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Organization of Italian state
universities within the higher education
System

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Abstract [En]: The contribution has a twofold structure. First, the European framework concerning higher education is sketched out in broad terms. Second, the main characteristics, the entities and respective functions of the Italian higher education system are outlined with specific consideration for the University organization. Finally, an assessment about the relationship between the two named objects will be attempted in the view of outlining strong and weak aspects.

With regard to the former, the so-called “Bologna process”, the creation of ECTS, the launch of Erasmus programmes, the Lisbon Strategy and the EHEA 2010 can all be seen as successive (and progressive) stages through which a gradual process of convergence among the national systems of the EU Member States unfolds. Concerning the latter, one of the hallmarks of the Italian system – a constellation of different bodies – is its commitment to accessibility. This system offers a diverse landscape for students pursuing a higher education, but it is underpinned by a robust and fragmented legal framework. A second hallmark is, in fact, the continuous swing between autonomy and centralisation of university’s organization discipline. Its binary structure (comprising institutions of Higher Fine Arts and Musical Education-AFAM, on one side, and traditional and online universities on the other side) is enshrined in Law no. 240 of 30 December 2010, which introduced a series of provisions on the re-organisation of universities, the status of academic staff, and the quality and efficiency of the university system. This system’s commitment to quality is reflected in the National Agency for the Evaluation of Universities and Research Institutes (ANVUR), a decision-making body, established by the aforementioned Law, increasingly powerful.

More than ten years later, the Italian HE system is currently under Ministerial scrutiny for the purpose of up-dating and fine-tuning (two Commission were established and worked to official reports in the last six months). Will it offer the opportunity to evolve and enhance university’s autonomy according to the European guidance and align the Higher Education systems across Europe convergence?

Titolo: Organizzazione delle università statali italiane nel sistema dell'istruzione superiore

Abstract [It]: Il presente contributo presenta una duplice struttura. In primo luogo, viene delineato a grandi linee il quadro europeo relativo all'istruzione superiore. In secondo luogo, vengono illustrate le caratteristiche principali, gli enti e le rispettive funzioni del sistema italiano di istruzione superiore, con particolare attenzione all'organizzazione universitaria. Infine, si cercherà di valutare il rapporto tra i due oggetti citati, al fine di evidenziarne i punti di forza e di debolezza.

Per quanto riguarda il primo, il cosiddetto «processo di Bologna», la creazione dell'ECTS, il lancio dei programmi Erasmus, la Strategia di Lisbona e l'EHEA 2010 possono essere considerati come fasi successive (e progressive) attraverso le quali si sviluppa un graduale processo di convergenza tra i sistemi nazionali degli Stati membri dell'UE. Per quanto riguarda il secondo, uno dei tratti distintivi del sistema italiano – una costellazione di organismi diversi – è il suo impegno a favore dell'accessibilità. Questo sistema offre un panorama variegato agli studenti che intendono proseguire gli studi superiori, ma è sostenuto da un quadro giuridico solido e frammentato. Un secondo tratto distintivo è, infatti, il continuo alternarsi tra autonomia e centralizzazione nell'organizzazione e nella disciplina universitaria. La sua struttura binaria (che comprende, da un lato, gli istituti di istruzione superiore in Belle Arti e Musica – AFAM e, dall'altro, le università tradizionali e online) è sancita dalla Legge n. 240 del 30

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dicembre 2010, che ha introdotto una serie di disposizioni relative alla riorganizzazione delle università, allo status del personale accademico e alla qualità ed efficienza del sistema universitario. L'impegno di questo sistema a favore della qualità si riflette nell'Agenzia Nazionale per la Valutazione delle Università e degli Istituti di Ricerca (ANVUR), un organo decisionale istituito dalla suddetta legge e dotato di poteri sempre più ampi.

A distanza di oltre dieci anni, il sistema italiano dell'istruzione superiore è attualmente oggetto di un esame ministeriale finalizzato all'aggiornamento e alla messa a punto (negli ultimi sei mesi sono state istituite due commissioni che hanno elaborato relazioni ufficiali). Ciò offrirà l'opportunità di evolvere e rafforzare l'autonomia delle università in linea con gli orientamenti europei e di allineare i sistemi di istruzione superiore in vista della convergenza a livello europeo?

Keywords: public and administrative law, Eu higher education system, organization of higher education and universities

Parole chiave: diritto pubblico e amministrativo, sistema di istruzione superiore dell'Unione europea, organizzazione dell'istruzione superiore e delle università

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1. The EU Higher Education System-HES and Lisbon Strategy

The so-called "Bologna process"¹, the creation of the European Credit Transfer and Accumulation System-ECTS, the launch of Erasmus Programme, the Lisbon Strategy and the European Higher Education Area-EHEA 2010 can all be seen as successive (and progressive) stages through which a gradual process of convergence by the national systems of the EU Member States unfolds. This convergence of national systems happens by means of significant learning, training and educational experiences of more than 13 million people and thirty generations.

The process in fact started in 1988 to enable the circulation of qualifications: the main problem during the '80s regarded the lack of EEC competence on education. The first decision which established the Programme was founded upon the legal basis dealing with vocational training policy. Several important changes made by the Maastricht Treaty (1992) concerned education and are foundational of the characteristics of the new EC competence on this subject.

The Bologna process had however a relevant impact on the Member States national legal orders and education system disciplines. Most countries did not fit the framework, using their traditional systems. The process, which would later result in bilateral agreements between countries and institutions recognising each other's degrees, is moving from strict convergence in time spent on qualifications towards a competency-based system which will have an undergraduate and postgraduate division (with a bachelor's degree in the former and a master's and doctorate in the latter). The subsequent step - one year later - was the launch of the ECTS: this system is intended to facilitate the recognition of study

¹ The inter-governmental (between EU and non-EU Countries) initiative known as Bologna process began with the Bologna Declaration. Since it is not a treaty or convention, there were and still are no legal obligations for the signatory states; participation and cooperation are voluntary.

periods between EHEA institutions according to the European Education Area². Then, a new system of competences was introduced by the Lisbon Treaty and significantly influenced the educational policy. Finally, the Lisbon Strategy (2001) mainly focused on the low productivity and stagnation of economic growth in the EU, and it consisted in the formulation of various policy initiatives to be taken by all EU Member states. Further, the EHEA 2010 aimed at promoting the mobility of students and staff, the employability of graduates and the European dimension in higher education³. Finally, within the Next Generation EU-NGEU framework⁴, the EU Commission envisaged the creation of a European Education Area and set the deadline of 2025 for its implementation⁵. The latter is an initiative to make the education system more inclusive, digital, green and integrated at EU level, and the point at which the completion of national reforms and investments (included in national Recovery and Resilience Facilities) and the strengthening of a common educational vision come together.

