EUROPEAN UNIVERSITY ASSOCIATION

University Autonomy in Europe IV

The Scorecard 2023

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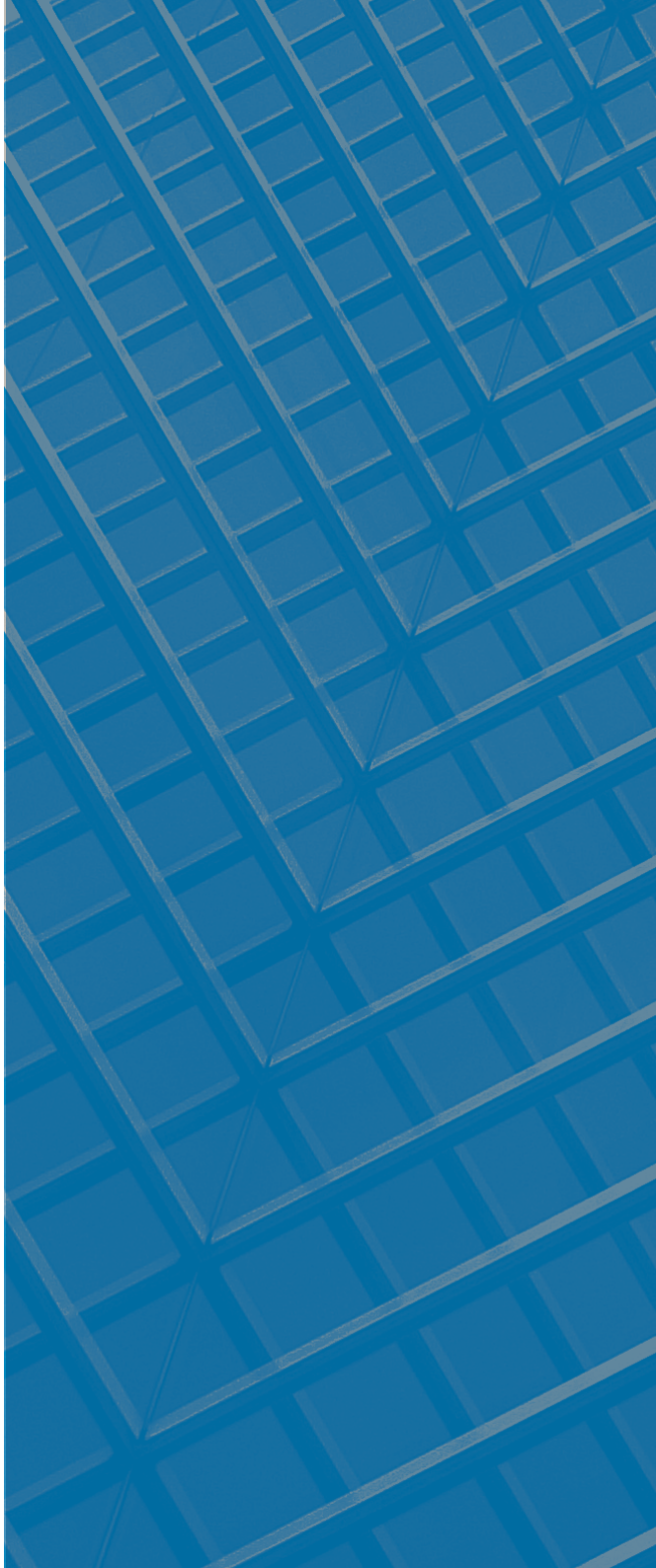

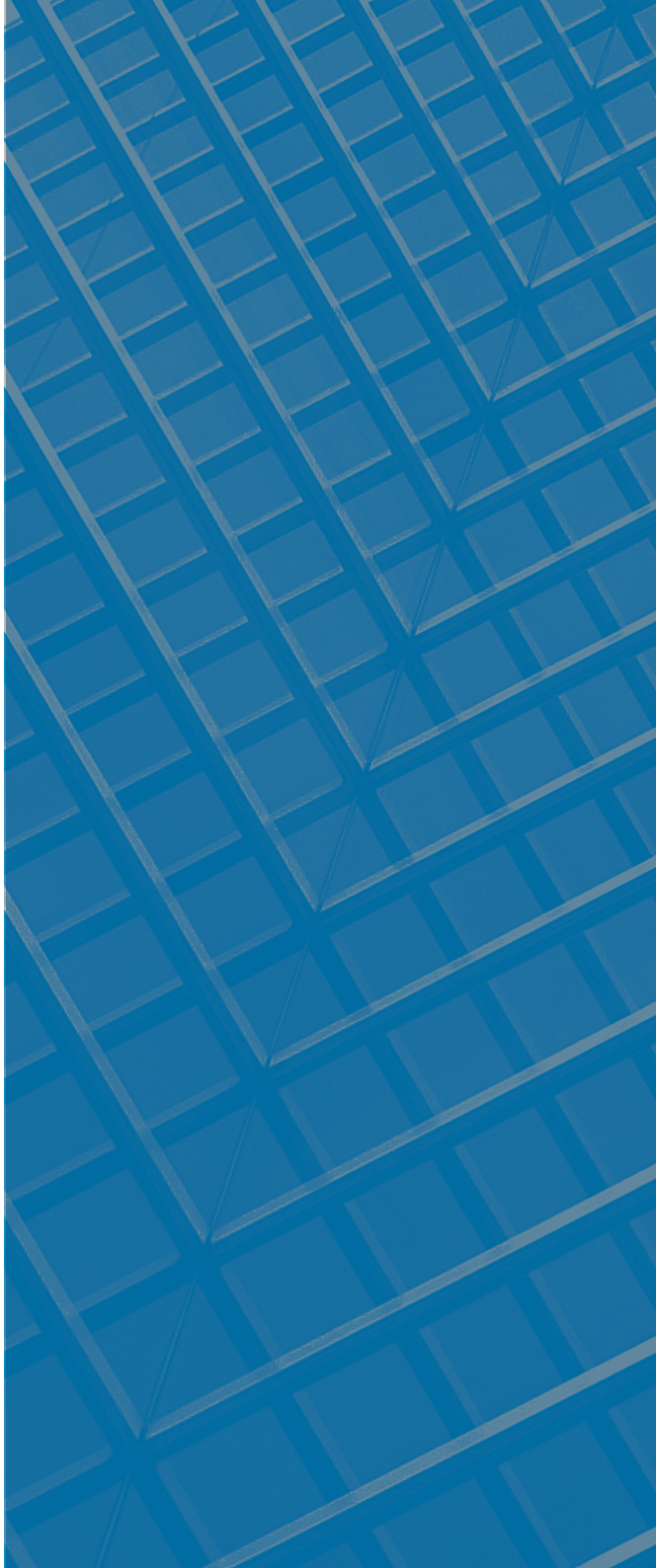

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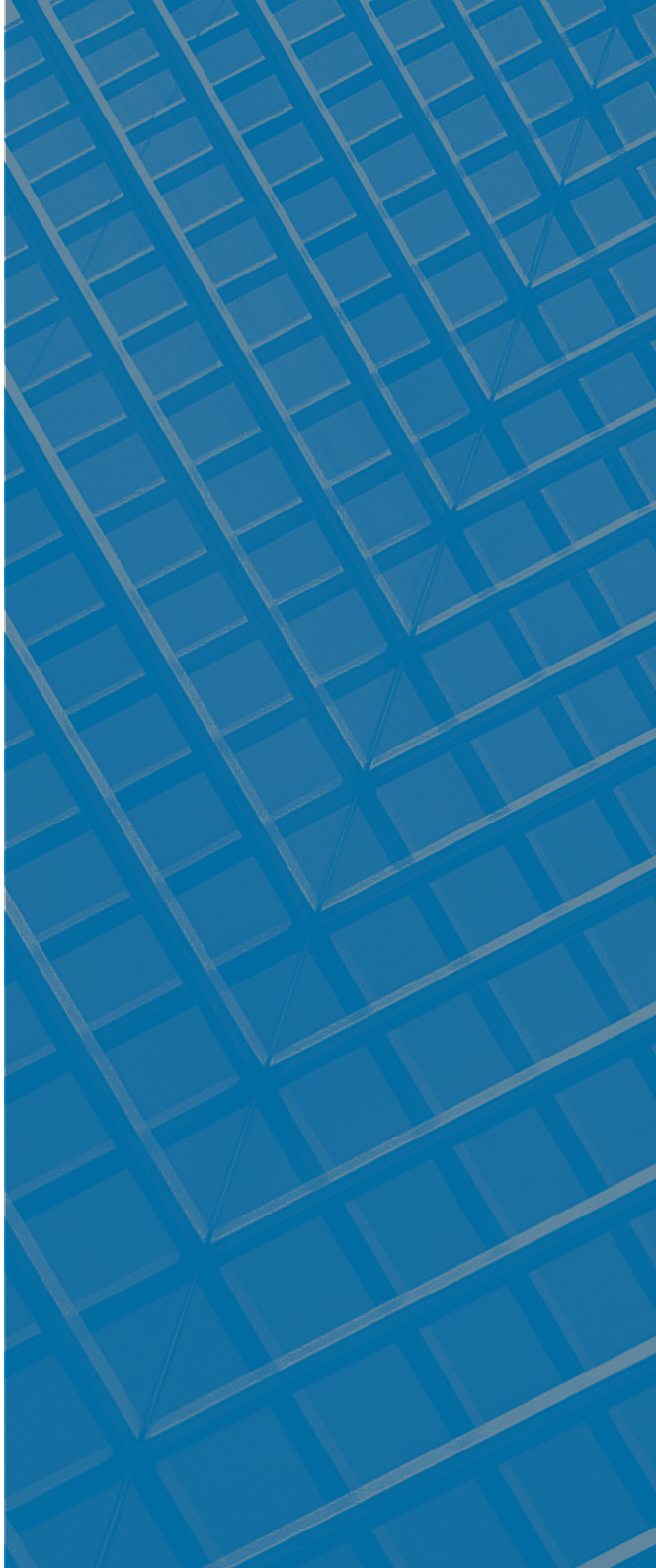

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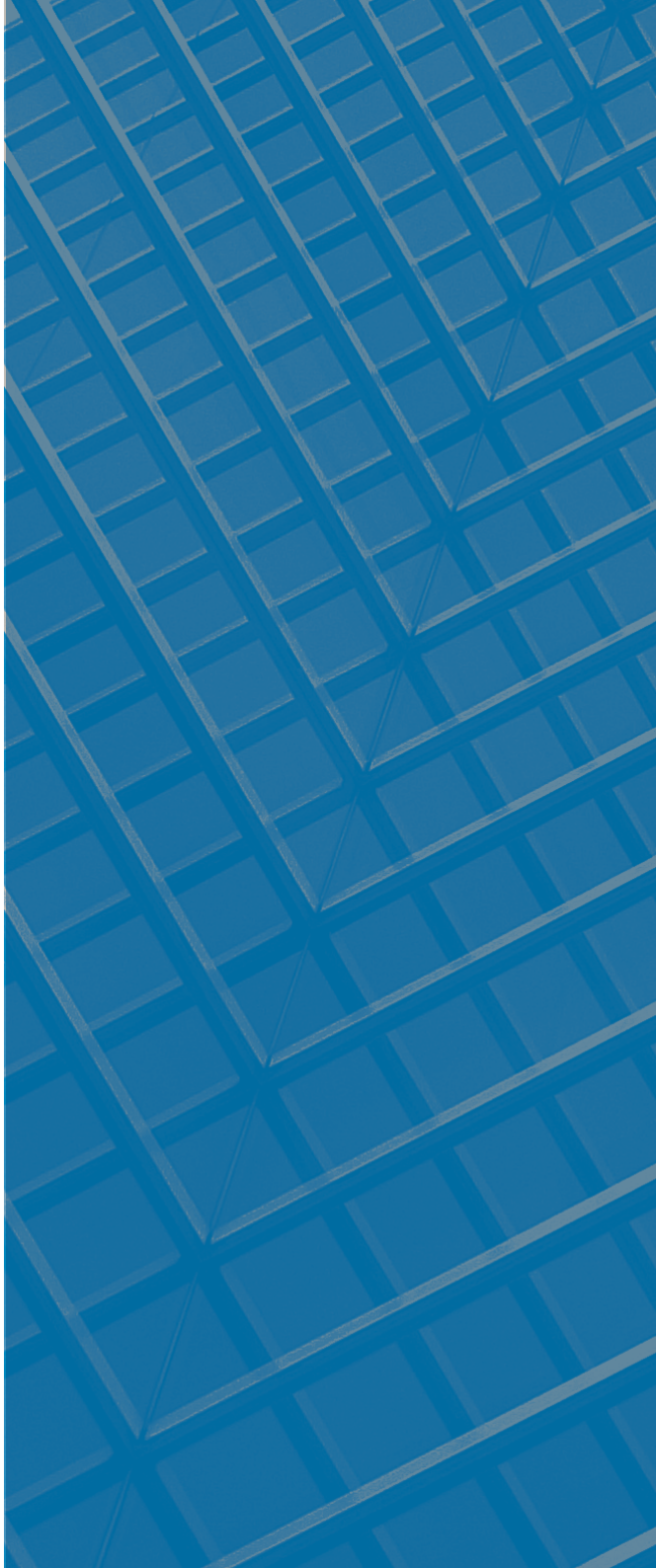


Foreword

This fourth comparative study on university autonomy confirms what was already established in the first, that there remains a great diversity of frameworks, regulations, and governance implementation processes at universities in Europe.

