higher education institution (HEI) is governed by a board. The governing board is responsible for ensuring the effective management of the HEI and for planning its future development. It is ultimately responsible for all the affairs of the institution.⁷</p> <p><u>The Board composition</u>. These boards consist of a chair and no more than 14 other members. <u>Eight</u> of the members are <u>external members</u> appointed by the Government on the proposal of the HEI.</p>	<p>The chair and the other members of the board of governors who, pursuant to Section 4 of Chapter 2 of the Higher Education Act (1992:1434), shall be appointed by the Government are to be appointed after a proposal has been submitted by the HEI.</p> <p>This proposal is to be preceded by consultation within and outside the higher education institution and comprise persons with competence and experience</p>

⁷ The Swedish Higher Education Act, 1992

The teachers are represented by three members of the board of governors. The teachers' representatives shall be elected within the HEI. The board of governors shall issue more specific regulations about the election procedure.

The students are represented by three members of the board of governors. These representatives are appointed by the Student Union.

External members of the Governing Board are appointed by the government on proposal of the HEI. These external representatives usually are: Vice-Chancellors of other Swedish universities, prominent industrialists, CEO of big companies, representatives from public authorities (majors, heads of regional administrations, directors of governmental agencies, etc).

The Government appoints the chairperson of the board and the board then elects a vice-chairman among its members. The Vice-Chancellor must always be a member of the board.

Terms of office: **The student** representatives to the Governing Board are appointed for **1 year**, **all other members** of the Board (except vice-chancellor) are appointed for **up to 3 years**.

The dismissal conditions of Board members are not mentioned in any legal provisions.

The remuneration of Board members.

Members of the University board are remunerated.

Their remuneration is carried out on the base of the “Regulation on remuneration of the members of the Governing Boards at Swedish Higher Educational Institutions”, Decision of the rector of KTH, Decision of the Government.

from activities that are significant for the institution's educational, research and third stream mandate.

The vice-chancellor must be a person from the university environment having scientific degree with experience of academic work (since the requirements are the same as for the professor or lecturer).

(KTH)The process on selecting the candidates for a new rector or pro-rectors shall normally start 12 months before the planned date of their employment.

University Board appoints a Nomination Committee for preparing proposals on the candidates for rector and pro-rector. This Committee shall consist of 7 persons – Head of the Committee, a representative for general interests, 2 representatives for academic staff (proposed by the Faculty Board), one for non-academic staff (proposed by the local trade unions) and representatives for the students (1 for students and one for PhD students proposed by the student union).

Head or Vice-Head of the Governing Board shall be appointed as a head for the Nomination Committee.

University administration shall provide support to the activities of the Nomination Committee. Nomination of the candidates shall be done through the Nomination Committee.

The Nomination Committee shall

The remuneration is done according to following:
Head of the University Board: 66 000 SEK a year,
Member of the University Board: 28 000 SEK a year,
Faculty Board: 15 000 SEK a year for the member of the board.
The document also determines reimbursement of other eventual costs for the members of the Board, including travel costs.

The **Vice-Chancellor** of the University is in charge of its operations after the Governing Board and is directly accountable to the **board of governors**.

The **vice-chancellor** shall be **appointed by a Government** decision for a period of no more than **six years on the basis of a proposal from the board of governors** of the HEI⁸. The vice-chancellor is a member of the board of governors, he could be the chair. Before the board of governors submits its proposal, consultation shall take place with the teachers, other employees and students in the manner determined by the board of governors. While presenting the candidate to the government, the Governing Board shall explain how the requirements on equal opportunities were respected.

The criteria and requirements for Vice-Chancellor's appointment. A person eligible to be appointed as a vice-chancellor or pro- vice-chancellor is the person who fulfills the requirements for employment as a professor or lecturer. While appointing vice-chancellor or pro vice-chancellor the administrative capacity shall also be taken to the account including

- Develop a proposal for the employment profile and submit it to Board for adoption;
 - Select the appropriate candidates for the respective positions;
 - Make sure that the candidates agree to work on the respective positions;
 - Work on assuring gender equality among the candidates to each position;
 - Present to the Governing Board on the measures taken to assure the gender equality;
 - Make specific efforts in presenting to the Board a unified candidate;
 - Before presenting to the Governing Board the final candidate make sure that the Faculty Academic Committee, Unions and Student Union have presented their opinion about the proposed candidate. The Nomination Committee openly presents the candidate together with the Academic Committee, Unions and Student union present their opinion;
 - Carry out the work related to the proposal on the candidate for the position of the rector in a way that the University Board can present the candidate to the government at least 4 months before estimated date of appointment;
- New composition of the Nomination Committee is

⁸ The Swedish Higher Education Ordinance, 1993

leadership ability.

According to the Swedish legislation, a person can't be appointed to an official position after filling **67 years**. As the position of the vice-chancellor is an official position, this limitation applies in this case as well in a sense that a person can't be appointed to the position of the vice-chancellor if the person reaches the age of 67 years during his or her employment period. I.e. appointment to the first period is limited by 61 years and consecutive periods by the age of 64 years.

The **Pro Vice-Chancellor** (deputy vice-chancellor) acts as a legal representative for the institution while the rector is not on the place. The pro vice-chancellor substitute for the vice-chancellor to the extent determined by the vice-chancellor. The pro vice-chancellor is appointed by the board of governors for 6 years.

Terms of office: no more than 6 years. The appointment **may be extended** but **no more than twice and for no more than three years at a time**.

The Vice-Chancellor's Group (at KTH) or the Senior Management Team deals with strategic educational, research and quality issues and consists of the Vice-Chancellor, Deputy Vice-Chancellor, Dean(s) of Faculty(-ties), Pro Vice-Chancellor, the University Director and a student representative.

Terms of office and dismissal: No provision on this issue. At the same time, it is responsibility of the Government as they make decision on appointment of the Vice-Chancellor.