In the following paragraphs the EU higher education and the Italian HE system are analysed with specific consideration for the University organization (main characteristics, actors and respective functions) and particular attention to the data and quantitative dimension of the sectoral phenomena. As a final point, an assessment about the relationship between the two named objects will be tempted in the view of outlining strong and weak aspects of the legal framework.

2. Data

The target set by the EU on higher education would have required that, by 2020, the proportion of graduates at this educational level be at least 40 per cent. Some countries, such as Greece, Austria and Croatia, which had a very low graduation rate, even exceeded the target. Other countries, like Ireland, Luxembourg, Cyprus and Lithuania, exceeded the European target, reaching percentages between 65% and 58%. Italy, with a paltry 31,6% in 2024 (it was 21% in 2011, increased to 27,6% in 2020, and to

² An academic year normally corresponds to the validation of 60 credits; one credit needs approximately 25 to 30 hours of student work (courses, projects, personal work, etc.). The ECTS represents, in other words, a standard means for comparing academic credits (see the ECTS' Users Guide 2015, available at https://education.ec.europa.eu/sites/default/files/document-library-docs/ects-users-guide_en.pdf).

³ Launched on the tenth anniversary of the Bologna Convention (and Declaration; 1999), it had as key objectives the creation of a common system of easily readable and comparable diplomas, and the adoption of a framework based on three main cycles (bachelor, master, doctorate) and of a common quality assurance system. These three objectives were identified by the EHEA Members who agreed to implement them coping with the diversity of their national systems.

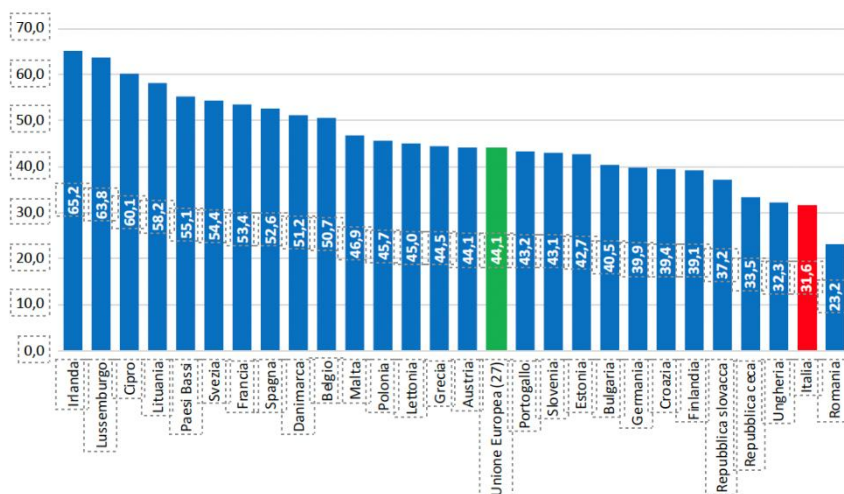
⁴ With its total value of EUR 750 billion (in 2018 prices, corresponding to approximately EUR 806.9 billion in current prices), the Next Generation EU - a temporary economic recovery mechanism approved by the European Union in 2020 to address the economic and social consequences of the COVID-19 pandemic - is considered one of the largest economic plans ever funded by the EU.

⁵ See the COM/2020/625 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions *on achieving the European Education Area by 2025*.

28,3% in 2021), is one of the countries with the lowest level of higher education in Europe, together with Romania and Hungary.⁶

Tab. 1

Graduate Population Age 25-34 EU Area (2024)



Source: Anvur Report 2026 (p. 174) on data Eurostat

Tab. 2

Age of the graduate population

	% graduate pop 25-34 years old	% graduate pop 25-64 years old
ITA	28,3%	20,0%
GER	35,9%	31,1%
SPA	48,7%	40,7%
FRA	50,3%	40,7%
UK	57,5%	50,1%
OCSE	0,0%	0,0%
EU - 22	47,1%	39,9%

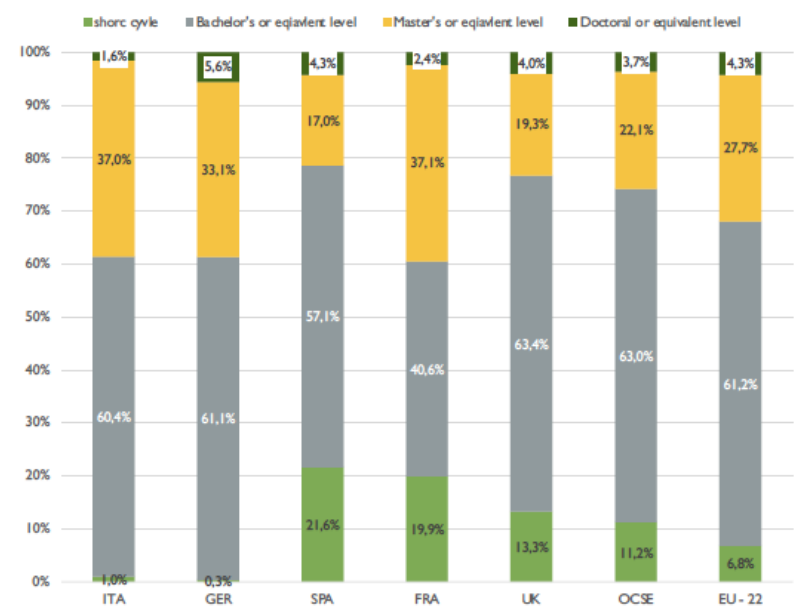
Source: Anvur 2023 on data OCSE – Education at a Glance 2022

⁶ Anvur, *Rapporto sul Sistema della formazione superiore e della ricerca 2026*, 26 marzo 2026 (www.anvur.it). The Italy Country Report of the European Commission estimates a percentage of 31,1% of graduate population in 2025 in the 25-34 age group (based on Eurostat-Euro Indicators, 22.04.2026), placing the Country second-to-last in the EU where the average is 44,8% (and 43,8% are behind their studies).

