



REPORT

ASSESSMENT OF THE EXISTENT SITUATION ON UNIVERSITY AUTONOMY IN MOLDOVA

ORGANIZATIONAL AUTONOMY COMPONENT

The working group:

Revenco Mihail, SUM

Vrancean Vasile, SAUM

Niculiță Angela, SUM

Puțuntean Nina, SAUM

The Declaration of Lisbon of the European Universities Association (2007) outlined four areas that could characterize the autonomy of a modern university:

- **Financial autonomy,**
- **Human resources autonomy**
- **Academic autonomy**
- **Organizational autonomy.**

The respective report discusses the aspects of the organizational autonomy, acting and regulation levels of this type of autonomy in Moldovan universities.

Applied methodology

- Legal and regulatory acts of a number of HEI, referring to the autonomy of Moldovan universities, have been identified and studied.
- The procedures applied within the system of organizational autonomy in Moldovan universities have also been analyzed.

Some challenges had to be faced during the work process:

- *Monitoring of all legal changes at national level (some of these changes are still at project stage, some of them are to be implemented and some have already been implemented);*
- *The autonomy is a concept understood differently by various structures, politicians, academic environment, business men etc.*

Based on the existent Moldovan legal framework, the working group undertook an analysis of the definition of the organizational autonomy and its place in the context of general university autonomy.

The interface-based analysis of the real situation aims at creating an image of the role of this component of university autonomy and its place in the life of a higher education institution.

Definition of the organizational autonomy

There could be found no sources in the studied official documents dating up to 2013 that would define **organizational autonomy** as a component of the university autonomy.

The Education Law of 1995 defines only the general notion of university autonomy.

*Article 49 of the respective Law provides that „State higher education institutions **can obtain** university autonomy by means established by the Government”.*

Organizational autonomy definition

According to p.1 of this article

“university autonomy relates to institution’s management, structure and functioning”,

And is reduced only to

“the eligibility of all leading bodies by secret vote”.

In 2012 the Parliament made the following modifications to article 49: the words „**can obtain**” from paragraph (1) have been replaced by the word „**have**”, and the words „**by means established by Government**” have been excluded; the article is completed with paragraph (1¹) with the following content:

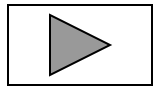
„(1¹) University autonomy is the right of the university community to organize and manage itself (leadership, structure and functioning areas of the institution), to exercise its academic freedoms without any ideological, political or religious interference, to undertake a whole number of powers and duties according to national policies and strategies of the development of higher and post-university education.”

Article 61 has been completed with paragraph (1¹) with the following content:

„(1¹) State higher education institution is a financially autonomous unit acting within the provisions of art. 49.“

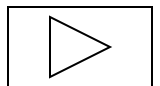
There have also been made a series of modifications and completions to articles 49 and 61. But none of them gives a detailed specification of **autonomy components and their content.**

A concrete information on the ***components of the university autonomy*** can be found in article 102 of the draft ***Education Code***.



Here appear the notions of:

- ***determination of the own organizational structure;***
- ***election of the own administrative bodies,***
- ***definition of the own policies, mission and objectives.***



- (1) University autonomy is state guaranteed and represents the institutional framework within which academic freedoms associated to research and educational processes are exercised.
- (2) University autonomy is realized through the following rights:
- **Determination of the own organizational structure;**
 - Selection of the scientific, academic and research staff;
 - offering of scientific and academic titles, respecting the established criteria and procedures;
 - **Election of the own administrative bodies;**
 - Establish academic mobility relations based on bilateral agreements;
 - Select local and foreign partnerships for cooperation activities.

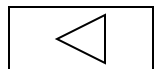
(3) In the functional area, university autonomy is realized through the following rights:

- **Definition of the own policies, missions and objectives;**
- Elaboration, experiment and appliance of the own study programs, taking into account the quality principle;
- Elaboration of the internal system of academic processes' quality assessment, as well as of the formation objectives, educational technologies of teaching-learning-evaluation, research strategies, admission methodology for all university cycles;
- Elaboration and performance of institutional scientific research programs;
- Decision-making on the forms of scientific research capitalization with author and property rights on intellectual and art property;
- Establish educational norms according to the legislation;
- Implement the own quality assurance systems.