Most of the universities have a body that represents the entire university, **called Academic Senate / Education & Research Board / Faculty Council, and acts** as an advisory body (to the Vice-Chancellor). This body has **under its instructions, the task**

appointed for each election.

	of discussing and expressing opinions on: objectives and strategy for the university's activities and interactions with the community university organization research and education policy issues of importance to the University.	
2. How is the interaction between the governing body and the university staff performed?	<p>There are lots of committees at the departmental, faculty and university levels with different responsibilities related to the activities of the faculty/ university.</p> <p>In order to enable and strengthen academic staff access to information and influence over processes and decisions there is also a Trustee Council (“fakultetens förtroenderåd”) with the primary task of gaining acceptance for, and communicating, issues of special importance with the academic staff⁹.</p> <p>Every year each HEI prepares annual report where they inform public authorities on performance during the year. The report has a well-defined structure which covers all aspects of operations of the public university. The report is an open document and can be found on the university website.</p> <p>Each university regularly carries out a survey of the staff concerning their satisfaction about the working environment. The results of the survey are presented to the government.</p>	
3. How the generic rules (if there are some) are applied in private universities?	There several HEIs which are not formally established as governmental agencies . Governance of these institutions may vary from the public universities. Non-state institutions are not required to follow the same rules as state institutions.	
4. What is the organizational structure of a university (incl.,	Structure of the public HEIs is not regulated by the law. Universities can decide themselves about the structure. Decisions	A higher education institution decides on its own internal organisation in addition to the board and vice-

⁹ Web KTH Royal Institute of Technology , www.kth.se/en

<p>management, studies, and research areas)?</p>	<p>about the structural changes are made by the University Board. No approval from the government is needed.</p> <p>Academic structure is the sole responsibility of the universities. No regulations from the government on this issue.</p>	<p>chancellor, unless otherwise provided. When the higher education institution decides on its internal organisation Sections 6 and 7 below are to apply. Ordinance (2010:701) [Section 5⁷].</p>
<p>5. What is the composition of governing and management bodies – down to faculties and departments (e.g., the board, the study boards, etc.)?</p>	<p>Each university has the right to decide about the internal structure. It means that internal governing bodies on the level of the structural units can vary. At the same time, there are certain similarities in different universities as exchange of experiences and sharing best practices is very much developed in this area.</p> <p>Usually a university consists of several faculties. Within each faculty activate a number of departments / schools.</p> <p>Faculty. The faculty boards are the highest decision making bodies at faculty level. The faculty boards include a dean, deputy dean, other operational representatives and student representatives. In addition, external members may be included. Operational representatives are elected by their faculty. At least two-thirds of faculty board members shall be operational representatives, i.e. academically competent teachers/researchers and at most comprise one third of students (at least three students). Representatives for the students are appointed under the provisions of the Student Union Ordinance (2009:769). There shall be at most two external members.</p> <p>Representatives from the trade unions have the right to attend and speak. The faculty boards decide the number of employee representatives. These are appointed in accordance with the Personnel Representatives Ordinance (1987:1101) for employee representatives to the University Board¹⁰.</p>	

¹⁰ Website of Stockholm University, www.su.se/english/about/organisation/how-stockholm-university-is-governed-1.107148

	<p>The dean is the chair of the faculty board and is a scholarly competent person (often a professor) who is appointed by the Vice-Chancellor following a proposal by the respective faculty. There are also vice-deans who are appointed in the same manner.</p> <p>The Vice-Chancellor has delegated decision making authority concerning many issues to the deans; however cases of fundamental importance are decided by the Vice-Chancellor. Deans have foremost responsibility for their faculty's efforts concerning research and education and are managers of the heads of departments. The deans are responsible for representing and presenting their faculties to decision making bodies and to colleagues from other faculties³.</p> <p>Departments. In organisational terms, departments are located beneath faculties and are led by a head of department. The Departmental Boards, the organisation and decision-making authority of the departments are determined by the University Board and, by delegation, by their superior bodies, in most cases their respective faculty boards. The composition of a department's board is decided by the Vice-Chancellor following a proposal from the department.</p> <p>Heads of departments, together with the departmental board, direct operations at their department. The Vice-Chancellor appoints heads of departments and deputy-heads of departments and decides whether a department shall only be led by a head of department, so called 'heads of department rule' or 'prefects rule'.</p>	
<p>6. What is the degree of university freedom in creating legal entities (non-for-profit, commercial, startups. etc)?</p>	<p>The universities are public institutions and have a status of the public agencies. Therefore, according to the Swedish Legislation, a university, which is a public agency, itself can't establish any legal entities.</p>	

	<p>At the same time, it can take part in holding companies, which consequently have the right to establish different types of companies, own/sell shares and carry out other activities both for profit and non-profit.</p> <p>For this purposes KTH Holding AB is established. The holding, for example, owns KTH Executive School and carry out other activities related to establishment of start-up companies, ownership and management of IPR, etc.</p> <p>As a public institution, the university cannot generate a profit. All funds received both for education and research shall be spent to cover the costs carrying out educational and research activities.</p>	
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Appendix 7. Data reporting and data analysis for Denmark

Problem/question formulation	Findings	Comments
	<p>Record here what you found in the documents and from interviews (addressing the what, how who, when questions).</p> <p>IMPORTANT: make sure you also always try to get to the route of the problem/question/issue by addressing the ‘why’ questions.</p>	<p>Please record here any of your ideas, concepts, relationships between/across the concepts/types, potential impact, potential implications for Moldovan system, etc. – it is IMPORTANT to record ALL your thoughts and ideas immediately as you record the findings.</p>
<p>Legal provision on the HES.</p> <p>Types of HEIs. Relations with the State.</p>	<p>The HE in Denmark is provided by 8 universities, 7 university colleges, 9 academies of professional, 4 institutions in architecture and art and 7 maritime educational institutions.</p> <p>The Ministry of Higher Education and Science (MHES) handles tasks related to policies, administration, operation, coordination and interaction, etc. in and between the areas: Research, Innovation and Higher Education.</p> <p>The universities are self-governing institutions under public sector administration overseen by the Minister of Higher Education and Science¹¹.</p> <p>The universities offer research-based higher education at Bachelor, Master and PhD level. Furthermore, the universities are responsible for the majority of all public research in Denmark. As key institutions in society, universities have also tasked to actively participate in the exchange of knowledge and skills with the wider community.</p>	<p>Universities are public institutions. There are no private HEI.</p> <p>The university is tasked with performing research and offering research-based education at the highest international level in the disciplines it covers.</p> <p>The colleges are non-research-based higher education institutions. They provide Bachelor degree programmes, but these are not the same Bachelor degrees, as those offered by the universities. These programmes contain more practical disciplines / work.</p> <p>To attend a Master program, which is delivered only by universities, the person who graduates a college (so, he/she has a college Bachelor degree) must first take a compensatory year to fill up the differences between the curriculum-s at the Bachelor level.</p>