Those who drop out in the first year represent 8.9% of those enrolled in 2023/24 and they are moreover enrolled in the universities of the South and Central Italy. Whereas the overall drop-out rate before the end of their studies is 13% in 2025.⁷

Tab. 3

Higher Education System enrollments and attainments



Tab. 4

Data 2022

	short cycle	Bachelor's or equivalent level	Master's or equivalent level	Doctoral or equivalent level
ITA	1,0%	60,4%	37,0%	1,6%
GER	0,3%	61,1%	33,1%	5,6%
SPA	21,6%	57,1%	17,0%	4,3%
FRA	19,9%	40,6%	37,1%	2,4%
UK	13,3%	63,4%	19,3%	4,0%
OCSE	11,2%	63,0%	22,1%	3,7%
EU - 22	6,8%	61,2%	27,7%	4,3%

Source: Anvur 2023 on data OCSE – Education at a Glance 2022

⁷ OECD, Education at a Glance Report 2026, p.

3. Organization of the Italian Higher Education

The national governance apparatus of the Higher Education and university system does not respond to a coherent plan but is the result of numerous regulatory interventions that have accumulated over time. If we look at it in a synchronic perspective, it can be described as organized as a twofold system. It comprises universities, on one side, and Institutions of Higher Artistic, Musical and Dance Education (AFAM), on the other⁸. This binary structure is outlined in Law n. 240 of 2010, which introduced a series of provisions on the re-organisation of universities, the status of academic staff, and the quality and efficiency of the university system. The basic layout of Law n. 240 is underpinned by a robust and fragmented legal framework, aimed primarily at ensuring the seriousness of the studies and their appropriateness, and characterized by a commitment to accessibility.

The latter is one of the hallmarks of the Italian system. In particular, Law no. 390 of December 1991 provides the foundation for the right to study, ensuring that capable and deserving students, even if lacking financial means, can reach the highest levels of education. In practice tuition fees at State universities are comparatively lower than in many other European countries, and a robust system of financial aid, including scholarships and grants, is available to support students from diverse socioeconomic backgrounds.

The institutions offer a wide array of programs at three levels: First Cycle, providing a solid foundation in a chosen field, culminating in the *Laurea* (equivalent to a Bachelor's degree) after three years of study; Second Cycle, providing a more specialized training, leading to the *Laurea Magistrale* (similar to a Master's degree) after two additional years; Third Cycle caters to those seeking advanced research training, leading to a *Dottorato di Ricerca* (PhD) after a minimum of three years.⁹

The whole Higher Education organization is quite intricate. Starting from the central governance level, at the top there is the Ministry for University and Research-Mur, competent for the coordination, guidance and programming of the scientific and technological national research and for the university education and the advanced artistic, musical and dance training, programming of interventions, policy and coordination, general regulation and funding of universities, institutions of advanced artistic and musical training (AFAM) and non-instrumental research bodies. The Mur has almost twenty (20) different functions listed in its official website.¹⁰

⁸ The Law no. 508 of 21 December 1999 establishes the sector of higher education for fine arts, music, and dance (AFAM).

⁹ Decree n. 509 of November 3, 1999, amended by decree n. 270 of 2004. By defining the three-cycle degree structure (Bachelor's, Master's, PhD) these decrees align the Italian system with the Bologna Process.

¹⁰ See at www.mur.gov.it.

Second in order of importance, comes the National Agency for the Evaluation of Universities and Research Institutes-Anvur. Established by a Law-decree of 2006¹¹ and regulated by the above recalled Law no. 240 of 2010, it oversees quality assurance in higher education and identifies the research quality standards.¹² Most of the central level decision-making is produced by these two institutions (Ministry and Anvur). The importance of the latter body (Anvur) rests on the assumption that an effective and functioning evaluation system is a crucial step for the future of universities and research in Italy.¹³ On the basis of its evaluation of higher education and research activities' quality, public funds to be transferred yearly to universities, are determined. Due to its strategic functions – including processes, outcomes and products' quality evaluation, definition of criteria and methodologies for the accreditation of campus and study's programs and determination of performance' levels – it was originally conceived and regulated as an administrative agency competent for performing highly technical and operational functions, therefore, not subject to the Executive' directions. A recent reform introduced – among others - a provision of significant internationalization of the Agency evaluation function: it will be able in fact to carry out evaluation activities at request of foreign institutions.¹⁴

This novelty has partially changed its nature, limited its autonomy and introduced a control power of the Ministry on the internal governance bodies (moreover, the Consiglio direttivo, that has relevant tasks and under the former regulation was entitled to elect the President of the agency, now appointed by decree of the President of the Republic, on the proposal of the Ministry, after consulting the competent parliamentary commissions, from a shortlist drawn up by a selection committee established by decree of the Ministry).¹⁵

Thirdly, the National University Council-NUC is the main self-governance body of the Italian university academic staff (scientific communities' representative body *par excellence*). It had to act as “other center” to represent interests and individual needs of each university in parallel to the central government: as a

¹¹ Law decree of October 3, 2006, n. 262, art. 2, para. 138-142. The operational and organizational structure of the Agency has been set by the decree of the President of the Republic of February 1st, 2010, no. 76. Its evaluation tasks gained relevance after the enactment of Law n. 240 of 2010.

¹² The Anvur evaluation tasks have been recently extended also to the 146 AFAM institutions, mostly public (decree of the President of the Republic of April 24th, 2024, no. 82).

¹³ On that assumption the European Association for Quality Assurance in Higher Education, whose Anvur is an effective member since 2019, was created.

¹⁴ See Art. 1, para. 4-*bis* of the draft Decree of the President of the Ital. Republic no. 304 of 2025, amending the Regulation on the Organization and functioning of the National Agency for the Evaluation of the University System and Research (Decree of the P.R. n. 76 of 2010), approved by the Council of Ministries on November 5th, 2025.