Debates on university autonomy at European level and in many higher education systems in recent years have demonstrated the value placed on our Autonomy Scorecard. This new edition contributes, as did those of previous years, to bringing more objectivity and comparative benchmarks to these reform discussions. EUA's work has enabled many system level reforms, and identified and prevented detrimental developments.

The results of the current study show that there are still far too many restrictions that prevent universities from realising their full potential: in intensified transnational cooperation models, such as the European university alliances; in developing internationally competitive conditions for academic staff; or in customising campus infrastructure in line with the institutions' strategic direction.

Of course, the transfer of greater autonomy to institutions also requires guarantees that universities are professionally managed and led. To help ensure necessary societal confidence in the competence of university leaders, EUA has new plans to help the development of specific programmes for university leaders across Europe.

Today's world faces great challenges, and universities play a major role in addressing them. Acknowledgement of these two facts has stimulated growing policy interest in universities and recognition that their roles extend beyond the traditional missions of teaching, training, and research and innovation. However, the Scorecard shows that this new interest often leads to excessive and unnecessary influence, whether through specific governance arrangements, overuse of steering instruments, or ad hoc interventions.

I invite all European, national, and regional policy makers to draw on the comprehensive evidence in this report in making plans for future sectoral reform. I also call on them to engage in dialogue with the university sector to create regulations and policies that will enable Europe's universities to meet the great challenges of our time.

Michael Murphy
EUA President

Acknowledgements

Twelve years have passed since the first Autonomy Scorecard was published, and the third edition is the most comprehensive yet, both in terms of the number of systems included and the content provided. In addition to the classic Scorecard, this update contains information on how and to what extent academic freedom is included in national legal provisions. The data collected on the impact of the European university alliances on national legislation supported the development of the briefing *The European Universities Initiative and system level reforms*.

The sustained success of this EUA flagship publication is not only due to the sector's intensive involvement and expert participation in its development, but also to its practical application over the years in reform discussions in numerous systems. This success would not have been possible without the continued cooperation of EUA's collective members, who provided extensive data and context and made use of the Scorecard in their policy dialogue at home.

As before, this update had to overcome several challenges, for which the feedback of the EUA Board and the Scorecard Advisory Committee was indispensable. They gave guidance in numerous meetings and reviews to ensure that this edition met the same standards as previous ones.

We would also like to thank experts and colleagues at EUA who have helped during various stages and with diverse input: Maria Kelo for her feedback in relation to quality assurance, Vinciane Gaillard and Thérèse Zhang for their contribution on academic careers, Anna-Lena Claeys-Kulik for her advice on the European Universities Initiative, and Inès Mezher for working on the design of the report.

Enora Bennetot Pruvot, co-author of the report, deserves particular acknowledgement. With her extensive experience in the field of institutional autonomy in Europe, she has ensured that this edition once again meets the highest standards in all areas, from data analysis and scoring to writing the report.

Finally, a big thank you goes to co-author Nino Popkhadze. She has worked tirelessly on all aspects of the Autonomy Scorecard over the past year and has been instrumental in getting this study published just over one year since data collection began.

We hope that this update will again be used extensively to support constructive discussions on institutional autonomy as well as inform holistic and coherent reforms of higher education systems across Europe and beyond.

Thomas Estermann
Director - Governance, Funding and Public Policy Development
European University Association

Chapter 1

Introduction and methodology

This chapter describes the rationale and objectives of the Autonomy Scorecard. It provides an overview of the background to the project and further details the methodology underpinning its development. In addition, the chapter reviews the challenges met and the specificities of the Autonomy Scorecard 2023 in comparison with previous editions.

1. Introduction

1.1 Nature and objectives

University governance and the relationship between the state and higher education institutions are issues that have generated a renewed and intense debate and reflection over the past decade. Institutional autonomy is widely considered an important prerequisite for modern universities to develop institutional profiles and deliver efficiently on their missions. Discussions around university governance and autonomy have emerged across Europe in different contexts as a response to new diverse challenges. As a result, it has become imperative to develop a conceptual framework of reference to address such an important topic and meet the increasing demand for comparability and benchmarking across borders.

The EUA Autonomy Scorecard, which was first launched in 2011, offers a methodology to collect, compare and weight data on university autonomy. A core set of autonomy indicators was developed to offer an institutional perspective on institutional freedom.

The Scorecard is based on more than 30 different core indicators in four key dimensions of autonomy. These include:

Organisational autonomy
covering academic and administrative structures, leadership and governance

Financial autonomy
covering the ability to raise funds, own buildings, borrow money and set tuition fees

Staffing autonomy
including the ability to recruit independently, promote and develop academic and non-academic staff

Academic autonomy
including study fields, student numbers, student selection as well as the structure and content of degrees

By generating information on the current state of university autonomy and governance reforms, the Scorecard allows concrete benchmarking of national policies with regard to university autonomy as well as the exchange of good practice. On the one hand, the Scorecard provides European institutions and policy makers with data, which inform decision-making processes and feed into initiatives aimed at modernising European higher education. On the other hand, it contributes to raising awareness of the changes needed to create a regulatory environment favourable to university autonomy.

1.2 The added value of the Autonomy Scorecard

The first Autonomy Scorecard report (2011) was largely welcomed and extensively used by the EUA membership, and in particular the national rectors' conferences, in the context of national policy debates and reforms. Both the report and the accompanying tool were instrumental in providing an updated overview of the state of university autonomy in Europe and allowed systems to benchmark themselves in this context. EUA contributed with tailor-made comparisons and advice in many national policy debates.

The Scorecard methodology has not only gained ground in the countries included in the analysis but has also been actively used in the EU's neighbouring and partner countries. In this regard, three EU-supported projects stand out: Fostering Sustainable and Autonomous Higher Education Systems in the Eastern Neighbouring Area (ATHENA), Transition to University Autonomy in Kazakhstan (TRUNAK)[1] and Strengthening university autonomy and increasing accountability and transparency of Western Balkan Universities (STAND).[2] The former aimed to contribute to the development, reform, and modernisation of higher education systems in Armenia, Moldova and Ukraine. With a similar mission, the TRUNAK project intended to analyse university governance and promote greater autonomy in Kazakhstan. Carried out over 2021-2023, the STAND project seeks to increase the management capacities, accountability, and transparency of universities in the Western Balkans (Albania, Kosovo and Montenegro). Additionally, the Autonomy Scorecard framework was applied in various instances beyond Europe (e.g. Myanmar).

Data has also been used by EUA to inform policy discussions at the European level, providing information over the years on what universities can do independently and where there are limitations to be taken into account. EUA's briefing *The European Universities Initiative and system level reforms*[3] is a recent illustration, contributing to the debate about remaining system-level challenges related to transnational university cooperation in Europe.

Since its creation, the Scorecard has become the point of reference when discussing university autonomy. *The European Strategy for Universities*, published in 2021 by the European Commission, references the Autonomy Scorecard as an argument that further work is necessary to "strengthen and respect university autonomy in its various dimensions"[4] across Europe.

1.3 From the Exploratory Study to the Autonomy Scorecard and its updates

EUA's report *University Autonomy in Europe I* (Estermann & Nokkala, 2009) provided an important basis for the development of the Autonomy Scorecard. This first study provided the basis for the list of indicators and sets of related restrictions. *University Autonomy in Europe II, The Scorecard* was first released in 2011, in the form of a comparative report as the result of a major data collection in 28 higher education systems.[5] The Scorecard enabled evaluation of the status of institutional autonomy in 2010, allowing users to obtain information on the scores of each higher education system for each autonomy dimension, and to compare it with the situation prevailing in other countries. The accompanying online tool brought together the data in a visual way and showed the relative ranking of each system per autonomy dimension.

1 https://eua.eu/downloads/publications/trunak%20eua%20report%20wp1_final.pdf

2 https://www.stand-project.org/

3 Claeys-Kulik, A.-L., et al. (2022), *The European Universities Initiative and system level reforms: current challenges and considerations for the future*, European University Association

4 https://education.ec.europa.eu/sites/default/files/2022-01/communication-european-strategy-for-universities-graphic-version.pdf

5 This work was carried out in the framework of an EU-supported project (2009-2011), through the Lifelong Learning Programme (503328-LLP-1-2009-1-BE-ERASMUS-EMHE)

The difficulties involved in quantifying degrees of autonomy have been acknowledged from the beginning (see section "Challenges and constraints"). However, the creation of a scorecard, which enables the benchmarking of one system's 'autonomy performance' vis-à-vis that of another, fostered a lively debate and drove positive policy developments in this area. Following the release of the report, Flanders (Belgium) was included in the online tool, in 2011. A specific report was also produced in 2014 focusing on Ireland, upon the request of the Irish Universities Association.

In 2015, considering the success and extensive use of the Autonomy Scorecard, the EUA Council (composed of the presidents of the member national rectors' conferences) decided that EUA should carry out a general update. The data collection was organised following the original Scorecard methodology, based on questionnaires and interviews, as well as several rounds of validation with national rectors' conferences. The only addition in the new questionnaire was the creation of a specific sheet which included more detailed questions on the composition of university governing bodies.

It became evident that the Autonomy Scorecard allowed a broad comparison across Europe but that several developments could not be captured by scoring alone. A more in-depth qualitative evaluation and setting in context was therefore necessary. In order to take account of the need for more qualitative information, the decision was taken to provide more information on all participating countries, in addition to the scoring and analysis of trends in the four dimensions.

The update *University Autonomy in Europe III* was released in 2017, based on data collected and validated during 2015 and 2016 for 29 higher education systems. In addition to a comparative report and an updated online tool, it featured 'country profiles', which set out in detail for each higher education system the situation prevailing with regard to the four dimensions of university autonomy, including contextual information and the views from the university sector on the matter.

EUA's work on university governance and autonomy since then has showed that many European countries have continued to discuss and implement reforms in the field. Various factors then affected the development of the regulatory frameworks in which universities operated, including the pandemic and related crises, the emergence of European university alliances, and worrying developments regarding institutional autonomy in Hungary and Türkiye.[6] Thus, the EUA Board requested an update of the Autonomy Scorecard, for which work began at the end of 2021, the results of which are presented here.

2. Methodology

2.1 For the university community, by the university community

An important facet of the methodology of the Scorecard is the continued involvement of the broader university community, through EUA's collective members. The Polish, German and Danish rectors' conferences, which represent diverse higher education systems, joined EUA in the consortium that carried out the original Autonomy Scorecard project. However, all of EUA's collective members were involved throughout. The secretaries general of the national rectors' conferences and EUA Council members closely followed the development of the methodology, tracked progress in terms of data collection and analysis, and provided the sector's views on the general direction of the work. They also participated in the elaboration of the weighting system, which evaluates the relative importance of the individual indicators. This system is based on the results of a survey conducted among EUA's bodies (EUA Council, secretaries general of the national rectors' conferences and General Assembly) in October 2010 at EUA's annual statutory meetings.

The national rectors' conferences provided the necessary data from their higher education systems, both for the original Scorecard and for its subsequent updates, through questionnaires and follow-up interviews.

2.2 Autonomy Scorecard Update Advisory Committee

In the context of the latest update of the Autonomy Scorecard, an Advisory Committee was set up to offer guidance and expertise. It comprised representatives of the Croatian, Flemish, and Swedish rectors' conferences, a geographical distribution that brought value and perspective to the overall process.

6 In May 2022, Turkey changed its official name to Türkiye in both national and international platforms.

In addition, two EUA board members and one senior university executive with in-depth expertise in university governance and in the development of the Autonomy Scorecard were nominated for the committee, bringing the total number of members to six.[7] The connection between the group and the EUA Board ensured that the EUA leadership was continuously informed of the progress of the project and could provide strategic advice in the process. The committee carried out its work and held several meetings over 2022 and 2023.

The objectives of the group were: to support EUA in producing a high-quality update of the Autonomy Scorecard with relevance for EUA members and the sector; advise on the additional topics taken up via the analysis; advise on the formats in which the Scorecard update would be communicated and disseminated to members in the most useful way; and advise on an adequate process to consider cases where the application of the Scorecard method no longer provides a comparable analysis.

2.3 The scoring and weighting

The scoring system used by the Autonomy Scorecard is based on deductions. Each restriction on university autonomy is assigned a deduction value based on how restrictive a particular rule or regulation is seen to be. A score of 100% indicates full institutional autonomy; a score of 0% means that an issue is entirely regulated by an external authority. In many cases, the law grants universities a limited amount of autonomy or prescribes negotiations between universities and the government. For instance, a system in which universities may determine tuition fees under a ceiling set by an external authority receives a score of 60% for that indicator.

The Autonomy Scorecard uses weighted scores. The weighting factors are based on a survey conducted among EUA's collective members (national rectors' conferences) and thus reflect the views of the university sector in Europe. The results of the survey were translated into a numerical system, which evaluates the relative importance of the indicators within each of the autonomy dimensions.

A detailed description of the methodology is available in Annex 1. As part of the launch of the new update, the EUA Board discussed the opportunity to adapt, expand or retain the structure of the Autonomy Scorecard, as well as the possibility of updating its weighting system. Comparability over time was retained as the preferred option to re-designing a well-established methodology. Following the approach taken for the first update of the Scorecard, the regular data collection was supplemented with qualitative data on selected topics, which could then be analysed as an add-on of a more qualitative nature (rather than measured as an autonomy indicator).