¹¹The Danish (Consolidation) Act on Universities, 2012.

	<p>The main sources of financing for the universities are state funds and income from research councils.</p> <p>As a main principle, the financing basis of the universities is based on two sources:</p> <ol style="list-style-type: none"> 1. State funding earmarked for the universities in the annual Danish Appropriations Act (Finansloven) under Section 19(2) – the so-called basic funding 2. Other income from research councils, the EU, private investors etc. <p>University basic funding is allocated to the main objectives – education, research and other purposes¹².</p>	<p>The individual universities may award the PhD degree within the disciplines in which the universities conduct research and for which they have established a PhD school. A university may establish a PhD school on its own or in collaboration with one or more other universities. The PhD degree is normally awarded after three years of higher education and research (180 ECTS credits). The individual university is responsible for organizing its PhD program within the framework of the PhD Order (<i>Ph.d.-bekendtgørelsen</i>).</p> <p>Government is responsible for elaboration of the educational policy in general and does not have implications in the university daily life: governing, management, activities!!!</p> <p>Universities are INDEPENDENT bodies!!!</p>
<p>1. What are the generic/state and university specific rules in terms of university governance and management?</p> <ul style="list-style-type: none"> • The governing body (bodies) • The management body 	<p>The board of governors (university board) is the highest authority of the university. The board safeguards the university’s interests as an institution of education and research and determines guidelines for its organisation, long-term activities and development.</p> <ul style="list-style-type: none"> • The board is answerable to the minister regarding the activities of the university, including the administration of the university’s total resources. • The board must administer the university’s funds. 	<p>The composition of these bodies is set up in the University Statutes. Some of the universities have academic representatives as members of these bodies. Moreover, nominations of external Board members are made on the background of proposed candidates solicited from (among other sources) the academic councils, the Board members, ...¹⁴.</p> <p>In such way, when appointing external members of the board, the opinion of the university’s academic staff it is taken into account.</p>

¹² Site of The Ministry of Higher Education and science, www.fivu.dk/en/

- The board administers real property.
- The board approves the university's budget in accordance with the rector's recommendation, including the distribution of total resources and the principles governing the use of these resources. The board also approves the accounts.

The Board composition. The boards consist of 9-11 members. It is to be composed of external members and members representing the academic staff of the university, including salaried PhD students, the technical and administrative staff and the students. The majority of board members must be external members.

The board elects a **chairman** from among its external members.

Terms of office of the board – 4 years.

The external members are selected on the basis of their personal **qualifications:** they must have experience with management, organization and finance, including the evaluation of budgets and accounts.

External members selection procedure: The university establishes a body to nominate the external board members (**the nomination body**). The university establishes a different body to select the external board members (**the selection body**). The nomination body and the selection body may not be identical. The nomination body and the selection body must ensure that the external board members fulfill the conditions on subsections **qualifications and commitment to the university.** The **board** lays down the procedures for establishing the nomination body and the selection body.

Terms of office of external member may sit on the board for a maximum of eight years over at least two terms.

The participation of university community in the selection of the candidate for the Rector's position is ensured by the Appointment Committee, which consists of the academic, technical and administrative staff, and students.

The rector makes recommendations to the board regarding the employment and dismissal of the other members of the university's senior management team.

The Academic Council **at the University level** is DTU's supreme academic body and awards PhDs and Doctorates. The Council reports to the President on, among others, the distribution of funding and can also advise the President on central strategic educational, research and innovation plans. The President is Chairman of the Academic Council, which also comprises student and scientific staff representatives from DTU (Technical University of Denmark).

Dismissal of external members: (1) If the board disregards orders from the minister concerning the rectification of unlawful conditions, the minister may order the board to resign so that a new board can be appointed.

(2) If the board's actions jeopardise the university's continued existence, the minister may order the board to resign immediately, and in this connection install an interim governing board until such time as a new board is appointed.

The board or the minister may decide to bring an action against members of the board, the rector, any university accountants or other parties in the event of losses suffered by the university.

Internal members of the board must be elected by and from the academic staff of the university, including salaried PhD students, the technical and administrative staff and the students.

The students must be represented by a minimum of **two members**.

Representatives of the university's academic staff, including salaried PhD students, and of the technical and administrative staff are protected against dismissal and other impairment of conditions in the same way as union representatives for the same or a similar area.

Terms of office: The internal board members shall be elected for a 4-year period, student representatives shall be elected for a 2-year. Re-election is possible.

The remuneration of Board members. No legal provisions / regulations on this issue.

According to the Administrative Director of AAU the external members are remunerated. The amount of the remuneration is the subject of MHES decision. Academic (internal) members of

the board have less teaching hours and could have a small reward for an extra work.

The Rector is responsible for the **day-to-day management of the university within the framework laid down by the board.**

The Rector shall act as head of the executive management and shall delegate work tasks and responsibility to its members

The Rector is **employed (appointed) and dismissed by the board.**

The criteria and requirements for Rector's appointment. The rector must be a recognised researcher within one of the university's fields of research and must have insight into the educational sector. He/She must be an experienced manager and organiser of research environments and must understand the nature of the university's activities and its relationship with the society of which it is a part.