¹⁵ The Draft decree of the President of the Ital. Republic recalled at the previous footnote is available online as Act of the Executive n. 304 of October 14th, 2025, Modifiche alla disciplina della struttura e del funzionamento dell'Anvur (Dossier XIX Legislatura, available at www.astrid-online.it/static/upload/doss/0002/dossier_stud_555_1476292_444860.pdf). See also the Delibera del Consiglio direttivo (Resolution of the Board of Directors) of October 2, 2025, no. 219.

result of the Law no. 240/2010, it lost its disciplinary function¹⁶ and is now weakened compared to the past.

Fourth, the Conference of Italian University Rectors-CRUI is the collegial body where the interests of each university are expressed. There are also University Rectors Regional Committees and Scientific Sectors Tables as intermediate bodies competent to reach the synthesis of all the different opinions.

As last, under the label “universities” different types of legally determined organizations - characterized by substantial homogeneity - are included: sixty-one (61) public institutions essentially directed by the State;¹⁷ twenty (20) private universities;¹⁸ eleven (11) online ones; fifty-one (51) high schools for linguistic mediators. The traditional distinction between state universities and non-state (also called free) university¹⁹ has lost its relevance: both scientific research and case-law outlined the fluidity or lability of such a distinction (and of the attribution of public nature) as even non-state universities are subject, for instance, to the rules of public accounting.²⁰

4. Italian State Universities

In a diachronic perspective, although they are institutions much older than modern states, universities have gradually been drawn into the sphere of influence of the latter.

Regarding Italy, the starting point was a law of 1859 (the Casati Law) that provided rules on public higher education, gradually extended to universities in the territories annexed by the newly formed Kingdom of Italy. Not intended to embrace the English model, considered too distant from the continental tradition, this fundamental Law was rather inspired by the German model, based on Humboldt's ideas, placing universities under the aegis of the State, while retaining a corporate component within them.²¹ They thus came to be configured as peripheral offices of the State, under the direction and control of the Ministry of public education. From this configuration and the lack of legal personality followed that the faculty

¹⁶ By the abrogation of Art. 3, of the Law no. 18 of 2006.

¹⁷ Mostly financed by the State, all regionally sited, except for Friuli Venezia Giulia; seven (7) specialized ones, including four (4) Politechnik Institutes (Ancona, Bari, Milano, Torino).

¹⁸ Seven universities are recognized (by the State) scientific institutes with a special *status* (centri di eccellenza della formazione superiore; three in Tuscany, two in the Norden regions, one in the Center (Abruzzo) and the last one which is also the first in South Italy.

¹⁹ Art. 10, par. 1, law decree of October 1st, 1973, no. 580.

²⁰ This is the case of the Libere Università included in the S13 list, the document (elaborated and regularly updated by the National Statistical Institute) that identifies the institutional units belonging to the Ital. Public Administration sector, whose accounts contribute to the construction of the consolidated economic account of the State. See A. SANDULLI, *L'arcipelago delle università non statali*, in Munus, 2015, 3, p. 609 ff.

²¹ The French Napoleonic model was also based on the incorporation of universities into the state apparatus. However, unlike in France, where the *Grand Écoles* provided another channel for higher education alongside the university system, no such alternative was created in Italy. For a detailed description of the Ital. regulatory framework' historical evolution, see A. MARRA, *Università e ricerca scientifica*, in *Enc. del Dir.*, I tematici, *Funzioni amministrative*, edited by B.G. Mattarella and M. Ramajoli, Milan, Giuffrè Francis Lefevre, pp. 1235-1259, spec. pp. 1242 ff.

acts could be annulled *ex officio* by the Minister and that the Rector's decisions could not be challenged before the Council of State, the Supreme administrative court; only the Ministry was liable in court.

Despite the subsequently declared legal nature, universities have always remained institutions externally directed by the State.²² With the advent of the Nation-state, university teaching in fact became an instrument for building one national culture and one identity and for training the new ruling and leading classes (better, *élite*).

Only at alternating historical stages (like in the swing of a pendulum; see the synoptic table at Tab. n. 5) the constraints of external direction have been loosened at times, in favor of a presumed greater autonomy.²³

Under the applicable legal framework, the state-centered approach remained prevalent until 1923, when the reform adopted on proposal of Giovanni Gentile, Ministry of public education at the time, marked a turning point. It indicated as priority objective the scientific progress (art. 1, par. 1 of the royal decree n. 2102), recognized the legal *status* and administrative, educational, and disciplinary autonomy of universities, and extended the higher education space to include also the so-called “free” universities.²⁴ The *momentum* given by the Gentile reform had long-lasting effects and only came to an end in 1989, with the changes introduced by Law No. 168 of May 9, 1989.

Universities' nature as state organs with legal personality and their hierarchical subordination to the Minister survived both the fascist period and the advent of the Constitution.

Despite the constitutional express recognition of the rights of universities to establish their autonomous regulation,²⁵ the autonomy (in both academic research and teaching) granted to them by law was interpreted as autarchy, meaning self-administration, not self-governance. Meanwhile the demand for higher education was increasing and the phenomenon of “mass university” began in Italy. Further, a reading of university autonomy as a concept linked to the freedom of science and teaching took hold. The enhanced space for university autonomy was functional to give them the opportunity to differentiate

²² On these aspects see B.G. MATTARELLA - G. RIVELLINI, *Come (non) cambia la natura giuridica delle Università pubbliche*, in *Come cambia l'Università Italiana*, edited by A. Marra and M. Ramajoli, Torino, Giappichelli, 2023, pp. 67-90.

²³ M. NIGRO referred to the absolute autonomy of science as “a myth”, in *Lo stato italiano e la ricerca scientifica*, in *Riv. Trim. dir. Pubbl.*, 1972, now in “Scritti giuridici”, II, Milan, Giuffrè, 1996, p. 953.