3. Scope and terminology

3.1 Conceptual scope

The Autonomy Scorecard analyses the regulatory framework applying to public universities, and thus the scores reflect that situation exclusively. Nevertheless, in line with the approach recommended by the EUA Board and in consultation with the Advisory Committee, the individual profiles describe the basic characteristics of the overall higher education systems of the analysed countries.

The European higher education system is characterised by heterogeneity; hence some countries have different legal settings for their universities. While most differentiate between public and private institutions, some systems also feature universities with a 'foundation' status (e.g. Finland, Portugal, Sweden, or Türkiye),[8] or differentiate between public and 'special' or 'free' universities (the French *grand établissements* may be considered as another illustration). 'State' universities also exist alongside public universities in various countries (the former being often supervised by ministries other than the ministry responsible for higher education). The higher education systems often distinguish between 'traditional' or 'comprehensive' universities, and universities of applied sciences, universities of technology/technological universities, polytechnics, or university colleges. Parts of the same legal framework may apply to different types of universities. In certain cases (Cyprus, Estonia), a specific law applies to each public university. These different legal statuses often translate into different levels of autonomy. Compared to public higher education institutions, private ones usually enjoy greater autonomy.

7 See annex 5 for detailed information on committee membership.

8 The characteristics of foundation universities in Hungary are described in a complementary analysis.

While the report seeks to reflect the regulatory frameworks applying to the majority (in terms of student enrolment) of public universities in the system, the country profiles (published separately) delve into more details and provide a general description of the respective higher education landscapes and their special cases.[9] Certain countries (such as Slovakia) were in the process of implementing reforms that affected university governance in 2022. The scores published in this edition of the Scorecard reflect the provisions in force in July 2022. When known, expected changes are discussed in the respective country profiles.

While this update of the Autonomy Scorecard does not involve any modification of its conceptual scope, and thus no autonomy dimension or indicator was removed or added, this edition generated new contextual data that help readers better understand the state of play of university autonomy in Europe. The interviews with the national rectors' conferences not only sought to validate the data collected via the questionnaire. They also helped assess the basic characteristics of the higher education systems (including the specificities of the private sector), as well as shed light on the situation with regards to academic freedom across Europe and the implications of the European Universities Initiative on regulatory frameworks.[10]

3.2 Geographical scope

As shown in Table 1, the geographical coverage of the Autonomy Scorecard has progressed over time. While the number of systems covered remained similar in 2011 and 2017, the scope was significantly expanded for this latest update. The process involved all EUA collective members,[11] and there are three newly included systems: Georgia, Romania, and Scotland.

The characteristics of the Scottish higher education system justified an analysis separate from that of England, with the support of Universities UK and its autonomous national council, Universities Scotland. Thus, the report includes two separate datasets for the United Kingdom: one for Scotland, and one focused on England, although the features of the latter mostly apply to Wales and Northern Ireland as well, despite the fact that higher education is a largely devolved matter in the UK.

Countries included in the original Scorecard but not in the 2017 release also joined this edition (Cyprus, Czechia, Greece, Türkiye). This extended coverage broadened the horizon even further and enabled better comparability as well as the possibility of drawing Europe-wide conclusions for university autonomy. The changing scope across years means no aggregated comparison should be drawn between the different editions of the Scorecard.

While Hungary has been included in the data collection process, EUA has chosen not to include the system in this report. Rather, the latest legal framework in Hungary is described in a complementary analysis, which also further elaborates on the reasons for this decision. The trajectory of Hungary must be seen in the longer term, from measures developed in the mid-2010s (and described in the previous edition of the Scorecard) to the 2019 reform that turned most public universities into foundation universities and created an entirely specific governance model in Hungary. The analysis revealed that currently there is no other system, among the 35 included in the study, that regulates the relationship between the state and higher education institutions in a comparable way. Not only do the boards of trustees of the newly established foundations (also known as public interest trusts foundations) have an extensive decision-making portfolio over university affairs, but they are also comprised of members that are nominated by the government for a lifetime tenure. As a result, this singular combination of characteristics has far-reaching consequences in the different autonomy dimensions, which cannot be adequately captured by the Scorecard methodology.

9 Thus, in the case of the Belgian Wallonia-Brussels Federation, the scoring reflects that of 'non-Community' universities, which enrol a majority of university students in the system.

10 Claeys-Kulik, A.-L., et al. (2022), *The European Universities Initiative and system level reforms: current challenges and considerations for the future*, European University Association

11 At the time when EUA welcomed the Union of Rectors of Higher Education Institutions of Ukraine as a collective member in 2022, the data collection was already completed.

Table 1 Participating higher education systems

Code	Country/system	2011	2017	2023
AT	Austria	•	•	•
BE-fl	Flanders (Belgium)	•	•	•
BE-fr	Wallonia-Brussels Federation (Belgium)		•	•
CH	Switzerland	•	•	•
CY	Cyprus	•		•
CZ	Czechia	•		•
DE-bb	Brandenburg (Germany)	•	•	•
DE-he	Hessen (Germany)	•	•	•
DE-nrw	North Rhine-Westphalia (Germany)	•	•	•
DK	Denmark	•	•	•
EE	Estonia	•	•	•
ES	Spain	•	•	•
FI	Finland	•	•	•
FR	France	•	•	•
GE	Georgia			•
GR	Greece	•		•
HR	Croatia		•	•
HU	Hungary	•	•	

Code	Country/system	2011	2017	2023
IE	Ireland	•	•	•
IS	Iceland	•	•	•
IT	Italy	•	•	•
LT	Lithuania	•	•	•
LU	Luxembourg	•	•	•
LV	Latvia	•	•	•
NL	Netherlands	•	•	•
NO	Norway	•	•	•
PL	Poland	•	•	•
PT	Portugal	•	•	•
RO	Romania			•
RS	Serbia		•	•
SE	Sweden	•	•	•
SI	Slovenia		•	•
SK	Slovakia	•	•	•
TR	Türkiye	•		•
UK-en	England (UK)	•	•	•
UK-sc	Scotland (UK)			•

3.3 Terminology

The Autonomy Scorecard update seeks to strike a balance between the necessity to explain the specificities of each system and the need to preserve a level of overall comparability allowing to benchmark the different systems considered. This implies a certain necessary degree of simplification. The individual country profiles therefore feature both a standardised summary section and an in-depth section which includes more specific information. Nevertheless, a standard terminology is used whenever possible. The following is valid for both the present report and the individual country profiles:

- The Scorecard refers to 'higher education systems', sometimes shortened as 'systems', rather than 'countries'. This is because several systems considered in the Scorecard are sub-national entities (as in Belgium, with Flanders and the Wallonia-Brussels Federation; Brandenburg, Hesse, and North Rhine-Westphalia in Germany; England and Scotland in the UK).[12] Spain and Switzerland are both treated as single systems. In these cases, responses for each indicator reflect the average/most frequent case across the different sub-systems.
- Whenever 'the rest of Europe' is mentioned in the context of the comparison, it only refers to the systems covered by the Scorecard.
- Whenever the Scorecard mentions the generic term 'university', it refers to public universities in the given systems, unless otherwise stated.
- The Scorecard methodology does not differentiate between constraints which stem from legal provisions ('set in law', 'established by law'), which usually involve the country's parliament, and constraints originating from decisions by the ministry or other types of public bodies ('by an external authority'). Decisions of the ministry are referred to as such and do not distinguish between direct interventions by the minister (in appointment validation, for instance).
- Use of 'all', 'freely' and 'without restrictions': the Scorecard methodology makes it necessary to simplify highly complex situations. Questionnaire response options primarily seek to differentiate between systems where universities can broadly decide on a certain topic, where they face some restrictions, or where an external authority decides on that topic. A certain baseline is defined for each indicator because autonomy does not mean the absence of regulation.
  - One example is student selection. The baseline is the requirement that students have completed secondary education to apply to university. Therefore, this is not counted as a restriction in the scoring for this indicator. Rather, the focus is placed on whether universities have any influence on the selection (is the system based on free admission, can universities regulate admission in cooperation with external authorities, can they decide on their own?)
  - Another case is that of academic programme content design. In this area, national qualifications frameworks and other Bologna Process related developments are not considered restrictions to the academic autonomy of universities.
  - When addressing staffing autonomy, the Scorecard methodology only refers to senior academic staff and senior administrative staff, as the employment modalities tend to be more varied at other levels, including also temporary staff. Therefore, when a country profile says: 'all staff have civil servant status', or 'universities can decide on promotions for all staff', 'all' refers to senior academic and administrative staff only.

12 For the sake of readability, the individual profiles are called 'country profiles' rather than 'higher education system profiles'.

4. Challenges and constraints

The development of the original Scorecard raised several challenges, both in the collection and validation of data and the establishment of a robust methodology to measure, score and weight the different elements of autonomy.

4.1 Data collection

The data collection was a twofold process that entailed questionnaires and interview sessions. Individualised questionnaires (including responses provided in previous editions) were sent to the national rectors' conferences in December 2021. Spring and Summer 2022 were dedicated to the analysis of responses and 34 follow-up interviews.[13]

The interviews were deemed an imperative step of the data validation process to better understand the context and corroborate the information from the questionnaires. Prior to each meeting, individualised protocols were sent to the interviewees, which included the summary of the changes in the respective higher education system since the last update (or overall situation analysis if the system was newly added) and the questions structured around the autonomy dimensions, governance, and additional focus (academic freedom and European university alliances). Interview reports were subsequently sent to the national rectors' conferences for endorsement and further clarifications.

The final data validation phase spanned the third quarter of 2022 and consisted of a cross-system consistency check, which allowed for final data encoding.

4.2 Data consistency and interpretation

Monitoring all changes in national and legal frameworks in 35 higher education systems within a period of more than one year presented an enormous challenge due to ongoing reforms in some countries. Small changes in legislation can alter the picture markedly; conversely, large-scale reforms might not significantly affect the Scorecard indicators. Therefore, continuous updating, even after the data collection phase was considered completed, was necessary.

Secondly, a reliable comparison of university autonomy across borders is highly challenging. Autonomy is a concept that is understood very differently across Europe; associated perceptions and terminology tend to vary quite significantly. This is due not only to differing legal frameworks but also to the historical and cultural settings that define institutional autonomy in each country. Assigning a certain situation to one of the pre-defined restrictions proved very difficult in some cases. In order to enable general comparisons, complex and diverse situations had to be simplified, which may have led to specific situations in some systems being reflected in somewhat less detail than would have been desirable.

Data collection for the updates led to specific challenges related to data consistency and interpretation over a significant period. Three aspects must be underlined in this regard:

- **Treatment of previous data**: having been invited to consider the responses provided in 2010 and 2016 to indicate changes that had occurred since then, the national rectors' conferences sometimes indicated that they felt the need to adjust their responses retroactively, as in some cases they felt that the situation could be better reflected by selecting a different option in the questionnaire. The analysis intends to clearly differentiate between an adjustment of a previous score and a new score resulting from an actual change in the regulatory framework in the update. As a result, 2011 and 2017 scores have sometimes been adjusted and are signalled as such in the relevant country profiles. Follow-up interviews particularly sought to identify and distinguish evolving interpretations from actual changes in the regulatory frameworks and practices.
- **Discrepancies between legal provisions and practice**: the data collection and validation process revealed that there were cases in which the practice deviated from the law, which raised methodological challenges. Since the questionnaire analyses and builds on the legal framework of the relevant system, it was decided that the law would take precedence over the institutionalised practices. As an example, where the law allowed universities to own real estate, but institutions in practice did not, the situation was assessed as 'universities are free to own buildings'. If the law stipulated that universities may sell their properties, but it was rather complicated for universities to do so in practice, the analysis retained the legal base. Whenever possible, the specificities of each situation were addressed in the corresponding country profile.

13 One interview covered three German systems; thus 34 interviews were conducted in total.

- **Methodological limitations**: while neither the Autonomy Scorecard nor any other existing methodology could holistically measure a concept as multifaceted as autonomy, data integrity and consistency were always prioritised. The present analysis revealed that the methodology was challenged by the fact that not only could certain developments not be captured properly, but reality could be misrepresented to some extent when applying scoring. Given the awareness of these factors during the data collection, special care was taken to flag and spotlight those situations where the methodology could not capture otherwise significant changes.

Flagging limitations and providing contextual information is the approach taken regarding Türkiye, in particular with regard to organisational autonomy. The involvement of public authorities in university governance is extensive and stands out as an exception in Europe, Türkiye being the sole case where the rector's selection is not in the hands of universities themselves. While the situation is technically outside of the possible configurations envisaged by the Autonomy Scorecard, it was deemed that contextual information allowed an adequate depiction of the situation. Therefore, the resulting score in organisational autonomy should be considered in this light, as also the other dimensions of institutional autonomy.

The case of Hungary, as explained above, is different. Indeed, the nature of changes to the legal framework in Hungary led EUA to take the decision to exclude the system from its comparative analysis (i.e. no scoring). This is due to the unique features of the new governance model of Hungarian universities: the interpretation of the nature of the board of trustees can fundamentally affect the scoring of most of the autonomy dimensions, leading to incompatible results that do not help apprehend the concrete effects of the reform on university autonomy.

4.3 Selecting, scoring and weighting indicators of autonomy

Institutional autonomy cannot be measured objectively, and the development of a Scorecard for the four autonomy areas was necessarily going to be a complex and delicate task. Several normative decisions were taken, especially in the selection of the indicators, the allocation of deduction values to individual restrictions and the design of a weighting system, which attributes different values of importance to the autonomy indicators.