In addition, the university (board) can establish some specific requests for rector's qualifications level (i.e. to be, as a minimum, an associate professor or senior researcher).

No age limitation (for any employee).

The appointment procedure. The **Rector** (and Pro-rectors) shall be **appointed** following **public announcement** upon **recommendation** from an **appointments committee**¹³¹⁴ set up by the Board. **This committee shall be appointed with representation of the academic staff, the technical and**

¹³ Statutes of the self-governing institution Aalborg University, 2012.

¹⁴ Aarhus University By-laws.

administrative staff, and the students. The committee shall be chaired by the chairperson of the Board or an-other external board member The committee makes an overall assessment of the qualifications of the applicants and shall conduct interviews with selected applicants. The appointments committee shall recommend a very limited number of qualified candidates for the position. The Board shall decide which candidate is to be appointed.

The **Rector's responsibilities:**

- To makes **recommendations to the board** regarding the **employment and dismissal** of the other members of the university's **senior management team.**
- **To employs and dismisses the heads of academic units and graduate schools** (responsible for offering PhD degree programmes). Graduate schools are established by the rector's order.
- **To submits the budget to the board for approval** and signs the annual accounts.
- **To determines** the university's **internal structure** within the framework established by the board.
- To determines the rules for disciplinary actions to be imposed on students.
- Under special circumstances, **may dissolve academic councils, PhD committees and boards of study.**
- Under special circumstances, **may take over the responsibilities and duties of the academic councils, the PhD committees and the boards of study.**

Terms of office: No provision in the University Act. It is states

in some University Statutes that it is a fixed duration period decided by the Board and subject to renewal¹³.

Terms of dismissal: The rector is dismissed by the board. No provision concerning the reasons for dismissal.

Remuneration. The board decides on the rector's salary, but there are limitations (lower and upper) given by the Ministry of Finance.

Management team:

The members of the senior management team are the rector, the pro-rector(s), the university director and the deans. The senior management team is responsible for the operation of the university under the rector's leadership as well as the realization of the university's strategy and goals.

The Collegial Bodies

The **rector establishes** one or more **academic councils** in order to ensure co-determination and involvement in questions regarding academic matters. A number of academic councils may be established at both the same and different organizational levels¹¹ (university, faculty, department level). Some of the universities don't have this body at the university level.

An **academic council is appointed by the rector** or the academic manager at the organisational level at which the academic council is established, and **its members represent academic staff, including salaried PhD students, as well as students** at the organisational level at which the academic council is established. **Representatives of the academic staff, including salaried PhD students, and of the students, are elected** by and from the academic staff, including salaried PhD students, and the students.

	<p>An Academic council has the following responsibilities and duties:</p> <ul style="list-style-type: none"> • To make statements (report, information) to the rector on the internal distribution of funds. • To make statements to the rector on key strategic research questions and educational issues and plans for knowledge exchange. • To make recommendations to the rector on the composition of academic committees to assess applicants for academic positions. • To award PhD and higher doctoral degrees. • Other responsibilities and duties as specified in the university's by-laws. • Academic councils may make statements on all academic issues of substantial relevance to the activities of the university and have a duty to discuss academic matters presented by the rector for their consideration. <p>Each academic council selects the chairman among the elected members (thus a dean cannot be a chairman).</p> <p>The number of members and the terms of office of Academic Council are decided by the university and are stated in the University Statute (by-law).</p>	
<p>2. How is the interaction between the governing body and the university staff performed?</p>	<p>There are a number of councils at the departmental and faculty levels, as well as non-formal management bodies with different responsibilities related to the activities of the department/faculty/university, including the financial one</p> <p>The Bottom-Up policy is adopted.</p>	

	Also the Union (SU) has a serious involvement in defending and supporting academic staff interests.	
3. How the generic rules (if there are some) are applied in private universities?	Not the case. There are no private universities in the Denmark.	
4. What is the organizational structure of a university (incl., management, studies, and research areas)?	<p>The organizational structure of the universities is not regulated by the law. Universities can decide themselves about the structure (The rector determines the university's internal structure within the framework established by the board.).</p> <p>Decisions about the structural changes are made by the University Board. No approval from the government is needed.</p> <p>Even though, in the University Act there exist provisions on several specific bodies, related to academic, research and collaboration with the stakeholders: employer panels, PhD committees, boards of studies, etc.</p> <p>The organizational structure is state in the Statute of the University.</p> <p>Usually the university is divided into faculties/main areas (within which operate a number of departments, schools and study boards, PhD schools and PhD committees) as well as management (administrative) units.</p> <p>Management Units have different areas of activities: international relations, library, accounting, finance, IT center, etc.</p>	
5. What is the composition of governing and management bodies – down to faculties and departments (e.g., the board, the	<p>Generally, the universities have the same internal structures, but also there could be some differences.</p> <p>Usually a university consists of several faculties, but it could be only one faculty.</p>	The academic councils are responsible for ensuring the academic freedom of the main academic areas and the co-determination and involvement of staff in questions related to academic matters.