²⁴ Partly existing before Unification and later incorporated into the state *apparatus* with the extension of the Casati Law, free universities were the first beneficiaries of the Gentile reform. Their legal personality was already widely recognized even before 1923. However, it was with Royal Decree No. 2102/1923 that their nature as true public entities outside the state apparatus was solidified. To reach this conclusion, in addition to the teaching autonomy granted to them, their tendency toward financial autonomy, separate from state funding, was decisive. As a result, for example, the professors of free universities were not subject to Royal Decree No. 2395 of November 11, 1923, which established the hierarchical organization of state administrations.

²⁵ Art. 33, para. 1 and 6 of the Ital. Const. provide that “Art and science are free and free is its teaching. [...] Institutions of high culture, universities and academies have the right to establish their own autonomous regulations within the limits set by the laws of the State”.

the education offer for both the organizational and didactic (teaching) choices. However, this has posed the problem of how to combine equality and autonomy in a system where territorial discrepancies are quite strong.²⁶

With regard to the organization, the Ital. Higher Education peculiar system can be ascribed to the model defined by sociologists as that of legal homogeneity, an alternative to the proprietary and individualistic one,²⁷ where teaching freedom goes hand in hand with the freedom of private individuals to set up schools and universities, and as a result a direct link is established between that university and a community conceived in terms (economic) of proximity and closeness (so-called stakeholders).

Tab. 5

Synoptic table of the historical phases of Italian university organization

<i>Phase</i>	<i>Source and Year</i>	<i>Characters</i>	<i>Internal Univ. governance (polycentric)</i>
Hierarchical	Royal Decree of November 13 th , 1859, no. 3725 (Casati Law)	Universities were the only Higher Education channel and were primary conceived as peripheral branches of the central administration. They had asset autonomy (art. 50).	Rector, Academic Senate, Executive Board (names, types and number of Faculties and courses), relative functions, mandate and funding were identified/defined/provided by the King/Central State. No private university existed.
	Ministry of public education's draft laws 1881 (no. 241), 1882 (no. 26), 1884, 1895 and 1898 (so-called Baccelli draft laws)	Attempts to gain autonomy (failed)	
	Royal Decree of September 30 th , 1923, no. 2102 (Gentile's Reform)	Correction of the 1859 Casati Law with a partial autonomy injection	- Higher education is aimed at promoting scientific progress and at offering the scientific culture necessary for exercising public function and professions.

²⁶ S. CASSESE, *L'autonomia delle università nel rinnovamento delle istituzioni*, in Foro it., V, 1993, 2, p. 18.

²⁷ On the recalled distinction, G. NEAVE, *The stakeholder perspective historically explored*, in *Higher education in a globalising world. International Trends and Mutual Observations*, edited by J. ENDERS, O. FULTON, Dordrecht-Boston-London, Kluwer Academic Publishers, 2002, p. 17 ff. esp. 23 and 27.

			- 3 types of universities: royal universities, free universities and royal higher institutes ²⁸ ; - Recognition of legal personality to universities.
	Royal decree no. 1592 of 1933 - Consolidated Text of university laws (De Vecchi)	Persistent elitist model	
Representative Legitimacy	Lieutenant legislative decree no. 264 of 1944		Elected Deans and Rector (by Faculty members). Senate truly representative
Constitutional	Art. 33 of the Ital. Const. 1948 (long unimplemented)	Mere technical autonomy (formal way of absorbing the resistance of the cultural <i>élite</i>). Universities directed by the State	Centralized governance. Power of co-opting members and power of defining some teaching courses / teaching freedom
Gradual recognition of autonomy (less pervasive State control)	Decree of the President of the Republic no. 382 of 1980 (66, 83, 86) Law no. 168 of 1989 (so-called Ruberti)	Universities are recognized autonomous from a statutory, financial, accounting, teaching and scientific point of view (principles of self-government)	Department as body with management and administrative autonomy. Separation between the Ministry of Education and the Ministry for University and Research – Mur (State level) Executive board (Cda) composed by representatives of the different categories
	Law no. 537 of 1993	Universities gain self-organization and financial autonomy	Strategic role of the Mur in the allocation of financial resources and governance of economic flows
	Law no. 210 of 1998	Partial autonomy in selecting Faculty members	Creation of the Steering Committee for Research Evaluation (Comitato di indirizzo per la valutazione della ricerca-Civr), Anvur predecessor
	Ministerial decree no. 509 of 1999	Teaching autonomy increased (State-determined general criteria and universities	

²⁸ The threefold structure reflected the idea of superiority of the humanistic culture *vis-à-vis* the scientific and technic one. The Reform of Gentile failed because of the continuous interferences (“politica dei ritocchi”) by the Ministry for Education.

		empowered to define curriculum and courses)	
Steering from a distance (by the State)	Legislative decree no. 165 of 2001 (art. 1, para. 2) Law decree no. 262 of 2006 (and decree of the President of the Rep. no. 76 of 2010)	Universities as a part of Public Administration. New form of State command-and-control affecting Universities (standard setting, cost-performance assessment, New Public Management principles)	Institution of the National Agency for the Evaluation of Universities and Research Institutes (Agenzia nazionale di valutazione del sistema universitario e della ricerca-Anvur operating since 2010)
Narrowing autonomy	Law no. 240 of 2010 (so-called Gelmini)	Paradox of limiting autonomy to gain more autonomy (art. 1 ² autonomy and accountability in institutional choices regarding teaching, research and self-financing)	- Task of the Ministry for University is to distribute resources in line with the objectives, directions and activities carried out by each university, not on the basis of parameters referring exclusively to the needs expressed by the individual universities, but on the basis of the evaluation of the results achieved by each of them, with the tempering of respect for the principle of national cohesion; - Department as mandatory organizational unit (no more Faculty), one-model-fits-all (the universities) governance - Joint Lecturer-Student Commissions (art. 2, second alinea, lett. g), newly instituted - Quality Presidium (newly instituted)

			- Assessment Body (newly instituted)
	43 implementing decrees	Increasing bureaucratic control over university quality research, teaching assessment, internal organization	Networking

Focusing on the recent past of Ital. State universities, the cornerstone of the current higher education system is Law n. 240 of 2010, whose adoption was a reaction to the Ital. universities' representative-corporative drift.²⁹ It introduced reward mechanisms and new quality-based criteria for fund distribution among universities. Art. 2 of the Law recalls several guiding principles that universities shall apply in amending their statutes (including simplification, efficiency, effectiveness, transparency of administrative activity and accessibility of information relating the university, beside the principle of autonomy) with regard to their organization and governing bodies.