The selection of indicators and restrictions reflects an institutional perspective. EUA's collective and individual members provided input which guided the choice of indicators and clarified which regulations were perceived as restrictions on institutional autonomy. Despite the diversity of higher education systems in Europe, there was a coherent view on which indicators should be included in the Scorecard.

It should also be stressed that institutional autonomy does not mean the absence of regulations. All higher education systems need to set a regulatory framework in which their universities can act. For instance, systems need rules to ensure quality standards and determine the terms of public funding. In many of these areas, EUA has developed policy positions that reflect the view of the university sector. In the area of quality assurance, for example, EUA's positions provide a starting point in determining which quality assurance measures should be considered appropriate; measures that are in line with these policy positions are not regarded as restrictive and hence not assigned a deduction. Similarly, in the area of staffing autonomy, a country's labour law regulations are seen as a basis for university staffing policies and only specific regulations for higher education institutions or linked to civil servant status are treated as restrictions.

4.4 Rating and ranking systems

When the data for all systems is fed into the scoring and weighting system, results are displayed in a ranking order. The specific position of a system within the ranking should not be given excessive importance. The Scorecard also shows systems organised into four groups, based on their score, in order to enable a more detailed comparison and analysis of the results, per autonomy dimension. With scores expressed in percentages, the clusters are as described in Table 2.

Table 2 Autonomy clusters

Score	Cluster
100% to 81%	High cluster
80% to 61%	Medium high cluster
60% to 41%	Medium low cluster
40% and under	Low cluster

4.5 Autonomy and accountability

The Scorecard evaluates the relationship between the state and institutions and analyses how this relationship is shaped through specific rules and regulations. This also includes accountability measures, which are established in return for increased institutional autonomy. For instance, quality assurance processes are an important way of ensuring accountability. While there needs to be a framework for appropriate quality assurance processes, associated regulations can be burdensome and restrictive. By analysing whether universities can freely choose quality assurance mechanisms and providers, the Autonomy Scorecard aims to assess whether existing quality assurance systems can be considered appropriate.

There are additional aspects of accountability which cannot be measured through the scoring methodology, but which can nevertheless represent burdensome and inappropriate measures. The country profiles, with their additional description and a section laying out the views of the sector, aim at providing additional information complementing the scoring.

Despite these constraints and challenges, the Scorecard provides detailed and comparable information on the status of institutional autonomy in 35 higher education systems.

Chapter 2

The state of university autonomy in 2022

This chapter delves into four dimensions of university autonomy in 35 European higher education systems (see Table 1) in 2022. The chapter describes the indicators and current state of play. Changes and developments within the systems are highlighted and showcased.

ORGANISATIONAL AUTONOMY

- Selection procedure for the executive head
- Selection criteria for the executive head
- Dismissal of the executive head
- Term of office of the executive head
- Inclusion and selection of external members in governing bodies
- Capacity to decide on academic structures
- Capacity to create legal entities

FINANCIAL AUTONOMY

- Length and type of public funding
- Capacity to keep surplus
- Capacity to borrow money
- Ability to own buildings
- Ability to charge tuition fees for national/EU students
- Ability to charge tuition fees for non-EU students

STAFFING AUTONOMY

- Ability to decide on recruitment procedures (senior academic/ senior administrative staff)
- Ability to decide on salaries (senior academic/senior administrative staff)
- Ability to decide on dismissals (senior academic/senior administrative staff)
- Ability to decide on promotions (senior academic/senior administrative staff)

ACADEMIC AUTONOMY

- Capacity to decide on overall student numbers
- Ability to select students
- Ability to introduce programmes
- Ability to terminate programmes
- Ability to choose the language of instruction
- Capacity to select QA mechanisms and providers
- Ability to design content of degree programmes

1. Organisational Autonomy

With regard to organisational autonomy, the Scorecard focuses on the following aspects: the university's capacity to define its leadership model, the composition and structure of its governance, internal academic structures and the possibility to create legal entities. In this update, the capacity of universities to autonomously make changes to their statutes is also considered, albeit not an indicator under the Scorecard methodology (and therefore not factored into the scoring).

1.1 Executive leadership

Selection of the executive head

The selection procedures for the executive head[14] vary from country to country. The procedures, which fall into four basic categories, are as follows:

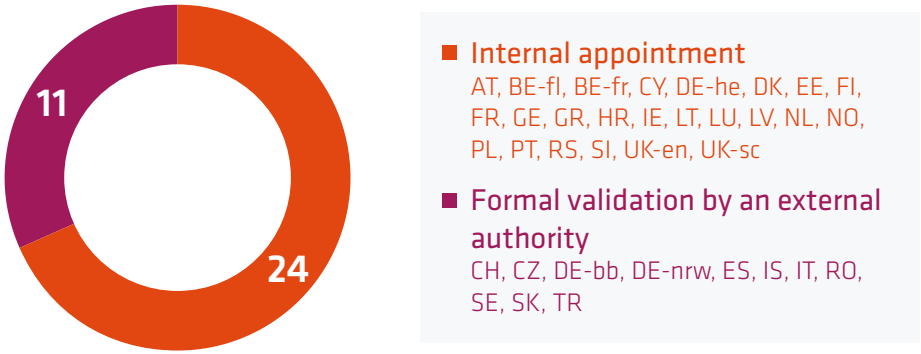
- **Election** by a specific electoral body, which is usually large, representing (directly or indirectly) the different groups of the university community (academic staff, other staff, students), whose votes may be weighted;
- **Election** by the governing body, which is democratically elected within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

The selection of the executive head may have to be validated by an external authority. This applies to one third of the systems considered. In these cases, the appointment is confirmed by the ministry or minister for higher education, and sometimes by the highest public authority (such as the country's head of state). In most cases, however, this validation remains a formality. For instance, in Czechia, the senate selects the rector, who is formally appointed by the president.

Nevertheless, this validation process can, at times, be more than just a mere formality. For example, in Romania most universities elect the rectors via referendum and the result must be approved by the ministry.

While the ministry is not entitled to change the outcome of the election per se, there have been cases when the ministry disapproved of the candidate, and the university was asked to rerun the process.

Graph 1 Executive head appointment



The Turkish case stands out as a notable exception, as it does not fit any of above-mentioned categories. Since 2018, the president exclusively selects and appoints the rectors of both public and foundation universities. Türkiye was already a special case in the first Scorecard edition regarding the appointment of rectors. At state universities academic staff would elect six candidates, three of whom would be retained by YÖK, the Turkish Council of Higher Education (whose members were also appointed by the president). Out of these three, the president could choose whom to appoint. Due to this exceptional situation, Türkiye already received the lowest possible score for this indicator in the first edition of the autonomy Scorecard. However, the current situation has degraded to the point where the president now selects and appoints the rector without any election process at the university. This practice does not exist in any other system in Europe.

In the remaining systems, the selection procedure is an internal matter and does not need to be validated by an external authority.

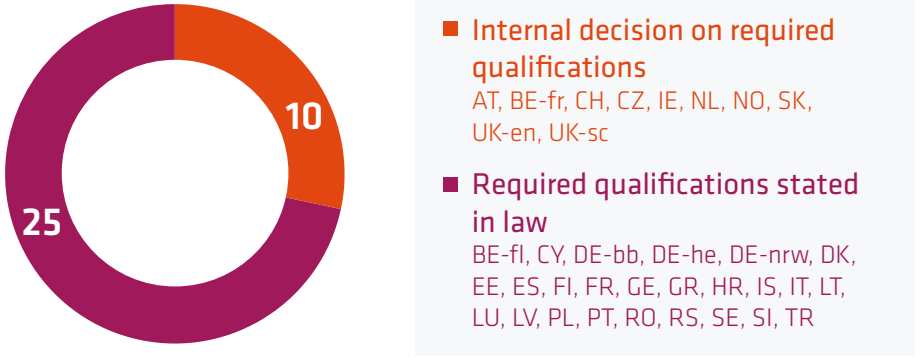
14 The executive head may be referred to as rector, vice-chancellor, provost, president, principal or similar.

Changes in this regard have only been registered in Latvia, Luxembourg, and the Netherlands. In Luxembourg, the election process for the executive head was changed in 2018 and has become a purely internal matter, while previously the process was fully external. Similarly, in the Netherlands, the minister no longer approves the appointment of the president of the university; however, the process may still involve informal consultation. As per the governance reform in Latvia, the newly created council as well as the constitutional assembly are both involved in the selection and appointment of the rector. The cabinet of ministers no longer validates the nomination of the rector.

Qualifications of the executive head

Provisions regarding the qualification requirements for the rector are specified by law in roughly two thirds of the systems. Where universities may decide on selection criteria for their executive head, conditions for eligibility feature in the university's own statutes or stem from common practice, rather than from legal prescriptions.

Graph 2 Executive head selection criteria



The most common legal requirement, which applies in 16 systems,[15] is the need for the rector to hold an academic position. Only rarely does the law require a doctoral degree alone (and not in combination with holding an academic position).[16] In six systems,[17] the law explicitly requires the candidates to be employed at the institution that issued the vacancy, although this also tends to be a frequent practical requirement elsewhere.

Further specifications include demonstrated managerial competencies, international experience, or age limits. For instance, in Georgia the candidate for rectorship must not be over 65 years old, whereas the age limit is 69 in Poland and 67 in Türkiye.

The analysis reveals that there has been a tendency to prescribe rather broad and abstract criteria, such as knowledge, experience, or reputation.[18] For example, in Austria the executive head must have a good knowledge of the European and Austrian higher education systems. The Latvian higher education law requires the rector to have a C1 level in the Latvian language, which in effect deprives foreign candidates of the chance to apply.

Change in this regard has been observed in Slovenia, where the law introduced selection criteria and now stipulates that the candidate must hold an academic position and come from within the university, while previously there was no selection criterion.

15 BE-fl, CY, DK, EE, ES, FR, GR, HR, IT, LU, LV, PT, RS, SE, SI, TR

16 In all cases in which the law cumulatively prescribes the criteria of academic position on top of an academic degree, the Scorecard only registers the following: "the law states that the executive head must hold an academic position".

17 BE-fl, CY, ES, GR, RS, SI

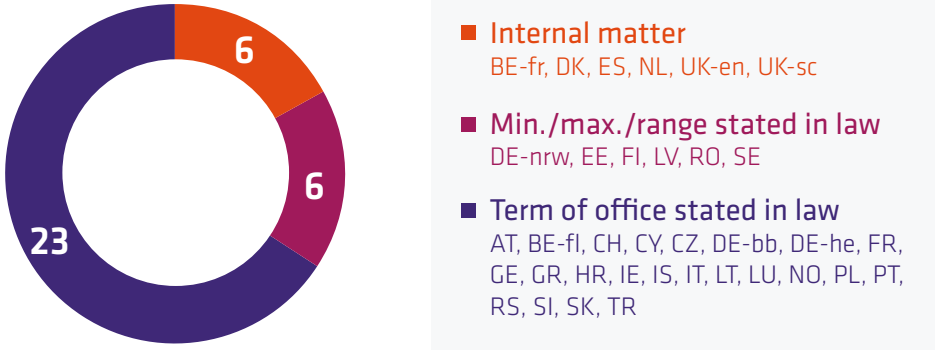
18 The Scorecard methodology does not register abstract criteria such as reputation, good knowledge, experience as restrictions.

Term of office and dismissal of the executive head

The rector's term of office is stated in the law in a large majority of the systems, either as a fixed duration or as a maximum period. The term typically ranges from four to six years, and it is often renewable once. Ranges are specified in law in Estonia, Finland, Latvia, Romania, and Sweden. Only in a minority of systems (six) are institutions able to freely determine the length of the term of their executive heads, among which is Scotland (See Graph 3).

Changes in this respect have been recorded in Estonia; owing to a recent governance reform, the law now prescribes a maximum range of five years for the term of office instead of specifying an exact term.

Graph 3 Executive head term of office

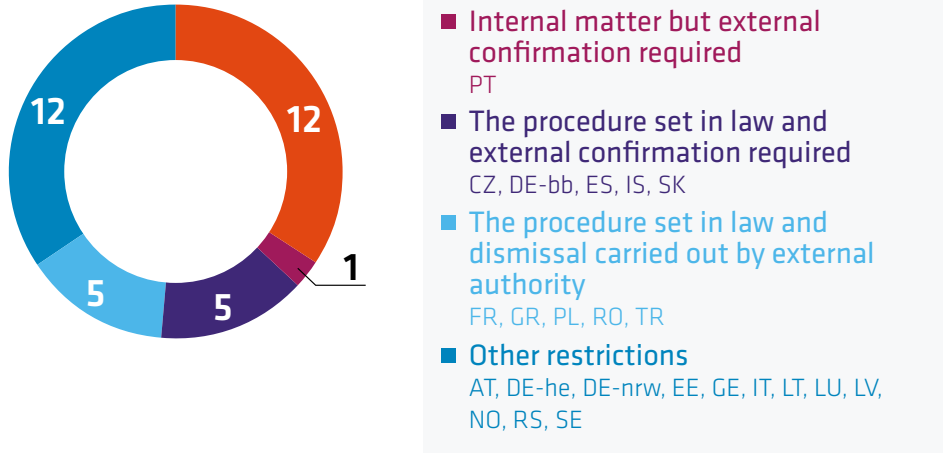


Dismissal is a key factor when assessing the rector's accountability to the institution and to other stakeholders. The involvement of external authorities in this process may be an indicator of the existing dynamics between the university and the state around trust and accountability. The law does not contain provisions regarding the rector's dismissal in one third of the systems considered, leaving it as an internal matter to the institutions.