<p>study boards, etc.)?</p>	<p>Faculty. On the authority of the Rector, the Dean represents the Faculty (main academic area) and is responsible for its management.</p> <p>The Dean appointed by the Rector following an external advertising (according to the rules for appointments in the Danish state) The Dean is employed for a fixed duration period determined by the Rector, subject to renewal.</p> <p>The Dean shall conduct the management of the faculty, ensure coherence between the research, study programmes and public sector services of the main area, and ensure the quality and strategic development of these in the area and across areas. He/She has primary responsibility for the finances of the faculty and overall responsibility for personnel management.</p> <p>The Dean is a member of the senior management team and member of the faculty Academic Council.</p> <p>The Dean appoints and dismisses one or a number of Pro-deans, who shall be approved by the Rector, and who shall assist the Dean in the management of the main area according to specified agreement.</p> <p>Upon delegation from the Rector, the Dean establishes a PhD school(s), establishes and abolishes study boards and PhD committees.</p> <p>The Dean employs a Head of Department at each of the departments of the faculty, appoints Heads of School and Doctoral School Directors, approves the chair and deputy chair of study boards and appoints chair and deputy chair of PhD</p>	<p>The Academic council must ensure innovation, quality, transparency and legitimacy in all decisions on academic matters.</p> <p>It also has the responsibility to make pronouncements to the dean on budgetary priorities on budgetary priorities and on the internal distribution of funding.</p>
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	<p>committees.</p> <p>The Academic Council at the faculty level is determined and regulated by the same provisions as it was presented above (see collegial bodies), with limitation regarding the faculty level.</p> <p>Within each faculty activate a number of departments, Doctoral schools, boards of studies (and schools - in some universities).</p> <p><u>Departments.</u> In organisational terms, departments are located beneath faculties and are led by a head of department, employed by the dean following public announcement and for a fixed duration period subject to renewal.</p> <p><u>The Head of Department</u> shall undertake the day-to-day management and administration of the department, including the planning and distribution of work.</p> <p>The head of department ensures the quality, coherence and development of the department's degree programmes, teaching, research and knowledge exchange. With the involvement of the boards of studies and directors of studies, the head of department follows up on evaluations of the department's degree programmes and teaching activities.</p> <p>The head of department establishes a departmental council, and he/she must involve the departmental council and employer panels in the exercise of his or her managerial authority.</p> <p>The head of department is responsible for determining the size and structure of the council as well as the length of the term to be served by elected members. The size of the council must be</p>	
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appropriate for it to perform its functions.

Departmental council composition. A departmental council is composed of the head of department along with academic staff representatives, including PhD students employed by the university, as well as technical-administrative staff and students¹⁴.

Doctoral school(s). The dean is responsible for establishing and abolishing Doctoral schools, the focus of doctoral education at the university. Each Doctoral school has a **Doctoral school head**, which is appointed and dismissed by the dean. The head of the graduate school must be a recognised researcher and have experience with and insight into doctoral education¹⁴.

PhD Committee. For each Doctoral School the Dean shall set up a **PhD Committee** with representatives elected by and among the academic staff (for 3 or 4-year terms) and PhD students (for one-year terms) to ensure student and academic staff influence on the programmes offered.

The number of members is determined by the dean. Following the recommendation of the committee in question the dean appoints chairmen and vice-chairmen, if applicable, for the PhD committees.

The duties and responsibilities of the PhD committee are described in section 16 b (2) of the University Act:

- i) Nominating a chairman from among the PhD committee's academic staff and a deputy chairman (where applicable) from among the PhD committee's students to the rector.
- ii) Submitting recommendations regarding the composition of the assessment committee to the rector.

	<p>iii) Approving PhD courses.</p> <p>iv) Preparing proposals regarding internal guidelines for the graduate school, including PhD supervision guidelines, for submission to the head of the graduate school.</p> <p>v) Making statements about the evaluation of the PhD degree programmes and PhD supervision, including international evaluations of the graduate schools, to the head of the graduate school.</p> <p>vi) Approving applications for credit, including advance credit, as well as for exemptions.</p> <p>vii) Making statements on all matters of significance for doctoral education and supervision put before it by the rector.</p> <p>v) Other responsibilities and duties as specified in the university's by-laws.</p> <p>(3) A PhD committee consists of representatives of the academic staff and the PhD students elected by and from the academic staff and the PhD students, respectively.</p> <p>(4) Universities may partner to establish a graduate school which is anchored at one of the participating universities.</p> <p><u>Boards of studies.</u> Boards of studies governing one or more degree programmes are established and abolished by the dean of the faculty concerned after a public consultation involving the departments in question. The number of members is determined by the dean.) Each board of studies must include equal numbers of representatives of the academic staff and the students, elected by and from the academic staff and the students, respectively.</p> <p>The board of studies elects a chairman for a one-year term. The chairman may also act as director of studies. The chairman is</p>	
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	<p>elected among the full-time academic staff who are members of the board of studies.</p> <p>The duties and responsibilities of the boards of studies are described in section 18(4) of the University Act:</p> <p>A board of studies is responsible for ensuring the organisation, performance and development of educational and teaching activities, including:</p> <ul style="list-style-type: none"> i) Quality assurance and development of degree programmes and teaching activities and follow-up on evaluations of degree programmes and teaching activities. ii) Preparation of draft academic regulations and amendments thereto. iii) Approval of the organisation of teaching, tests and other forms of assessment which form part of examinations. iv) Approval of applications for credit, including advance credit, as well as for exemptions. v) Issuing statements on all matters of importance to degree programmes and teaching activities within its scope and discussing issues related to degree programmes and teaching activities presented to it by the rector. <p>(5) In cooperation with the board of studies, the director of studies is responsible for the practical organisation of teaching, tests and other forms of assessment which form part of examinations.</p> <p>In the Aalborg University the Boards of Study of subject-related study programmes shall be organised in Schools, which shall be approved by the Rector upon recommendation from the Dean. Each school shall be governed by a Head of School.</p>	
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Head of School. The Dean shall appoint and dismiss a Head of each school, cf. section 22 (4), upon recommendation from the study boards affected. The Head of School must be a recognised researcher, cf. section 7 (2) with insight into the academic fields of the affected study boards, must possess management skills and teaching experience¹³.