The latter are identified and listed at the letter *a)* of the same provision as following: Rector, Academic Senate, Executive Board, Board of auditors, Evaluation unit and General Director.

The Rector exercises a very strategic role:³⁰ it acts as *trait d'union* of Senate and Executive Board, presents proposals regarding rulemaking procedures and can take decisive choices concerning scientific and teaching functions. The draft reform decree currently being analyzed by the Executive (for the necessity to update and fine tuning the provisions of 2010, L. no. 240), provides for a verticalization of the decision-making chain, which would increase the powers of the Rector. This is especially relevant considering the parallel reform of the habilitation procedure (Law N°129 of July 16th, 2026 concerning Revision of the procedures for admission, evaluation and recruitment of researchers and university professors³¹), which

²⁹ The second paragraph of Art. 1 (entitled *Reform principles*) of the Law of 2010 emphasizes that « each university shall operate on the basis of principles of autonomy and responsibility. On the basis of framework agreements with the Ministry of Universities and Research (..), universities may experiment their own functional and organizational models, including the modalities for the composition and constitution of the governing bodies and sustainable forms of organization of teaching and research activities *on a polycentric basis*, other than those indicated in Article 2. A decree issued by the MUR in accordance with the Ministry of the Economy and Finance shall define the criteria for admission to the experimentation and the procedures for the periodic verification of the results achieved, without prejudice to compliance with the maximum limit on personnel costs (art. 5, para. 6 legislative decree n. 49 of 2012) » (emphasis added).

³⁰ The rectoral mandate lasts six (6) years and is unrenewable.

³¹ Implementing regulations have not yet been adopted, as the law n. 129 of 2026 has taken effect just on August 8th, 2026. The reform is currently under definition by the Ministry for the university and the academic associations and trade. The official parliamentary documents related to the legislative process are available online, including the Dossier N° 719 of the XIX Legislature, Atto Senato (www.senato.it/show_doc?leg=19&tipodoc=DOSSIER&id=1510594&idoggetto=0&part=dossier_dossier1-sezione_sezione13-h2_h22) and the Dossier N° 499/2, Atto Camera 2735, Revisione delle modalità di accesso, valutazione e reclutamento del personale ricercatore e docente universitario, January 19th, 2026 (<https://documenti.camera.it/leg19/dossier/Pdf/CU0162b.pdf>).

will be no longer a centralized national procedure; as consequence, universities would gain a decisive role in recruiting academic staff because they will have the power to choose among the eligible candidates.³²

The Senate is the body that represents the internal academic community: chaired by the Rector, formed by the deans, appointed by the MUR among the professors of the respective faculties, has a 4-year mandate (only once renewable).

The Executive Board is the body representing the political community: chaired by the Rector, it is formed by ministerial officers with two faculty members and – according to the 2026 reform - one representative of private financing bodies. Based on the draft reform, it will be competent to certify the economic sustainability (of teaching and research activities) beside the traditional function of financial and assets management.

The Board of Auditors (Collegio dei revisori) has a supporting function for university activities, aimed at improving the performance of the institution and at favoring the best use of public funds.³³ It is formed by three members (plus 2 alternates): one of them, acting as president, must be chosen among administrative and accounting judges and among State attorneys; one (effective and one alternate), appointed by the Ministry for Economics; one (effective and one alternate) appointed by the MUR. There is an explicit exclusion for its own University employees to be member of the Board. Based on a provision of 1993,³⁴ the Italian Supreme Audit Institution elaborates an Annual Report on the situation and performance of Italian universities as public funded bodies. The aim of this *ex post* performance audit is to assess if and how the objectives laid down by the law were reached by the spending institutions. It is worth mentioning here that the Ordinary Financing Fund-OFF dedicated to universities is consistently decreased since 2021 and amounts to 9,4 billion (that is to say a figure about the 0,6% of the Italian GDP, while the OECD countries average is around 1,3% and the EU average is 1,1% of the national GDP), much less than what other EU partners, like France and Germany, allocate for their university systems.³⁵

³² The evaluation will be based on teaching and research activities. Regarding both these criteria, concerns have been raised by the Administrative Law University Professors Association-Aipda (www.aipda.it). In relation to the teaching activities (see the recalled Dossier N° 499/2, Atto Camera 2735, p. 9), young researchers willing to apply to the procedure for admission, evaluation and recruitment as university professor might have very few chances to fulfil this requirement, because of the low propensity of the Italian universities to appoint them as lecturers for graduate courses and give preference to internal teaching staff and more experienced personnel. With regard to research evaluation, two critical issues stand out. The first is the lack of national databases designed to record completed research projects and related activities. The second is the opportunity to consider more than just competitive research, given that not all universities have an internal funding program dedicated to selecting and incentivizing university-led projects, and that securing national and international funding has now become extremely difficult; and whether commissioned research should also be included.

³³ It has a 4-years mandate, only once renewable.

³⁴ Law of December 24, 1993, No. 537.

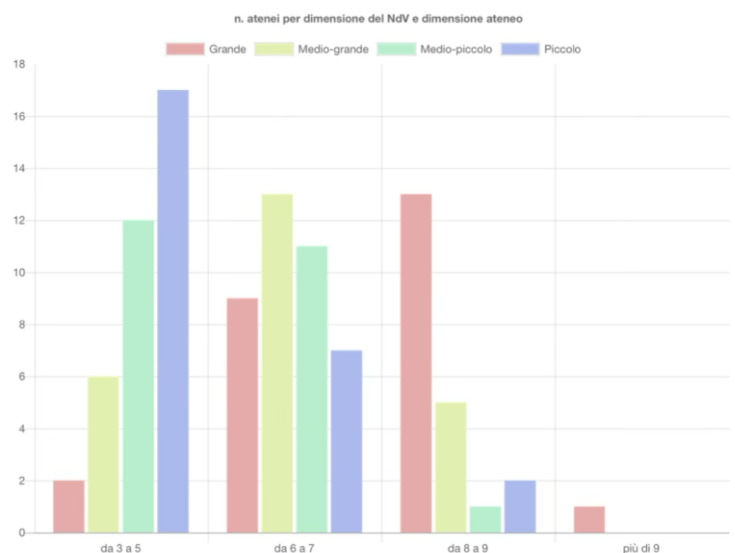
³⁵ The OFF is the main financing source of Italian state universities (but also private and online universities have access to it). It is intended to cover functioning, personnel and institutional activities' costs and it has a twofold structure. One quota is bound to compensate specific expenses (i.e. students economic support, student's benefits based on the right to education, academic staff recruiting) and another quota is free as its destination. During the last decade a significant

Research conducted by NUC have showed that OFF allocation criteria favor larger universities and those in central and northern Italy, while penalizing universities in southern Italy and widening regional disparities.