(4) In resources administration area, university autonomy is realized through the following rights:

- Use of existent resources for the development of statutory activities according to own decisions;
- Accumulation and management of the own revenue from scientific research activities, taxes, projects, consulting services, production and other specific activities;
- Definition and implementation of the accumulated finances' management policy;
- Establish budgets and development priorities, aiming at improving study and research conditions;
- Management of space and equipment in optimal conditions of institution's material base development;
- Offering of study and research scholarships from the own funds.

(5) Higher education institutions will ensure a balance between the autonomy level and the obligation to make quality higher education, respect and implement institutional development plans, make public and transparent processes regarding institutions' organization and functioning, as well as ways of their administration.



In the Statutes of Moldovan universities the definitions of autonomy are presented differently.

I variant: (TUM)

The institution can obtain university autonomy status by means established by the Government.

II variant: (SAUM)

University autonomy is the right of the University to organize and manage itself, to exercise its academic freedoms without any ideological, political or religious interference, to assume a set of powers and duties according to national policies and strategies of higher and post-university education development.

The Status of the SAUM and SUMF, with no specification of autonomy components, underlines that:

University autonomy encompasses the areas of leadership, structure and functioning of the institution, teaching and scientific research, administration and finance and is performed primarily in the:

- organization, development and improvement of the academic process and scientific research;
- establishment of specialization;
- development of the curricula and syllabi according to state educational standards;
- organization of students' admission, taking into account specific criteria of the state higher education institution's profile;

- selection and promotion of teachers and other staff categories;
- establishing evaluation criteria of the teaching and scientific activity;
- offering academic titles;
- eligibility of all governing bodies by secret vote;
- solution of social problems of students and staff;
- ensuring order and discipline in the university;
- finding additional sources of revenue;
- collaborative relationships with various educational and scientific institutions, centers and organizations from the country and abroad.

III variant:(SUM)

The Status of the SUM states that "Moldova State University has academic autonomy manifested through organizational and financial autonomy."

The organizational autonomy category comprises, in fact, all of the above-listed components, except the financial ones.

Organizational autonomy is achieved by:

- organization, development and improvement of the educational process, research and innovation; establishment of specializations;
- development of study plans and university curriculum according to state educational standards;
- establishing programs and institutional offer capacity;
- admission of candidates to studies;
- selection and promotion of academic and research staff, and other staff categories;
- establishing evaluation criteria of academic, research and innovation activities;
- offering academic titles;
- eligibility of all management bodies;
- solution of social problems of students and staff;
- ensuring order and discipline in the university;
- collaborative relationships with various educational and scientific institutions, centers and organizations from the country and abroad
- creating units and subdivisions of research and innovation, development, design, services and production activities;
- establishment of corporate and union associations under the law.

The working group found that

At country level there is no single definition of the concept of organizational autonomy

and considers that

It is rational to use the definition accepted in the European space and presented in the study (*Estermann, Thomas and Terhi Nokkala (2009): “University Autonomy in Europe I” Exploratory Study, European University Association. www.eua.be*) by the European Universities Association (EUA):

Organizational autonomy can be defined as the ***freedom of the university to establish its structure, governance and relations of subordination and responsibility.***

Organizational autonomy aims at creating internal organizational structures: departments, research centers, services and administrative offices, etc.

It embodies University Senate's decision, which is considered the "parliament" of the university.

Government - University Interface

1. Institution's establishment

The establishment of a university is governed by Article 401 of the [Education Law](#).

According to this article, ministries and departments make proposals for the establishment, reorganization or liquidation of state institutions of secondary education, secondary vocational education, secondary specialized education, higher university education, subordinated to central public authorities, and submit them for review to the Ministry of Education.