The Head of School shall be responsible for and undertake the following tasks:

- 1) The development and implementation of policies and strategies for the school.
 - 2) Secretariat services to the study boards of the school, including assistance with the preparation of study regulations and the preparation of study board cases.
 - 3) Recommendation of the budgets of the school and its study boards to the Dean.
 - 4) Coordination of the outreaching activities of the school.
 - 5) Coordination of the quality ensuring activities of the school.
 - 6) Handling of cross-disciplinary tasks, following the specific instructions of the Dean.
- (2) The Head of School shall approve the problem formulation and submission deadline of the master thesis and also a plan for the supervision of the student.
- (3) In cooperation with the affected study board, the Head of School shall take care of the planning and practical organisation of teaching and tests and other assessments included in the examination.
- (4) Together with the relevant heads of department and study boards, the Head of School shall follow up on the evaluation of

	<p>the study programme and teaching.</p> <p>(5) The Head of School shall be responsible for securing that the programmes under the school are covered by one or a number of recruitment panels.</p> <p>For each school an advisory body referred to as a Study Council shall be established, consisting of the Head of School and the chairpersons and deputy chairpersons of the study boards belonging under the school in question. The Head of School shall chair the Study Council.</p> <p>The Study Council shall undertake the following tasks:</p> <ol style="list-style-type: none"> 1) Enhancing cooperation between study programmes across the study boards of the school, 2) Pronouncing an opinion to the Head of School regarding the strategic development of the school, 3) Pronouncing an opinion to the Head of School regarding the internal allocation of school re-sources and their application, 4) Providing advice to the Head of School on key issues within the school. <p>(3) The Study Council may pronounce an opinion on all issues of major importance to the activities of the school, and shall be obliged to discuss matters submitted to it by the Head of School.</p> <p>(4) The Study Council shall decide its own rules of procedure within the framework of the standard rules of procedure determined by the Rector.</p> <p><u>Recruitment Panels.</u> For each school, the Head of School shall set up one or a number of Recruitment Panels following a hearing procedure at each of the affected study boards, cf.</p>	
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	<p>section 17 (5).</p> <p>The Recruitment Panels shall be composed of external members, who in combination shall have experience of and insight into the study programme area and the areas of employment to which the programmes give access.</p> <p>(2) The Head of School shall ensure dialogue with the Recruitment Panel regarding the quality of programmes and their relevance to society, and shall include the Recruitment Panel in the development of new and existing programmes, and in the development of new teaching and examination forms.</p> <p>(3) The task of the Recruitment Panel shall be to pronounce an opinion and make proposals to the university regarding all issues relating to the education area, and to pronounce an opinion regarding all issues submitted to it by the university.</p>	
<p>6. What is the degree of university freedom in creating legal entities (non-for-profit, commercial, startups. etc)?</p>	<p>Danish universities have the capacity to create legal entities, both non-for-profit and commercial. According to legal provision, the revenue of their activities can be use for the research and consulting purpose only.</p> <p>The university interest is to transfer startups to the industry as fast as possible, in order not to pay the supplementary taxes.</p>	

Appendix 7. Data reporting and data analysis for Romania

Problem/question formulation	Findings	Comments
	<p>Record here what you found in the documents and from interviews (addressing the what, how who, when questions).</p> <p>IMPORTANT: make sure you also always try to get to the route of the problem/question/issue by addressing the ‘why’ questions.</p>	<p>Please record here any of your ideas, concepts, relationships between/across the concepts/types, potential impact, potential implications for Moldovan system, etc. – it is IMPORTANT to record ALL your thoughts and ideas immediately as you record the findings.</p>
<p>Legal provision on the HES</p>	<p>Higher Education in Romania is conducted in (National Education Law, art. 114):</p> <p>(3) State, private or denominational higher education institutions. <i>These institutions have legal personality, are for-profit, of public interest and are nonpolitical.</i></p> <p>(4) Higher education can be organized only in higher education institutions which have obtained provisional authorization or accreditation under the law¹⁵.</p> <p>Art. 121 (ACCOUNTABILITY):</p> <p>The Ministry of Education, Research, Youth and Sports (MERYS) is a public authority and is empowered to follow, control the application and enforcement of legal regulations in the field of higher education and apply, where appropriate, penalties.</p> <p>The initiative of setting up a higher education institution lies with the Government (Art. 123 Founder - Government). MERYS <i>proposes to the Government to initiate a bill of reorganization or dissolution of the higher education institution.</i></p>	<p>Government involvement is quite high.</p>

¹⁵ Legea Educației Naționale, nr. 1, 2011 (cu modificările și completările ulterioare)

<p>1. What are the generic/state and university specific rules in terms of university governance and management?</p> <ul style="list-style-type: none"> • The governing body (bodies) • The management body 	<p>Management structures in public or private higher education institutions are:</p> <ol style="list-style-type: none"> a) university senate and the Administration Board at university level; b) faculty council; c) department council¹⁵. <p>The process of establishing and choosing management structures and positions at the level of university, faculties and departments must respect the principle of representativeness by faculties, departments, sections / lines of teaching, study programmes, where appropriate, and shall be established by the University Charter.</p> <p>University Senate represents the university community and is the highest decision-making and deliberation body at the university level¹⁵.</p> <p>The Senate is the highest authority in the University¹⁶, the main decision-making forum¹⁷.</p> <p><u>University senate's duties:</u></p> <ol style="list-style-type: none"> a) ensures academic freedom and university autonomy; b) develops and adopts, after discussion with the university community, the University Charter; c) approves the strategic plan for institutional development and operational plans, on a proposal from the rector; d) approves, on a proposal from the rector and in compliance with current legislation, the structure, organization and functioning of the 	<p>The duties and structure (composition and shares of representation) of the University Senate are stipulated in the National Education Law. They are repeated virtually with no change in the Charter of Universities.</p> <p>Senate Chairman can not be Rector of the university, as well.</p> <p>There are 2 ways of appointing the Rector:</p> <ol style="list-style-type: none"> 1. by direct and secret ballot of all full teaching and research staff of the university and student representatives in the University Senate and faculty councils. 2. on the basis of a public competition. <p>The method of appointing the rector is determined at least 6 months prior to the appointment of the rector, by universal suffrage, direct and secret of all full-time teachers and researchers within the university and student representatives in university senate and faculty councils.</p> <p>In both cases it is ensured academic community</p>
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¹⁶ Carta Universității din București, 2011

¹⁷ Carta Universității Babeș-Bolyai, 2012

university;

- e) approves the budget and budget implementation;
- f) develops and approves the Quality Assurance Code and the Code of Ethics and Professional Conduct of the university;
- g) approves methodologies and regulations on the organization and functioning of the university;
- h) concludes the management contract with the rector;
- i) controls the activity of the rector and the Administration Board by specialized committees;
- j) validates public competitions for the functions in the Council of Administration;
- k) manages the university's academic activity;
- l) approves the competition methodology and results of competitions for the employment of teaching and research staff and periodically evaluates the human resource;
- m) performs other duties under the University Charter.