The Evaluation Units have the task to highlight certain critical issues that would otherwise remain hidden. Their role is not to control but to evaluate the consistency of each University system (institutional quality, sustainability and feasibility of the governance overall vision), not to inspect or sanction but to act as a point of convergence, establishing if indicators and parameters chosen for self-evaluation were useful or deserve to be redefined. These bodies are composed by individuals with high professional qualifications, mainly from outside the university, whose curriculum is made public on the university's website; the coordinator may be appointed from among the university's tenured professors. Since 1993 an increasing number of tasks were assigned by law to the Evaluation Units, mostly related to the use of public funds, the opinions concerning teaching activities and internal performance control.

Tab. 6

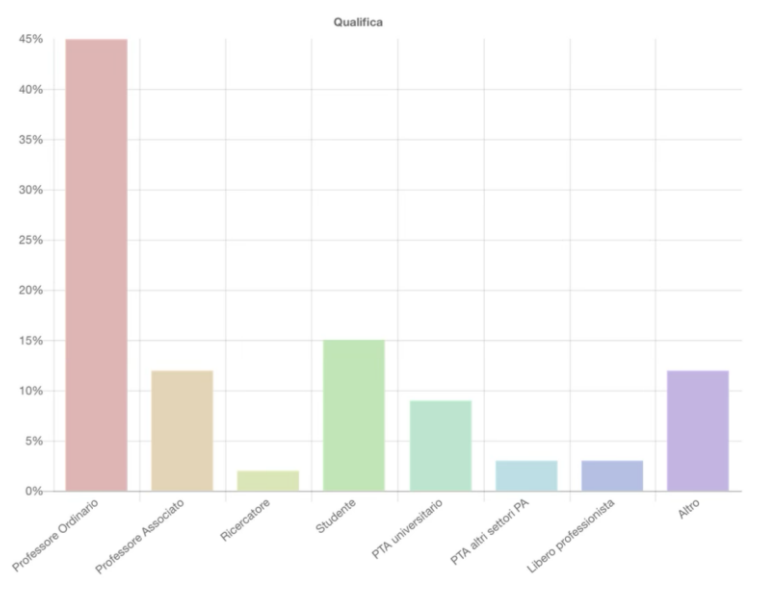
Number of universities for size of the Evaluation Units and size of the University (2024)



increase of the first quota has been recorded, determining a strong compression of the spending capacity and the financial allocation autonomy of state universities. The realignment with European standards would require an increase of around €18 billion to reach the 1% GDP quota.

Tab. 7

Composition of the Evaluation units for job categories



Source: Anvur

Pursuant to Article 2, para. 2, letter *g*) of Law No. 240/2010, Joint Lecturer-Student Committees must be established at each department or at each Liaison / Link Structure. These Committees are responsible for monitoring the curriculum and quality of academic teaching, as well as the student services provided by professors and researchers; identifying indicators for evaluating their results; and formulating opinions on the activation and cancellation of degree programs. Each Joint Committee annually evaluates, on the basis of the information contained in the Single Annual Prospect (SUA-CdS) and other available sources, the projects of the Study Courses and publishes an annual report.³⁶

The Quality Assurance Presidium (QAP) must provide the Joint Committee with data and information useful for its functions. These bodies were not established by the Law of 2010. Their creation was suggested by the Anvur in order to oversee the quality assurance processes of teaching and research. The Presidium takes into consideration the observations and suggestions that the Joint Committee identifies in its Annual Report (students may sometimes report excessive teaching loads—for example, in the first year) and eventually take initiative like bringing them to the attention of the governance bodies.

The Presidium, the Joint Committees, and the Evaluation Units should be as much separate and independent as possible.

³⁶ Art. 13 of the Legislative decree No. 19 of 2012. Participants to the Joint Committee do not receive any payment, compensation, emolument, allowance, or expense reimbursements.

5. State University's autonomy in practice

Looking at the past, one constant is the Lawmaker attention to the organizational basic structure – nowadays the department (in the past, the faculty) – where scholars and professors concretely fulfil their essential tasks and functions.³⁷

This makes clear the need for a layered guarantee, which naturally also includes the universities as a whole, but ensures a certain degree of autonomy to the structures closest to the performance of functions (departments) as threats may come from internal university regulations and decisions too. The focus is on Department; the organizational standard unit defined as compulsory by Law n. 240 and which is for itself the more suitable to constantly connect scholars of close disciplinary sectors (crucial centers of educational and scientific planning).³⁸

Any compression of Department autonomy could not be considered compensated by the self-governance capacity of the University because self-governance *per se* is an unsuitable condition to guarantee institutional autonomy. The primacy of academic staff's teaching and research freedom is granted *vis à vis* each university's internal bodies (as Faculties and Departments) too.³⁹

On the other side, universities and departments are part of the public administrations, meaning that they are affected by cross-cutting disciplines: subjects of public contracts (just think of the procurement discipline), required to apply the disciplines of transparency and protection of privacy, the anti-corruption one, the rules of public accounting, the discipline of employment in public administration, and more. In recent years extensive regulations including numerous administrative burdens and externally defined (often short-looking) objectives multiplied to their detriment.