Further, the competencies are distributed as it follows:

The Ministry of Education:

- **decides** on the proposals of the education departments, local public authorities of 2nd level, as well as of the interested ministries and departments on the establishment, reorganization or liquidation of the state institutions of general secondary education, secondary and vocational education;
- **proposes** the establishment, reorganization or liquidation of state secondary education, special and complementary secondary education, secondary specialized and higher university education institutions subordinated to central public authorities and **submits them to the Government for examination.**

The Government:

- **Decides** on the proposals of the Ministry of Education on the establishment, reorganization or liquidation of state secondary education, special secondary education, complementary, secondary specialized and higher university education institutions subordinated to the central public authorities;
- **confirms** the proposals of the Ministry of Education on the establishment, reorganization or liquidation of state institutions of higher education and **submits them for approval to the President of the Republic of Moldova;**

The President of the Republic of Moldova **decides** on the proposals of the **Government** on the establishment, reorganization or liquidation of state institutions of higher university education.

The establishment of faculties, creation of governing structures within the university (faculty councils, etc.) are approved by law or a regulation under the law.

For example, the establishment, reorganization or suspension of the activity of a faculty is undertaken at the proposal of the University Senate with the agreement of the resort ministry.

2. *Functioning*

According to the Education Law, universities that are operating in the Republic of Moldova are recognized by a respective accreditation. The accreditation process comprises two stages:

- ***licensing***, which gives the right to a provisional organization and functioning;
- ***accreditation***, which gives all the rights provided by the respective law.

According to article 35(3) of the Education Law:

After being accredited, educational institutions for adults can obtain the right to autonomy within the legislation limits.

3. Election of the governing bodies

The administrative bodies of a university are established in art. 46(e) of the Education Law and are as it follows:

- University Senate;
- University Senate office;
- Administration Council;
- Faculty Council;
- Scientific Council of the Department.

University Senate

The Senate is the superior governing body of a HEI, elected for a 5-year term.

The method and procedure of electing the Senate is stipulated in the *Regulation on the occupation of leading positions and the election of governing bodies in higher education institutions in the Republic of Moldova (Annex to the Order of the Ministry of Education, no. 697 of November 4, 2011)*

According to the respective Regulation, the leading staff of a HEI is formed of the rector, vice-rectors, deans, vice-deans, head of the study department, heads of departments.

Under this regulation, the Ministry of Education (and the resort ministry) may intervene in the election process of the University Senate in case of complaints on the organization and development of elections.

In case of the violation of the provisions of the Regulation new elections are announced.

Rector

HEI Rector is elected on a competitive basis by the Senate of the respective institution, except the HEI rectors subordinated to the the Ministry of Interior, Ministry of Defense and the Intelligence and Security Service of Moldova, who are appointed by the respective authorities.

The election of the rector is regulated by the *Regulation on the organization and development of the competition for the rector of the higher university education institution position, approved by Government Decision no. 112 of 28 February, 1996.*

Government-University Interface

If the Council of the Ministry of Education decides that the rector was elected according to the requirements of the respective *Regulation*, the elected rector is proposed to the **Government of the Republic of Moldova for confirmation.**

The rector is considered on duty after his confirmation by the **Government.** Otherwise, a new competition is organized.

Management – Staff Interface

At this interface the organizational autonomy is reflected through:

- staff participation degree at university governing,
- the right to participate at the election of HEI administrative bodies, as well as of leaders of the structures where they work,
- the operating means and norms the administration uses in the quality of an employer in the process of employment or release from the service.

In art. 49 paragraph i) of the Education Law the university autonomy is also extended in the solution of staff and students' social problems.

✓ *Staff participation degree at university governing*

HEI board (rector, vice-rectors, deans, vice-deans, study department chief, chiefs of departments) is the academic and research staff of the HEI.

The University Senate is elected among the academic and research staff, as well as among students and the supporting staff (administrative) of the HEI, taking into account the following report:

academic and scientific body – 65-75%;

students, PhDs – 20-25%,

supporting staff – 5-10% .

- ✓ *Staff participation degree at university governing*

The Faculty Council is elected among the academic and research staff members and students of the faculty, taking into account the following report:

academic and scientific staff – 75-80%,

students and PhDs – 20-25%.