Senate structure. The University Senate is composed of 75% of teaching and research staff and 25% of university student representatives¹⁵.

The size of the University Senate are determined by the University Charter.

Selection procedure of Senate members. All members of the University Senate are established by the universal suffrage, direct and secret, of all full teachers and researchers, and of all students respectively. Each faculty has representatives in the senate, on shares of representation under the University Charter.

The term of office of the university senate is 4 years. The term of office of a member of the University Senate is 4 years, with the

participation in the selection of the Rector.

possibility of renewal for a maximum of two successive times. For students the term of office is regulated by the University Charter.

The **University** Senate shall **elect**, by secret ballot, a **Chairman** who chairs the meetings of the University Senate and **represents the University Senate in relations with the rector.**

University **Senate establishes specialized committees by which it controls the activity of the executive management** of HEI and the **Administration Board**. The monitoring and control reports are regularly presented and discussed in the university senate, underpinning the university senate resolutions.

The management (executive) positions are:

- a) the rector, vice-rectors, general administrative director, at university level;
- b) the dean, vice-deans, at faculty level;
- c) head of the department, at department level.

Rector's duties. The Rector legally represents the University in relation to third parties and performs the executive management of the university. The Rector of the university is the authorizing officer. The Rector has the following responsibilities:

- a) conducts the management and the operative management of the university, based on the management contract;
- b) negotiates and concludes the institutional contract with the Ministry of National Education;

- c) concludes the management contract with the University Senate;
- d) proposes for approval to the University Senate the structure and operation regulations of the university;
- e) proposes for approval to the University Senate the draft budget and budget implementation report;
- f) submits to the University Senate, in April of each year, the report referred to in art. 130 para. (2). University Senate validates that report, based on reports made by its specialized committees. These documents are public;
- g) leads the Administration Board;
- h) performs other duties established by the University Senate, under the management contract, the University Charter and the legislation in force.

The Rector acts so as to apply the provisions of the Charter and university regulations and decisions made by the University Senate. **The Rector is accountable to the Senate for his/her activity¹⁶.**

Selection / appointment procedure of the Rector. The **Rector** is appointed through one of the following ways:

- a) on the basis of a **public competition**, based on a methodology approved by the newly elected University Senate, pursuant to this Law; or
- b) **by universal suffrage**, direct and secret of all full teaching and research staff within the university and student representatives in the University Senate and faculty councils.

The way for the appointment of the rector, as provided in paragraph (1), is established with at least 6 months before each appointment of the rector, by universal suffrage, direct and secret of all full teaching

and research staff within the university and student representatives in the University Senate and faculty councils.¹⁵ (art. 209).

If the rector is to be appointed through public competition, then the **appointment procedure** is as follows:

a) Newly elected University Senate shall establish a selection and recruitment committee of the rector consisting of 50% members of the university and 50% scientific and academic personalities from outside the university in the country and abroad. This committee comprises a minimum of 12 members, of which at least one representative of students or graduate students of the university appointed by the University Senate, according to the University Charter. The University Senate also develops and approves the endorsement, selection and recruitment methodology of the rector, according to the law.

b) The public competition for appointment of the rector is conducted based on the methodology referred to in the preceding paragraph. The competition commission is the selection and recruitment committee referred to in the preceding paragraph.

c) The competition for filling the position of rector can be attended by candidates who, based on the hearing in the newly elected University Senate plenum, obtained the approval to participate in the contest. The approval shall be granted only on the basis of a simple majority vote of the members of the newly elected the University Senate. The newly elected University Senate is required to approve at least 2 candidates. The candidates approved by the university Senate participate in the competition organised under the preceding paragraph.

Selection criteria. Scientific or academic personalities in the country and abroad can participate in the contest for rector position.

The **Rector**, appointed under art. 209 of the NEL, is **confirmed** by order of MESYS. The confirmed Rector of the State University concludes an institutional contract with the Minister of MESYS.

The **Rector** appointed by the Minister of National Education **concludes a management contract with the university senate**, including managerial performance criteria and indicators, rights and obligations of the parties.

The term of office of rector is 4 years. The term of office may be renewed at most once after a new competition, according to the University Charter. A person can not be rector of the same higher education institution for more than 8 years, regardless of the term period and its interruptions

Terms of rector's dismissal.

a) The Rector may be dismissed by the University Senate, under the conditions specified in the management contract and the University Charter.

b) The Minister of National Education may dismiss the rector according to art. 125: *If within 3 months from the date of (initial) referral the university still does not comply with the obligations laid down in art. 124 (Public accountability).*

ADMINISTRATION BOARD¹ = Management Team

The Administration Board of the university ensures, under the leadership of the rector or another person designated by the University Charter, in the case private and denominational universities, the operative management of the university and applies strategic decisions of the University Senate. Also, the Administration Board:

a) establishes the institutional budget in operational terms;

- b) approve the budget implementation and annual balance sheet;
- c) approves the proposals on the contest of teaching and research positions;
- d) approves proposals for new study programs and makes proposals to the University Senate regarding the termination of study programs which no longer fall within the mission of the university or are inefficient from academic and financial standpoint;
- e) approves the financial operations which exceed the limits established by the university senate, in state universities, and by founders, in private universities respectively;
- f) proposes to the university senate long and medium term strategies and policies in the areas of interest of the university.

Students have at least one representative in the committees of ethics, accommodation, quality assurance, and other social committees.

Board structure. The Administration Board of state universities consists of rector, vice-rectors, deans, general administrative director and one student representative.