As emphasized in the 2024 Report of the Working Group of the Ital. Association of Administrative Law Professors-Aipda, Universities face significant complications as public administrations, due to several reasons: fragmented legislation, frequent emergency laws, and overlapping rules from central and university levels, bureaucratic challenges, increasing complexity in the allocation of research funds, that hinder their efficiency and effectiveness, favoring those with better administrative support. Further, self-evaluation (Ava) and reporting activities demand significant time and effort from academics and faculties, diverting them from their primary roles in teaching and research and affecting the quality and freedom

³⁷ Universities' autonomy and self-organization serves teaching and research freedom: this is the main effect of the link established by the unanimous doctrine interpretation of the first and the last paragraphs of Art. 33 of the Ital. Constitution (as confirmed by the decision of the Ital. Constitutional Court. no. 1017/1988). Academic staff's teaching and research freedom can in fact be exercised only after (in logic and chronologic sense) a university is established and it may be limited only on the ground of organizational needs.

³⁸ A department can be created even with only twenty professors if at least 80% of the academic staff belongs to the same scientific area (based on art. 3, law n. 4/2017). In this case, the needs of scientific coherence prevail on those of simplification.

³⁹ As demonstrated by the circumstance that they can be represented separately from the university in judicial proceedings.

of scientific work.⁴⁰ Even digitalization can lead to additional complication where systems are poorly designed and implemented. Thus, simplification has become essential to reduce costs, time, and bureaucratic burdens, improve the effectiveness of university functions, and enhance the overall quality of higher education and research in Italy. It requires a coordinated effort across regulatory bodies, central administration, and individual universities to address systemic issues and foster a more efficient and sustainable academic environment.

In the scope left free from such consistent limitations, burdens and issues, how did Italian state universities use the autonomy left through internal regulation (statutes and other acts)?

Several institutions found the way to exercise their autonomy and self-organization, and their concrete experiences mostly affected the following aspects: inter-departmental connecting bodies; voluntarily established bodies (not required by the law); procedural rules concerning the composition of collegial bodies; rules concerning the competences of the Academic Senate and the Executive Board; the electoral procedural system.

A first observation concerns exceptions to the departmental organization, that are allowed only when the dimension of the academic staff includes less than five hundred (500) members. For instance, the University of Camerino is structured in Schools (mostly reflecting the departments). This provision is aimed at assuring simplified functional units.

The Statute of Sapienza (Rome) admits the possibility of a “secession” decision by one of its departments (art. 10, par. 9). The ones of L’Aquila and Bari admit the possibility of a federation of departments belonging to different universities. Those of Bologna, Catania and Turin provide the possibility of creating teaching bodies with external private parties as stakeholders. Moreover, despite the possibility for Italian public universities to conclude “framework agreements with the MUR in order to experiment peculiar functional and organizational model” (art. 1 par. 2 of Law n. 240), none of the public universities has insofar chosen to exploit it.

Second, most of the university statutes grant departments managing, contractual and organizational autonomy (including how to distribute non-academic staff), less often the administrative one too, but the dominant character is scientific and teaching autonomy. On the opposite, budgetary autonomy left to them is very limited.

⁴⁰ Rapporto del gruppo di lavoro dell’Associazione Italiana dei Professori di Diritto Amministrativo-AIPDA, *Semplificazione e Università*, April 5, 2024 (available online). In the public debate the most controversial issues surrounding the Italian higher education system—particularly following the 2008 Law decree cuts (D.L. 112/2008) and the 2010 Gelmini Reform (L. 240/2010)—revolve around drastic funding reductions, volatile allocation metrics, deepening regional divides, and restrictive staffing policies.

Third, in most of the statutes, department' internal functioning regulation has to be approved by the Academic Senate, sometimes also by the Executive Board and these are not just formal controls, but quite substantially intrusive ones.

By law n. 240, two thirds of the Senate's membership is reserved to departments' directors as representative of a plurality of disciplinary areas (small universities are favored because all directors are included) and the most powerful body is the Executive Board.

6. An Assessment

The Italian higher education system is currently under ministerial scrutiny for updates and reforms, with the aim of simplifying and making university legislation more coherent, improving quality and aligning with European standards. Revised law and proposed reforms include increased powers for rectors, changes to academic staff recruitment processes, and further verticalization of decision-making.

This is partially a consequence of the Bologna Process, the ECTS, the Erasmus programs, the Lisbon Strategy, and EHEA 2010 that have progressively fostered convergence among EU Member States' higher education systems. Despite these efforts, disparities remain, with Italy lagging behind in higher education attainment (28.3% of 25–34-year-olds in 2021, compared to the OECD average of 47.3%).

Reform momentum must be put in relation also with the series of changes triggered, in a short span of years, by on the one hand, the Covid-19 pandemic and the subsequent economic crisis, and on the other, the National Recovery and Resilience Plan (NRRP). Those changes were initially driven by the emergency, then by unprecedented one-off financial injections over a relatively short period of time, aimed at providing a boost and a positive shock to the recovery, innovation and social inclusion. However, those changes act in favor of a verticalization and centralization of the decision-making that is more functional to the spreading of international cooperation projects (and standards) which are now quantitatively prevailing compared to the national ones.

While – based on norms - universities have some autonomy, it has always been and is limited in practice by state control and administrative burdens. The system oscillates between autonomy and centralization, with universities subject to intrusive public regulations. Departments are the core organizational units, with autonomy primarily in scientific and teaching activities, but limited budgetary independence.

Some universities have implemented innovative internal regulations, such as federations of departments across universities and partnerships with private stakeholders. For the most part, they did not have the possibility to prove to be bold experimenters of autonomy, due to the robust yet fragmented legislation, the bureaucratic burdens, the complication in funding allocation and exercise of old and new functions (as third mission and public engagement).

The strengths of the Italian higher education system, such as accessibility and quality, are subject to continuous ‘stress tests’ because of the population involved in higher education (dramatic falling of the birth rate), the low graduation rates, regional disparities, and bureaucratic inefficiencies, and because of the recurring public spending containment policies that emphasize these weaknesses. Moreover, without a substantial increase of the research investment - the Ordinary Financing Fund for universities decreased significantly in the last decade (contributing to financial constraints and increasing inequalities) - and a balanced review of the distribution criteria, the ongoing reform process of Italian university system risks to be largely useless and that system, to move further away from European standards.