In the remaining systems, the dismissal of the executive head is more or less tightly regulated: external involvement may be limited to confirming the dismissal, mirroring the validation of the rector's nomination. However, the law may also specify the procedure to be followed.[19]

In systems like France, Greece, Poland, Romania, and Türkiye, the dismissal is carried out by an external authority, yet the modalities are different. For example, in Romania, the minister is entitled to recommend the dismissal of the rector on grounds of law-breaking to the university senate, and if the latter disapproves, the ministry may dismiss the rector single-handedly. There have been several occurrences of the Polish ministry dismissing university rectors. As mentioned above, the Turkish case remains unique as the president has the sole discretion to select, appoint, and dismiss the rector of all universities across Türkiye.

Graph 4 Executive head dismissal



19 Under the Scorecard methodology, legal provisions placing the responsibility for initiating the dismissal process with a given governing body of the institution are not regarded as 'restrictions'. Provisions regarding the process itself, however, are (e.g. special voting thresholds).

Other restrictions regarding dismissal vary from system to system. For instance, in Sweden the ministry may decide to appoint a rector to other public functions. While the dismissal is an internal matter in Serbia, the inspector (an authorised person) has the discretion to intervene and dismiss the rector on the grounds of legal non-compliance.

1.2 Statutes

The term 'statutes' refers to the documents that set out the organisational principles and *modus operandi* of an institution. It can be also understood as the main guiding document detailing rules and processes that are not regulated in the law. The governance of the universities must comply with the law as well as the statutes. In most of the systems, the statutes further specify rules regarding the appointment of the executive head and the governing bodies. Therefore, having ownership over statutes, meaning adopting and/or modifying the statutes without external interference, can be another expression of institutional autonomy, in particular over organisational and governance matters.[20]

In more than half of the systems universities may change and adapt their statutes independently, whereas the rest requires approval from an external authority. In most cases, approval is a formality to ensure that the statutes comply with the law. Procedures may nevertheless differ. In Latvia, statutes known as the university constitution are amended and approved internally. They must be then sent to the ministry for ex-post approval. The latter may accept or repeal it on the grounds of legal non-compliance. In Georgia, on the other hand, universities may adopt or change statutes only after formal approval.

The validation process may also involve several authorities, as is the case for the three public Cypriot universities. The Ministry of Education, Ministry of Finance and the Law Office of the Republic of Cyprus must all comment on the documents before the House of Representatives approves the statutes.

In some systems, the universities may adopt and modify their statutes, but they still have the duty to notify the authorities and make the information public. For instance, in Czechia, the universities must notify the ministry and register the change. In Türkiye, universities must publish the changes in the official journal.

20 In Sweden and Luxembourg, universities do not have institutional statutes as such.

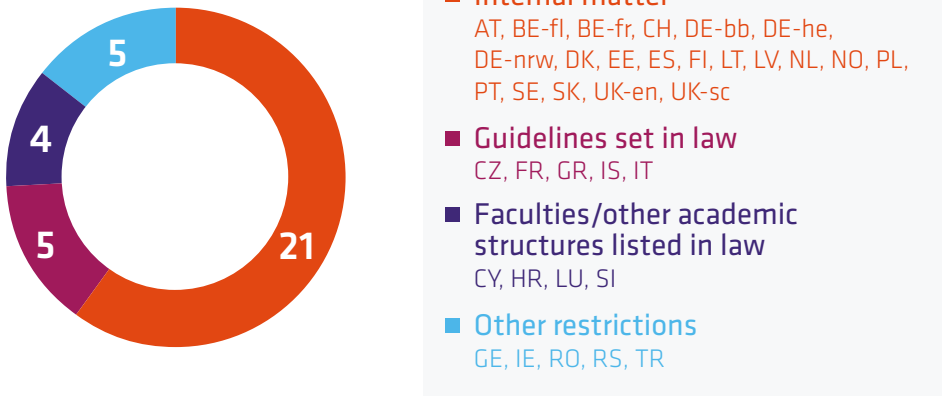
1.3 Internal academic structures

Universities are essentially free to determine their internal academic structures in around two thirds of the systems considered. Although in some of these systems, certain legal provisions concerning organisational units exist, these were not regarded as significant restrictions to institutional autonomy.

In five countries (see Graph 5), universities must adhere to guidelines established in law. While the number and name of academic units may not be specified, other restrictions nevertheless apply. The law may state that universities must have faculties, departments, schools, or research institutes, and describe governance arrangements.

In Croatia, Cyprus, Luxembourg, and Slovenia, academic units are listed by name in the law. In these systems, the universities are unable to establish new faculties and departments or restructure existing ones without amending the law. In all these cases except for Luxembourg, faculties are historically established entities that retain significant autonomy vis-à-vis the rectorate in relation to funding, staffing matters and strategic decision-making.

Graph 5 Ability to determine internal academic structures



In Türkiye, the Council of Higher Education decides directly on the matter, but universities may make proposals. While in Ireland the universities, though free to set up their academic structures, are subject to the control of remunerations by government (which uses a more detailed description of functions than before). This is seen as a constraint, limiting the ability of universities to create certain executive positions and thus academic units. In the Serbian case, approval from the ministry is still mandatory in practice, in the sense that creating the academic structure is closely tied to funding.

The situation has changed in the Slovak system. Because of the 2022 reform, the universities are free to decide on their academic structures.

1.4 Creating legal entities

The capacity to create independent legal entities carries strategic importance, as it enables universities to transfer knowledge as well as engage in entrepreneurial activities and international collaborations. EUA's 2022 report, *Universities as key drivers of sustainable innovation ecosystems*,[21] provides evidence that Technology Transfer Offices and spin-off companies have become an integral part of universities amid increased focus on commercialisation and entrepreneurship.

Such entities contribute to making universities more resilient and innovative, expanding their outreach.

While all systems allow universities to create non-profit entities, about two thirds extend this possibility (without specific constraints) to for-profit legal entities. In countries like Cyprus, Greece, and Türkiye, universities may only establish non-profit entities.

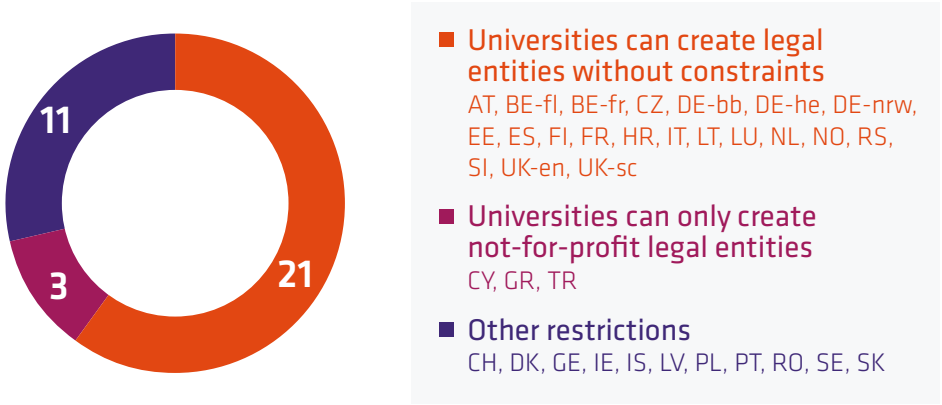
Other restrictions may also apply, in relation to the scope of activities considered, the need to obtain ministry approval, or the procedure to be followed. Portuguese universities may establish both types of legal entities, supported by their own income and if their object is directly related to the completion of the university's missions.

Swedish universities are not entitled to sign legally binding contracts with residential or foreign entities, without obtaining preliminary parliamentary approval (particularly when the agreement may entail transfer of Swedish funds to entities abroad).

In Romania, the state is considered the major shareholder, and if the university-based spin-off company makes a profit, the money is transferred to the state. Thus, universities have no financial incentive to open up such entities. In Switzerland, the situation varies, and the Cantonal law may stipulate different restrictions.

In 2021, Slovenia's new Research and Innovation Act lifted restrictions around legal entities, with a view to promote a spin-off culture at universities. Subsequently, the universities have been free to open non-profit as well as for-profit legal entities.

Graph 6 Ability to create legal entities



Whilst Polish universities were previously entitled to create limited liability or joint-stock companies for indirect commercial reasons, to acquire shares and assets, they may now only create limited companies –a special-purpose vehicle for indirect commercial reasons which mitigates financial risks. Despite the limitation, this new entity is better tailored to the universities' specificities and enables profit making, whereby the universities are 100% shareholders.

21 Kozirog, K., Lucaci, S.-M., and Berghmans, S. (2022), *Universities as key drivers of sustainable innovation ecosystems. Results of the EUA survey on universities and innovation*, European University Association, p.17

1.5 Governing bodies

Governance structures

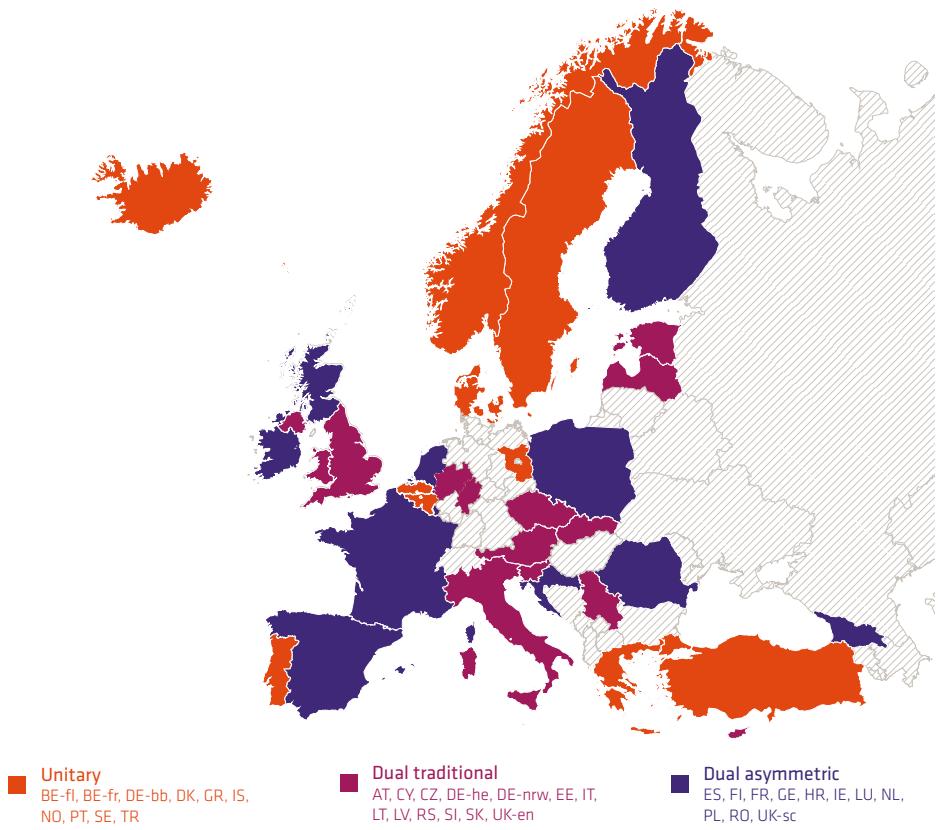
Within the framework of the Autonomy Scorecard, two types of governance structures have been conceptualised: dual and unitary. Dual governance structures comprise a board- or council-type body, which is usually limited in size as well as populated by multiple interest groups, and a senate-type body. Although the terminology varies considerably, the senate is often a wider body representing the academic community and, to some extent, other categories of university staff. Competences are clearly divided between the board/council and the senate. While the Autonomy Scorecard acknowledges the diversity of the consultative organs across systems, including, for example, a constitutional assembly in Latvia, or a social council in Spain, the classification only refers to internal bodies with significant decision-making capacity.

The scope and division of responsibilities between governing bodies may vary considerably between higher education systems. Two sub-types may be outlined: so-called 'traditional' dual governance structures, and 'asymmetric' dual structures.

In a 'traditional' dual structure, the board/council is often responsible for long-term strategic decisions, such as statutes, strategic plans, the selection of university leadership and budget allocation. The senate is entrusted with academic issues, such as curricula and research, and may also have competence over academic careers. It consists mainly of internal members of the university community. Typically, it comprises a majority of representatives of academic staff and may also include students and administrative staff.

In an 'asymmetric' dual structure, one of the bodies can be identified as the main decision-making organ, while the second one has more restricted competences and/or a narrower scope of interest. This second body is nevertheless more than a consultative organ.[22] The fine line between the unitary and dual asymmetric models calls for extra clarification. The border lies in the power dynamics and interplay. In the context of the unitary model, the exclusive decision-making power is vested within one governing body, whereas the other may only provide an opinion on certain issues. In the dual asymmetric model, the decision-making capacity is explicitly divided, yet to a varying degree.

Map 1 Governance structures



Since the previous edition of the Autonomy Scorecard, several systems have undergone large-scale, substantial governance-related reforms. The systems featuring dual governance structures remain the majority across Europe, while unitary governance models are fewer. This is part of a broader trend of strengthening board-type bodies.

22 Where governance structures include bodies with mainly consultative functions, alongside the decision-making body/bodies, the former are not taken into account to determine the type of governance structure.