The **Rector**, based on consultations with the University Senate, **shall appoint vice-rectors.**

Deans are selected through public competition organized by the Rector and approved by the University Senate.

The position of **general administrative director** is filled by competition organized by the Administrative Board of HEI. The Chairman of the competition commission is the Rector of the institution. The commission is, necessarily, composed of a representative of the Ministry of National Education. The validation of competition results is made by the University Senate and the

	appointment to the position is done by the rector.	
2. How is the interaction between the governing body and the university staff performed?	Members of the university senate, the supreme governing body of the university, are teachers and researchers working in university departments and other structures, and students of the university concerned.	
3. How are the generic rules (if there are any) applied in private universities?		
4. What is the organizational structure of a university?	<p>The organizational structure of the university is regulated by the National Education Law.</p> <p>According to <i>art. 131</i>:</p> <p>any higher education institution may include the following organizational components: faculties, departments, institutes, centers or laboratories, research and design units, consultancy centers, university clinics, studios and artistic workshops, theaters, museums, centers for continuous training of human resources, microproduction and service provision units, experimental stations or other entities for production activities and transfer of knowledge and technology. Administrative and technical services are included in the structure of higher education institutions.</p> <p>The higher education institution may establish, for a short-term and project determined period, research units distinct in terms of revenue and expenditure, which are autonomous and have their own statutes approved by the university senate.</p> <p>The Faculty may include one or more departments, doctoral schools, graduate schools and university extensions that are responsible for the organization of study programs by university study cycles and types (art. 132)¹⁵.</p> <p>The Department may comprise research centers or laboratories,</p>	Strict control by the government on the structure of the university.

	<p>artistic workshops, graduate schools and university extensions. The department may organize research centers or laboratories as units of income and expenditure in the university (art. 133)¹⁵.</p> <p>Every faculty is set up, organized or abolished on the proposal and approval of the university senate, by Government decision on the structure of higher education institutions, initiated by the Ministry of Education, Research, Youth and Sports annually. (art. 132)¹⁵.</p> <p>The department is set up, organized, divided, merged or dissolved by decision of the university senate, at the recommendation of the faculty / faculties councils where it is located (art. 133)¹⁵.</p>	
<p>5. What is the composition of governing and management bodies – down to faculties and departments (e.g., the board, the study boards, etc.)?</p>	<p>Faculty. The deliberative and decision-making body of the faculty is the <i>faculty council</i> which has the following responsibilities:</p> <ul style="list-style-type: none"> a) approves, on dean’s proposal, the structure, organization and functioning of the faculty; b) approves the study programs managed by the faculty; c) controls the activity of the dean and approves his/her annual reports on the general state of the faculty, quality assurance and compliance with university ethics at the faculty level; d) performs other duties established by the University Charter or approved by the university senate and in accordance with the legislation in force. <p><u>Structure of the faculty council.</u></p> <p>The composition of faculty council members is maximum 75% teaching and research staff, and minimum 25% students. Representatives of teaching and research staff in the faculty council are elected by universal suffrage, direct and secret of all full teaching and research staff of the faculty and student representatives</p>	<p>In the documents analyzed, no information was found on terms of office of the dean, head of department and members of the faculty and department councils.</p>

are elected by universal, direct and secret ballot by the students of the faculty.

The term of office of the faculty council is found neither in law nor in the Charter of universities.

The Dean represents the faculty and is responsible for the faculty management. The Dean shall present an annual report to the faculty council on the state of the faculty, chairs the meetings of the faculty council and applies the decisions of the rector, Administration Board and University Senate. The duties of the Dean are determined in accordance with the University Charter and legislation in force.

Appointment. Deans are selected through public competition, organized by the Rector at the faculty level.

The competition is open to people from the university or any faculty in the country or abroad which, on the basis of the plenary hearing in the faculty council, received its approval to participate in the competition. The Faculty Council is required to approve at least 2 candidates.

The competition is organized by the Rector and approved by the Senate.¹⁸ The Dean shall appoint deputy deans after his/her appointment by the rector.

The term of office of the dean is found neither in law nor in the Charter of universities.

Dean's dismissal. Given that irregularities are found, the university senate may apply sanctions specified in its own methodology, up to **dismissal of the deans** (Article 298)¹⁵.

Department. **The Department Council** is a peer management

¹⁸ Carta Universității Al. Ioan Cuza din Iași, 2011

	<p>structure of a department.</p> <p>Decisional competences of the Department Council are:</p> <ul style="list-style-type: none"> a) initiates proposals for new study programs; b) develops the personal establishments; c) coordinates the didactic activity for study programs and research activity; d) proposes organization of competitions for teaching and research positions; e) proposes the competition commissions for teaching and research positions; f) performs other duties laid down in its own Regulation.¹⁸ <p>The director of the department performs <i>the management and operative management</i> of the department. In performing this function, he is helped by the department council, according to the University Charter. The director of the department is responsible for curricula, for the personal establishments, research and quality management and financial management of the department.</p> <p>Selection, hiring, periodic evaluation, training, motivation and termination of staff's employment contractual relations are the responsibility of the Director of department, head of doctoral school or dean, according to the University Charter.</p> <p>The management positions of rector, vice-rector, <i>dean, deputy dean, head of department or research and development, design, microproduction unit shall not be cumulated.</i></p>	
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	<p><u>Selection method.</u> At the department level, the director of the department and members of department council are elected by universal suffrage, direct and secret of all full-time teachers and research staff.</p> <p>The term of office is not specified in any document.</p>	
<p>6. What is the degree of university freedom in creating legal entities (non-for-profit, commercial, startups, etc.)?</p>	<p>Higher education institutions may establish, alone or in association, commercial companies, foundations or associations, with the approval of the university senate.¹⁵</p> <p>When setting up companies, foundations and associations, the public higher education institution can only contribute with money, patents and other industrial property rights. The right to use and administrate public assets can not be the university's contribution to the share capital of a company, foundation or association.¹⁵</p>	