Management- Staff Interface

✓ Participates at the election of HEI administrative bodies

The members of the university Senate are elected at the general assembly of the academic body of the faculties (subdivisions) by open or secret voting.

Applications of the supporting staff, students and PhD candidates are elected at the general meeting of the respective group or its representatives by open or secret voting.

The members of the Faculty Council are elected during the meetings of Departments or subdivisions (or their representatives) by open or secret voting.

The management of the administration-staff relations is regulated by a set of normative acts, among which are the following:

- Regulation on the attestation of scientific and academic staff of high qualification (Annex 3 of the Code on Science and Innovation of the Republic of Moldova),
- Regulation on the attestation of the academic staff, elaborated according to the Education Law of the Republic of Moldova art. 50, art.53, art. 54, paragraph 10 and art.56, p.(e), by the Government Decision no. 381 of 13.04.06,
- Regulation on the mode of occupation of the academic functions in higher education institutions no. 854 of 21.09.2010
- Labor Code of the Republic of Moldova (2003).

Management- Staff Interface

According to art. 297 of the LC the occupation of **scientific and academic** functions in HEIs is carried out under an individual employment contract of limited duration (Article 55, item g) of LC, concluded according to the results of the contest.

Similar conditions and criteria for the occupation of auxiliary functions in a HEI are not provided in any legislative act.

Staff-Students Interface

At the staff-students interface organizational autonomy is reflected through:

- Students' participation at university governing,
20 – 25 % of members of the Senate and Faculty Council
- The participation at the election of administrative bodies of the HEI (by representatives at the General Assemblies of the faculties) and of HEI's leaders (as members of the Senate, Faculty Council)
- Contribution of students to the competition for the occupation of academic functions – participation at the evaluation of the academic staff's activity (polls, questionnaires).

Student governing is not efficient, yet.

„University – Business Environment” Interface

The actual legal framework doesn't regulate the relations between universities and business environment, but it doesn't limit them dramatically as well.

Article 35 of the Education Law stipulates that:

Education institutions for adults can obtain the right to autonomy after accreditation, according to the legislation. Financing of the education institutions for adults is made from sponsorships, donations and other legal sources.

The draft Education Code stipulates that the national education system promotes the *social dialogue*, as well as the *development and capitalization of partnerships between education institutions and the community, civil society and the business environment*, realized under the acting legislation.

„University - Internationalization” Interface

Separate documents on the organizational autonomy at the ***University-Internationalization*** Interface haven't been found.

Art. 49 of the Education Law, according to modifications undertaken in 2012, stipulates that:

- University autonomy allows universities to manage the process of establishing collaborative relationships with various educational and scientific institutions, centers and organizations in the country and abroad.

At the actual stage this activity is monitored by the Ministry of Education. According to the order of the ME no. 442 of 19 September, 2005, cooperation agreements with international universities and organizations have to be coordinated with the Ministry of Education.

The working group found out that:

An impediment on the way of HE internationalization is the lack of a normative act on the recruitment of foreign students that would clearly stipulate the rights and responsibilities of universities, taking into account specific features of their activity.

At the current stage universities are perceived as *economic agents*, falling under the respective acting legislation.

The existing procedures of BMA registration of foreigners, arriving to work within a HEI, are complicated and time-consuming (*even for the foreign scientific and academic staff arrived with the support of Embassies of the EU countries in the Republic of Moldova*).

Conclusions

After the analysis of the existing legal framework, at present, there is a clear necessity of giving universities a real organizational autonomy.

- The Government has undertaken supported steps for autonomy assignment, but they are not enough. Relying primarily on financial autonomy, the Government hasn't freed enough the universities for other components of autonomy, particularly the organizational one.
- At the moment university autonomy seems to be partial.
- There are no normative acts that would allow the separation of the “legislative power” from the “executive” one.

Conclusions

- The university structure lacks an operative body that would take quick decisions on strategic development of the university or would make a perspective analysis.
- Universities are led by the inter-university components and can't always respond to labor market requirements by quickly launching new specializations and programs, or by creating new departments or faculties.
- Students' influence on university administration is less efficient, this being negatively reflected on the change of generations with experience in university administration.

Thanks for your attention!