In the 2017 Autonomy Scorecard, only a few systems organised university governance around senate-based unitary models. Out of four systems – Brandenburg, Estonia, Latvia, and Poland – three had evolved as dual models by 2022. Estonian and Latvian universities have fully adopted the dual traditional model, whereas the 2018 reform in Poland introduced a dual asymmetric model. As a result of the governance-related reform in Estonia, a council (board-type body) was set up in each university, which includes internal and external members and is entrusted with funding and strategic oversight. The university senate remains responsible for academic matters.

The governance reform in Latvia introduced a council (board-type body), comprising internal and external members. The new model divides tasks between the council and the senate, insofar as the former is responsible for the funding and strategic oversight, and the latter remains in charge of academic affairs. In addition, the selection and appointment of the rector now rest with the council and the constitutional assembly, whereas the dismissal decision rests with both senate and council.

In a similar vein, a large-scale reform was passed in Poland in 2018. It introduced the council in university governance, which provides an opinion on the budget, strategy, and statutes, and monitors financial management. The senate still retains the main decision-making capacity and has competences in strategy, budget, and academic areas, including nominating the candidates for the council. Unlike Estonia and Latvia, the appointment of external members is fully controlled internally, by the senate.

Among the analysed systems, only the universities from Brandenburg, Türkiye, and Greece retain senate-based unitary structures. Across Europe, university governance paradigms have been shifting, for the benefit of more diverse, representative, and outward-looking governing bodies.

Only a handful of systems featuring dual governance models retain the senate as a main governing body – this is the case in Croatia, Poland, and Romania. In Slovakia, the governance structure of the universities has evolved from senate-based, dual asymmetric to dual traditional model, insofar as the competences of the board of trustees have been strengthened by the 2022 reform.

While the governance structures of universities bear certain similarities in England, Ireland, and Scotland, there are also significant differences. Governance of English universities can be categorised as dual traditional, whereas the Irish and Scottish systems use board-based dual asymmetric models. The central decision-making competence belongs to the governing authority in Ireland, and to the university court in Scotland. On the other hand, the senate, in both cases, retains academic-focused competences.

Dutch universities, an exception, retain atypical dual governance structures, whereby the executive board is the main decision-making body, and the supervisory board has limited capacity. Nevertheless, the Enhanced Governance Powers Act, passed in 2016, aimed at empowering other internal bodies, and thus decentralised certain aspects of university governance, with specific powers being devolved to students and work councils as well as the education and exam committees.

Some systems continue to present specific characteristics as far as governance structures are concerned.[23] In Austria, the law defines the rectorate as a collegial governing body on an equal footing with the board/council- and senate-type bodies. Spanish universities retain a large 'social council', a body that supervises the economic activities of universities and the performance of its services, in addition to a board and senate. It is responsible for approving the budget and the longer-term financial plans of universities.

University governance often comprises other bodies that may have competences in specific areas or may be consulted in the decision-making process. As an example, in Czechia, apart from the board of trustees and the senate, which are the main decision-making bodies, the scientific board and the internal evaluation board feature as auxiliary governing structures. These bodies notably have competences connected to degree programme accreditation.

External members in governing bodies

The inclusion and appointment of external members is an important aspect of a university's governing model. When institutions can include external members, the selection can be carried out by the university itself and/or by an external authority.

23 In Switzerland, different cantonal universities have different structures, insofar as some Swiss universities have dual governance structures and some are characterised as senate-based unitary systems. Hence, the Swiss system is omitted from general categorisation.

The ability to decide on the inclusion of external members in university governing bodies is uncommon. Only in England are universities free to decide whether to include them. Nonetheless, the Higher Education Code of Governance contains provisions on the composition of the main governing body, expecting universities to include both internal and external members. While the nature of the Code of Governance is non-compulsory per se, universities are still obliged to follow it to some extent to be registered at the Office for Students.

Failure to demonstrate that the running of the institution is based on good governance and management can lead to sanctions of varying types, according to the degree of incompatibility.

In Brandenburg, Georgia, Greece, Romania, and Türkiye, universities remain unable to include external members in their governing bodies. It is noteworthy that universities from Latvia and Poland were previously also restricted in this regard. With the recent reforms, universities in both countries are now required to include external members in their governing bodies, as is the case in the rest of Europe.

External members make up varying shares of the governing bodies in which they are present. Out of the 30 systems concerned (See Graph 7), external members make up the majority in half of the cases. A number of systems legally establish their participation at roughly one-third, or less, of the main governing body (as in Belgium, France, or Italy). As an example, they make up about 30 % of the governing body in Portugal.

A governing body may be exclusively composed of members external to the university, as is the case of the board-type body in Austria, Czechia, Hesse and the Netherlands. The board of trustees in Slovakia may be composed solely of members selected from outside of the university, although the member nominated by the student part of the senate could also be selected from within the institution. It is worth noting that the composition of the board at the University of Luxembourg has changed, insofar as the board is no longer exclusively populated by external members and now includes two internal members.

The appointment of external members follows four main models. Universities may be free to appoint external members of their governing bodies. External members may be put forward by the institution but appointed by an external authority. Alternatively, some of the members may be appointed by the university, and some by an external authority. Finally, an external authority may decide on the appointment of external members.

Universities from seven systems (See Graph 7) can freely appoint external members, among which are the English and Scottish universities. The situation in this regard has changed in Denmark and Estonia. Danish universities can still autonomously select and appoint their external members, with the caveat that the nomination of the chair requires ministerial approval since 2017.

The 2022 legal amendment in Ireland decreases the number of members of the governing authority (a board-type of body) from 40 to 19, in the name of enhanced accountability and effectiveness. In this new model, the external members will make a majority and three out of nine will be nominated by the ministry. Currently, the law prescribes that the governing authority should comprise academic, non-academic staff, student representative and doctoral candidates, as well as external members that represent alumni, trade unions, businesses, industry and other relevant organisations.

The recent governance reform in Latvia that introduced a council for the first time also enabled the participation of external members. Five out of 11 members[24] are appointed by the ministry, and one member is directly nominated by the president, whereas the rest are nominated by the university senate. Not only do the external members in the council make up the majority but if the senate decides so, the council could be populated by only external members.

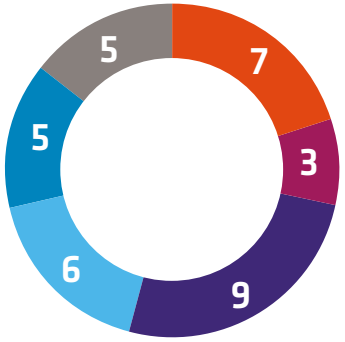
Based on the recent reform in Estonia, the appointment of the external members, who form a majority in the board, is vested within the ministry and the Estonian Academy of Science, which also requires final approval from the government.

24 The total number of council members depends on the type of university. The research universities tend to have 11 members in their councils.

There are often rules regarding the types of external members that may be appointed, and their distribution may also be regulated. Typically, external members include representatives of public bodies (whether local, regional, or national), chambers of commerce, the business sector in general, and other research and higher education institutions. In some systems, there is a tendency to select alumni as board members. Universities that can select external members are able to attract profiles and competences that suit the strategic positioning of the institution. There does not tend to be provisions prohibiting the inclusion of foreign external members in the governing bodies, although this remains a rare practice, mostly for reasons linked to the language used in the meetings of these bodies. For instance, in Latvia, only a small fraction of all higher education institutions' council members could be considered foreign/international.

Also, in some systems, in addition to the special competences, gender distribution must be respected. In Ireland, on account of the recently passed bill, all external members will be appointed based on a competence matrix while respecting gender balance regulations. In Austria, the recent legal amendment holds the government accountable to justify the selection of external members. Yet, there is no mechanism established in case this requirement is not met.

Graph 7 External members in governing bodies



- Universities can appoint external members
  FI, IT, LT, PL, PT, UK-en, UK-sc
- Universities cannot appoint external members themselves but make proposal
  CZ, NO, SE
- Universities can appoint part of the external members
  AT, BE-fr, CY, DE-he, FR, HR, IS, SI, SK
- Universities do not control the external members appointment process
  CH, EE, ES, LV, NL, RS
- Other appointment process
  BE-fl, DE-nrw, DK, IE, LU
- Universities cannot include external members
  DE-bb, GE, GR, RO, TR

2. Financial autonomy

ORGANISATIONAL AUTONOMY

- Selection procedure for the executive head
- Selection criteria for the executive head
- Dismissal of the executive head
- Term of office of the executive head
- Inclusion and selection of external members in governing bodies
- Capacity to decide on academic structures
- Capacity to create legal entities

FINANCIAL AUTONOMY

- Length and type of public funding
- Capacity to keep surplus
- Capacity to borrow money
- Ability to own buildings
- Ability to charge tuition fees for national/EU students
- Ability to charge tuition fees for non-EU students

STAFFING AUTONOMY

- Ability to decide on recruitment procedures (senior academic/ senior administrative staff)
- Ability to decide on salaries (senior academic/senior administrative staff)
- Ability to decide on dismissals (senior academic/senior administrative staff)
- Ability to decide on promotions (senior academic/senior administrative staff)

ACADEMIC AUTONOMY

- Capacity to decide on overall student numbers
- Ability to select students
- Ability to introduce programmes
- Ability to terminate programmes
- Ability to choose the language of instruction
- Capacity to select QA mechanisms and providers
- Ability to design content of degree programmes

2.1 Allocation of public funding

Modalities of public funding to universities vary greatly throughout Europe. In most systems, however, universities receive basic recurrent public funding to cover their core activities through a block grant. Block grants are understood as financial grants that cover several categories of expenditure, such as teaching, operational costs, and/or research activities. In such a framework, and irrespective of the parameters used to determine the amount of the grant,[25] universities are free to internally divide and distribute their funding according to their needs, although some restrictions may still apply. Public funding arrangements remain set in a broader framework, including funds awarded on a competitive basis, specific large-scale funding streams, and direct targeted/earmarked funding mechanisms for pre-defined purposes. Nevertheless, block grants are, in most cases, the main method of distributing public funding to universities in Europe.

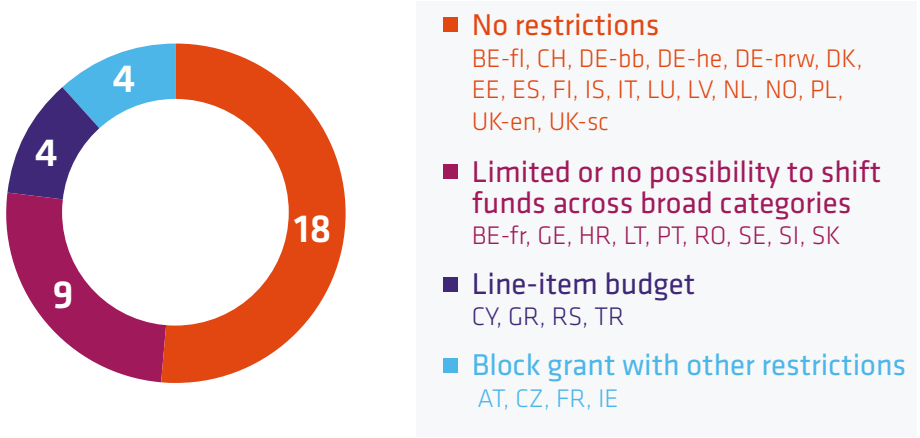
By contrast, in a line-item budget, the ministry or parliament pre-allocates university funding to cost items and activities. Institutions are thus unable to distribute their funds or may only do so within strict limitations. Line-item budgets remain an exception in Europe, in use in Cyprus, Greece, Serbia and Türkiye. However, in some cases, block grants remain heavily regulated and subdivided in such a way that the actual margin for strategic financial management is anecdotal.

Roughly half of the systems allow universities to allocate their funding internally without specific restrictions. In some cases, universities receive a block grant that can be freely allocated, although specific restrictions/situations apply. For instance, French universities receive their core grant via different 'envelopes'; while the university board can decide to move funds across categories, this is not possible for earmarked resources such as investment credits.

In nine systems (See Graph 8), the block grant may be divided into broad categories, such as teaching, research, infrastructure, salaries, operational costs, or investments. As a rule, there are limited possibilities for the universities to move funds between these categories although situations cover a wide spectrum. In Poland, universities no longer face restrictions on internal funding allocation, while previously research funding was allocated directly to the faculties.

25 For an overview of funding models and parameters used to determine block grants in European higher education systems, and recent reforms in this area, Bennetot Pruvot E. and Estermann,T. (2002), *Allocating core public funding to universities in Europe: state of play & principles*, European University Association.

Graph 8 Internal funding allocation



By far the most common funding period remains one year. The funding period is longer only in Austria, Brandenburg, and Luxembourg. There, budgets are decided upon for three, two and four years, respectively. However, it should be noted that the annual budget is increasingly framed within a longer-term contract agreed between the ministry and universities, in which the rights and responsibilities of the institution – regarding resources and student numbers, for instance – are set down, with possible annual adjustments. Most European higher education systems now make use of such contracts/agreements, although they come in different formats and their relevance to the overall funding model varies.[26]

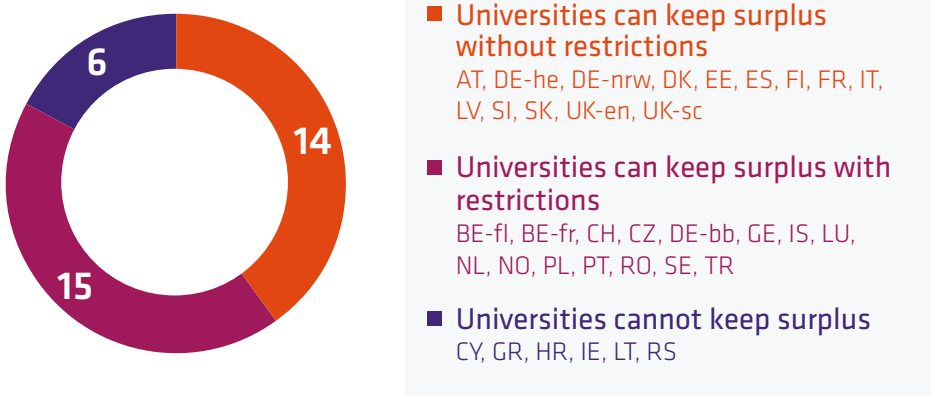
2.2 Keeping surplus on public funding

An overwhelming majority of the systems surveyed allow universities to keep a surplus on public funding, although some type of restriction often applies. Restrictions typically include the need to secure the approval of an external authority (including via the integration of the surplus in the new annual budget procedure), a maximum limit, or some type of pre-determination of the activities on which the surplus may be spent. Retaining surplus on public funding (regardless of rules regarding other types of funding) continues to be forbidden in six countries (CY, GR, HR, IE, LT, RS).

26 Bennetot Pruvot E. and Estermann,T. (2002), *Allocating core public funding to universities in Europe: state of play & principles*, European University Association.

Recent changes in this area concern Iceland and the Netherlands. Modalities have evolved in Iceland, where, since 2017, surplus on public funding may be kept without requiring a ministry authorisation up to 10% of turnover. Dutch universities may also keep surplus on public funding up to a maximum limit, which is set by the Inspectorate of Education. That limit is fixed based on several elements (e.g. size, solvency resistance). This approach derives from that applied to primary and secondary education institutions and is more restrictive than what was previously registered in the Scorecard.

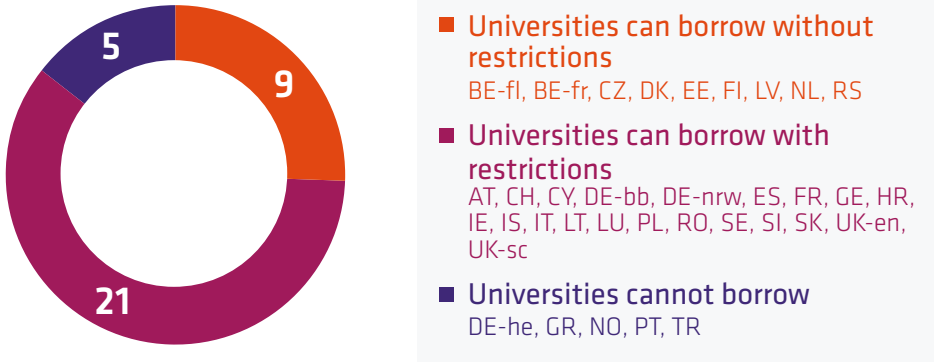
Graph 9 Ability to keep surplus on public funding



2.3 Borrowing money

Borrowing remains an often strictly regulated matter. One quarter of the systems analysed authorise universities to borrow without imposing specific restrictions. The two most frequent types of such restrictions are the need to secure the approval of an external authority, and a pre-determined maximum percentage for borrowing. Since 2016, Austrian universities require the authorisation of the responsible federal minister for loans exceeding €10 million. In Switzerland, situations vary, and universities may need the approval of the cantonal authorities. Brandenburg and Sweden let universities borrow exclusively from state-owned banks. Borrowing is not allowed for French universities since 2013. However, there are exceptions for durations shorter than a year and for loans by the European Investment Bank in the framework of the 'plan campus' (support scheme focused on improving campus infrastructure). In highly decentralised universities, as in Serbia, each member of the university (faculties, institutes, rectorate) are separate legal entities, and any borrowing conditions would be defined directly between the legal entity and the bank. In Ireland, while the universities governed by the 1997 University Act are allowed to borrow for capital expenditure purposes, the technological universities are currently prohibited from doing so.

Graph 10 Ability to borrow money



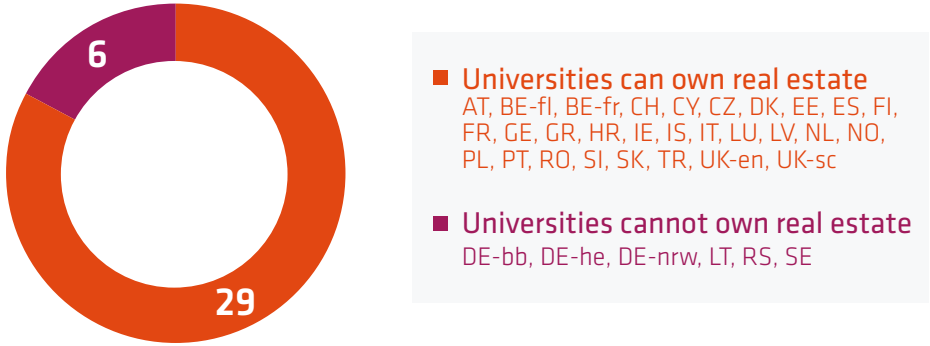
2.4 Ownership of land and buildings

The capacity of universities to autonomously buy, sell, and build facilities is linked to their freedom to determine their institutional strategy and academic profile. Campus management, and the capacity to make decisions in this area, also form an integral part of universities' investment decisions towards greener and more sustainable campuses.[27]

However, high maintenance costs or restrictions associated with historical buildings may deter universities in some systems from owning their facilities.

The large majority of systems make it possible for universities to own buildings. Exceptions include the three German states considered in the update: Brandenburg, Hesse, and North Rhine-Westphalia, as well as Serbia and Sweden. The rule in Lithuania remains that universities cannot sell buildings; however, universities may now ask for government authorisation to transfer property under specific conditions. In this case, the income generated through the sale must be invested into core activities of the university.

Graph 11 Ownership of university buildings



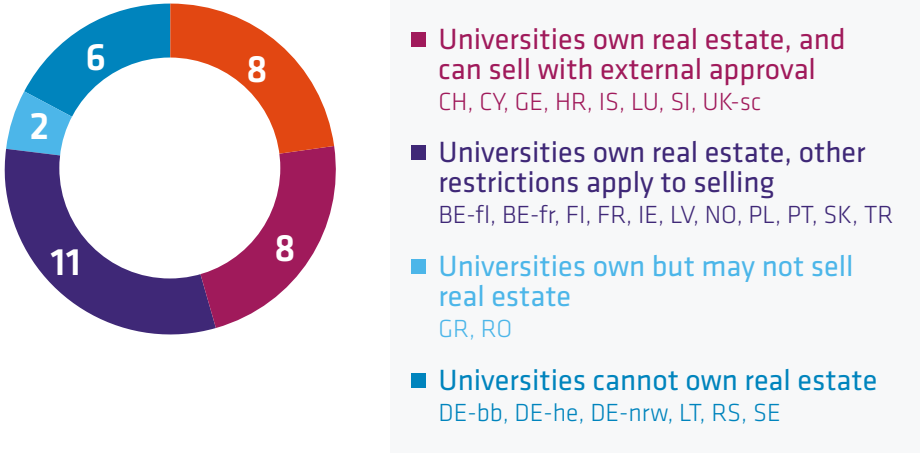
27 Bunescu, L. and Estermann, T. (2021). *Greening in European higher education institutions: a governance, funding and efficiency perspective*, European University Association.

Since 2019, Norwegian universities are required to seek advice from the Norwegian State Building Agency and its commissioner on all aspects related to building ownership. While universities still own their buildings, they cannot buy new ones. In Slovakia, the amended higher education law (2022) now states that public higher education institutions (HEIs) must transfer funds resulting from the sale of real estate to a special bank account in the state treasury, while however retaining autonomy on the use of the funds. In Denmark, property ownership remains a contested issue for the sector. In theory, universities are allowed to own the buildings in which they operate, but in practice the state owns most of the property, and there has been no devolution of ownership.

Intermediary models, where a (semi)-public agency owns university buildings, also continue to exist. This is still the case in Austria, where buildings may be owned by universities themselves or managed by the quasi-governmental company responsible for publicly owned real restate. In Finland, the state has now sold its share of the two companies that own university buildings in the greater Helsinki region. These companies are therefore now wholly owned by the universities that are the tenants of the facilities. In Sweden, universities rent their facilities from different real estate owners, the largest of them being a state-owned company, among other private and municipally owned companies.

In France, real estate ownership remains marginal, with three institutions initially concerned, then an additional four. There are currently about 10 institutions that are interested in a new step in devolution and must undergo an audit before the decision of the ministry. While universities are already subject to all rights and obligations associated to owners, universities that have acquired ownership of their real estate are now allowed to sell buildings and land.

Graph 12 Capacity to sell real estate



2.5 Students' financial contributions

Students' financial contributions are considered in this study insofar as it relates to universities' financial autonomy. In some systems, this income represents a significant percentage of the university budget, and the ability to set and charge fees thus plays a central role for institutional strategies. Both so-called 'tuition' and 'registration' fees are considered, the latter when they are of an amount at least equal to the lowest 'tuition' fee charged among the systems analysed. In Ireland and Iceland, registration fees are higher than tuition fees in some countries and are thus included in the analysis.

The following maps describe the ability to set fees for national/EU students and non-EU students in the 35 higher education systems included in the study. The first two maps refer to national students as well as EU/EEA students, when they are treated identically as national students as per EU legislation.

The maps refer to first-time students enrolled on a full-time basis (60 ECTS per year). They do not consider the capacity to set and charge fees to part-time students, who may nonetheless constitute a large part of the student population in some systems. For so-called split systems, the situation depicted reflects the capacity of universities to set the level of fees for students who do not benefit from a state-funded place. The analysis does not consider the actual level of fees charged.

The matter of tuition/registration fees is particularly complex and challenging to compare across systems. Perceptions may be at odds with the methodology used here. For instance, in Scotland universities technically charge (centrally fixed) fees at bachelor's degree level. However, most national and European students are eligible for a government award, which means that the fee is paid directly by the public authorities to the institution, nevertheless requiring that the student applies for the award each academic year. The use of income-contingent loans, whereby students repay tuition fees once they have reached a certain income level after they complete their studies (rather than upfront), also raises new questions regarding the cost-sharing model. In some cases, the system is categorised as 'no fee charged', even though students who do not meet the expectations in terms of gained ECTS credits may have to pay a fee.[28] In Türkiye, for instance, students who fail to graduate as expected must pay a fee determined by presidential decree. So-called 'split systems', where part of the population is covered by state grants, may also include such provisions (e.g. Serbia). As a final example, Croatia subsidises tuition fees for full-time students for the first year, with the caveat that they must be enrolled in programmes delivered in the Croatian language. Subsequent support depends on the students' performance and accumulation of ECTS credits.

The type and level of student support available in the system is a crucial element to gain a full understanding of the model but is beyond the scope of the Autonomy Scorecard.

The analysis below focuses solely on the capacity to set fees. As a simplification, it is possible to distinguish three main models that continue to exist in Europe: fees may be freely determined by the university itself; a public authority may decide on fees; or a public authority and the universities may cooperate in setting fees. The methodology considers as equals the situation whereby universities are not allowed to charge fees and externally set fees. The modalities of collaborative fee-setting range from genuine negotiations between universities and the external authority, to the need for a formal approval by external authorities or legal provisions setting a threshold for fee levels. The external authority may also set a ceiling under which universities may levy fees.

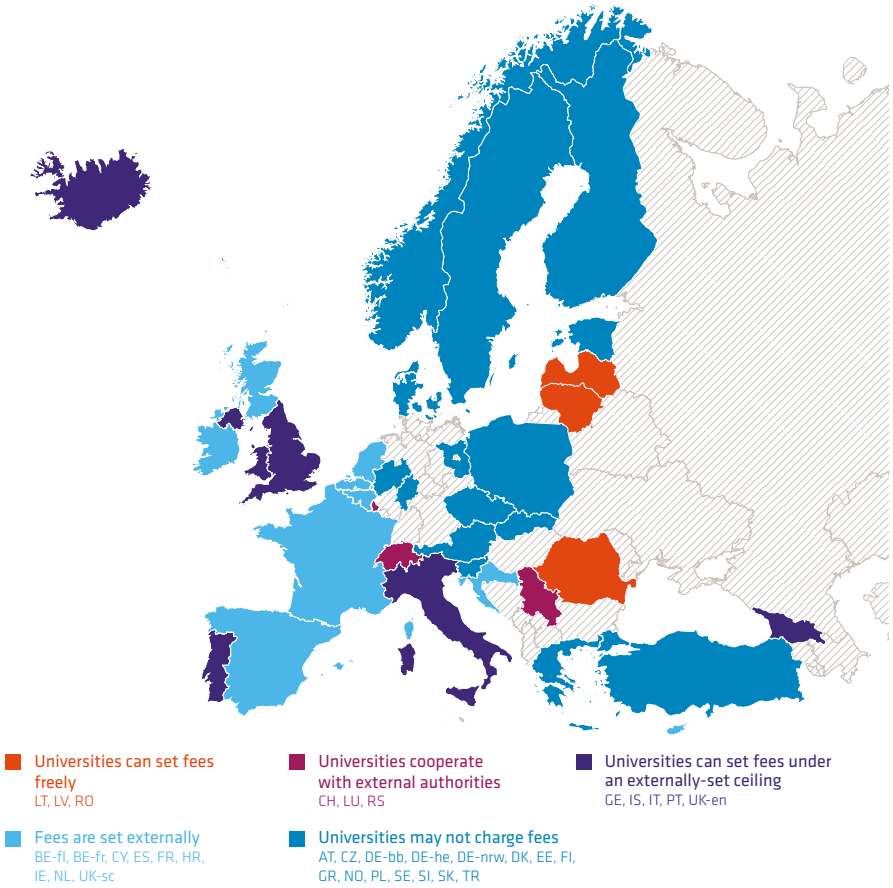
In some systems, public authorities allocate state-funded study places, while the institutions may take in additional students and set fees for them within a given framework.

Fees for national/EU students

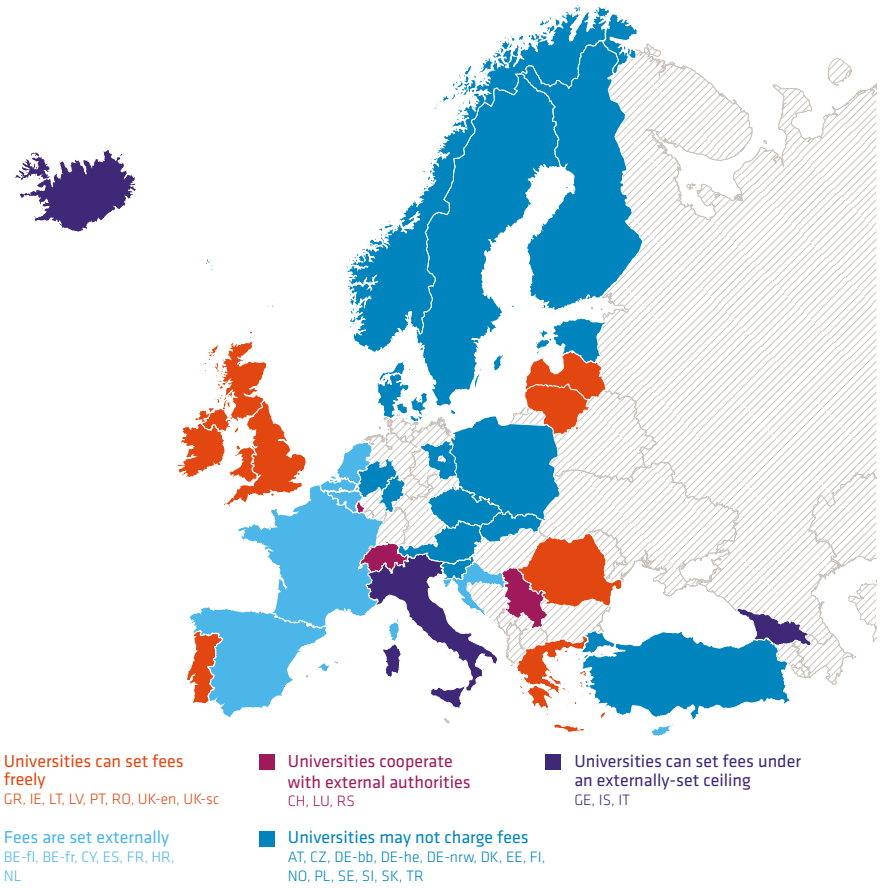
All systems that do not allow universities to charge tuition fees at bachelor's degree level also extend that policy to master's degree level (14 systems, see Map 3), apart from Greece, where universities are free to charge fees for master's degree programmes. Similarly, almost all systems where fees are fixed by public authorities for bachelor's degree programmes, also follow the same approach for master's degree programmes, except for Ireland and Scotland.

28 In certain systems, students may have to pay a fee if they exceed a determined standard duration of study, as is the case in Czechia.

Map 2 Fee setting at bachelor's degree level for national/EU students



Map 3 Fee setting at master's degree level for national/EU students



In theory, Irish universities fix the fee, but the state pays a set amount via core funding on behalf of the undergraduate (bachelor's) students, who pay 'contributions towards the full fee'. As a result, universities cannot decide on undergraduate fee levels autonomously. There is greater autonomy with regard to setting postgraduate (master's) fees. Tuition fee policies in Scotland include a fixed fee at bachelor's level for Scotland-domiciled students (covered by the public authorities) of £1,820. A ceiling applies for fees at undergraduate level for students from the rest of the UK and students from the Republic of Ireland (£9,250). Scottish universities may decide autonomously on fees for master's degree programmes.

Latvia, Lithuania, and Romania are the only three countries which allow universities to set fees freely at both bachelor's and master's degree levels. This is in the context of a split system (in Latvia, slightly under 60% of the student population does not benefit from a state-funded place).

As a rule, there is little differentiation between the two levels, and where there is, universities tend to be more autonomous in fixing fees for master's degree programmes.

Developments related to tuition fees for national/EU students over recent years include the following:

- Ireland: The funding framework announced by the government in 2022 confirmed the current 'mixed model' comprised of contributions from the state, employers, and students. Student loans were ruled out as a funding option. There is an expressed intent to reduce the student contribution over the coming years and to implement other supports to reduce the cost to students.
- Latvia: A new loan system was introduced for students who do not obtain state-funded study places.
- Luxembourg: The 2018 law introduced a provision on the procedure of setting tuition fees, formalising the already existing but non-codified practice. The university decides on the tuition fees and then the government approves it.
- Netherlands: While the tuition fee policy has not been substantively changed, the ministry decided to lower the tuition fees for first-year students by 50% (in compensation for the switch from grants to loans at the end of 2015). This was reiterated during the Covid-19 pandemic. The students' financial support system is likely to be changed, with a shift back to student grants. This was announced in March 2022 as part of the government coalition agreement, with a partial compensation for students having contracted loans.
- Portugal: While for the year 2016/2017 the ceiling for national and EU students (bachelor's degree level) was €1,068 per academic year, for 2021/2022 it is €697 (without compensation to universities).
- Türkiye: Since 2012, there are no tuition fees for students during their normal study period. If a student fails to graduate as expected, they must pay a fee determined by presidential decree.

EUA's Public Funding Observatory has shed light on the demographic challenge that several Central and Eastern European countries face. Decreasing student populations sometimes lead to changing characteristics of the so-called split systems. Shares of fee-paying students have dropped in some countries. In Croatia, the phenomenon is so significant that it has led to the disappearance of full-time fee-paying students, as all students can now be accommodated under the state-funded places. Numbers of part-time students (who typically pay fees) have also fallen in the region, as is the case in Slovenia.

Fees for international/non-EU students

Universities are usually more autonomous in setting fees for international (non-EU) students than for national/EU students. Nonetheless, more than half of the systems maintain the same principles for fee-setting across the different student populations analysed here (whether for national/EU students at bachelor's degree level, for national/EU students at master's degree level, and for international students at both levels):

- Latvia, Lithuania, and Romania, where universities are autonomous in setting fees for all groups not funded by the state;
- Iceland and Italy, where a ceiling model is in place;
- Luxembourg, Serbia, and Switzerland, where it is based on negotiation/approval;
- Cyprus, Spain and France, where the fees are set externally;
- the three German states (Brandenburg, Hesse, and North Rhine-Westphalia) and Norway, where universities may not charge fees.

The latter four systems are the only ones that charge fees to international students neither at bachelor's nor at master's degree level. Greece does not charge fees to international students at bachelor's degree level.

In all other systems, universities benefit from more autonomy in fee-setting for international students. The matter is fully out of the hands of universities in eight (bachelor's) and nine (master's) systems, compared to 24 (bachelor's) and 21 (master's) systems when considering home students.

Under the cooperation model, one may note the use in some countries of a threshold approach, whereby universities may determine the level of fees charged to foreign/non-EU students above a certain fixed level. In Denmark and the Netherlands, the fees must cover the costs; in Finland, a minimum fee exists for programmes delivered in languages other than Finnish and Swedish. In Türkiye, the fee for international students must be equal to a minimum of 1.5 times the current costs (themselves fixed per programme by presidential decree).

Changes with regard to fees charged to international students were either implemented before 2017 (Finland, Italy, Sweden) or may be unspecific to this population (Luxembourg). Fees for international students were introduced over a decade ago in Sweden (2011). This generated a major initial drop in the influx of students in the beginning, but it was later balanced out, notably by increasing numbers of European students. Finnish universities may set fees for programmes in languages other than Finnish or Swedish since the academic year 2017/18. A recent survey shows that tuition fees for international students did not lead to lower numbers of international students and that fee levels have not converged across the sector. In Italy, the 2016 'Student Act' (implemented via the ministerial decree 1014/2021) made it possible for universities to differentiate between tuition fee levels for national/EU students and international students, which generated diverging practices. Some universities set higher fees for international students, while some of them lowered fees for students from developing countries or fully waived the fees for students coming from specific countries.

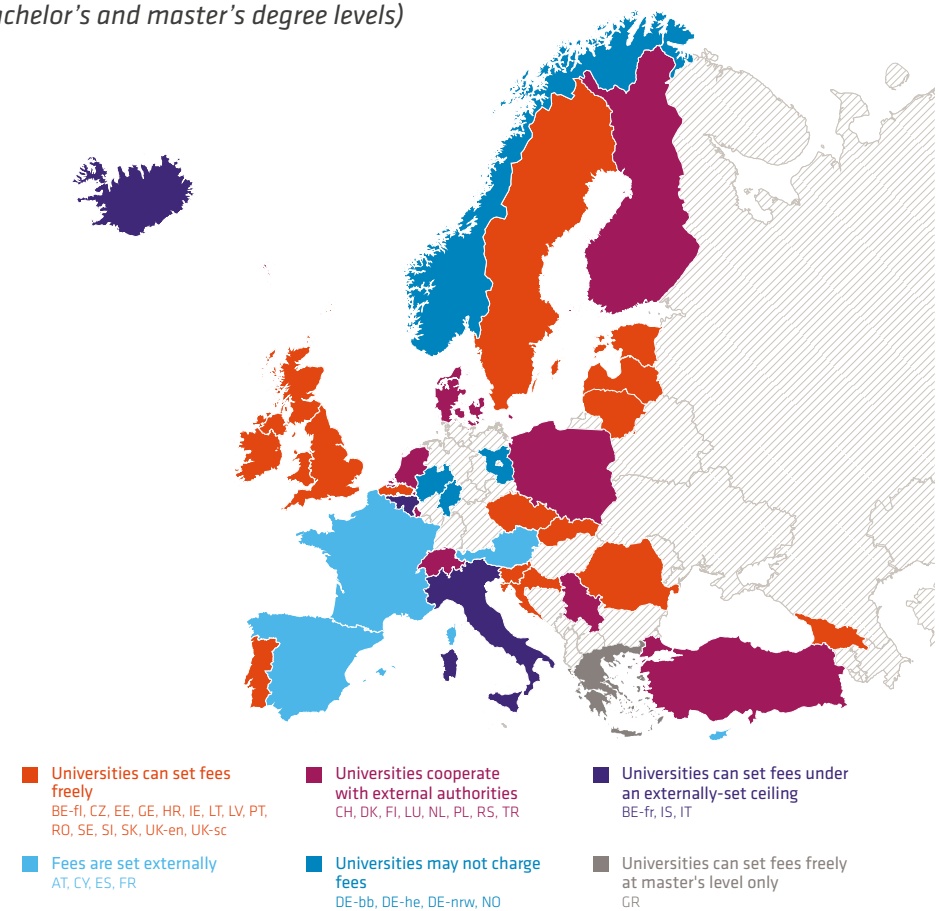
Changes may also not get recorded in the Scorecard methodology. This is the case, for instance, in France, where fees remain fixed by the state, even if differentiated fees have been introduced for non-EU students.

Expected developments in this area have been signalled in the Netherlands and in Norway. While Dutch universities are currently free to determine the price that non-EU students, or students that enrol in a second programme, need to pay (as long as it covers the costs), in the future there will be a maximum fee. This would equal the 'fixed fee' plus the money that universities would normally receive from the ministry. New legislation was initiated in 2020 but was not finalised at the time of writing. In 2022, the Norwegian government suggested introducing tuition fees for international students.

Importantly, several countries operate a distinction based on the language of instruction rather than on student nationality. In such cases, the fee policy will differ whether a student, regardless of their nationality, will attend a given course in a national language. This is the case in Finland and Slovakia. In Croatia, Czechia, Latvia, and Serbia, the state only funds programmes delivered in the national language, whereas enrolment in programmes delivered in other languages is covered by student fees, regardless of the nationality of students.

Map 4 Fee setting for international students

(bachelor's and master's degree levels)



3. Staffing autonomy

ORGANISATIONAL AUTONOMY

- Selection procedure for the executive head
- Selection criteria for the executive head
- Dismissal of the executive head
- Term of office of the executive head
- Inclusion and selection of external members in governing bodies
- Capacity to decide on academic structures
- Capacity to create legal entities

FINANCIAL AUTONOMY

- Length and type of public funding
- Capacity to keep surplus
- Capacity to borrow money
- Ability to own buildings
- Ability to charge tuition fees for national/EU students
- Ability to charge tuition fees for non-EU students

STAFFING AUTONOMY

- Ability to decide on recruitment procedures (senior academic/ senior administrative staff)
- Ability to decide on salaries (senior academic/senior administrative staff)
- Ability to decide on dismissals (senior academic/senior administrative staff)
- Ability to decide on promotions (senior academic/senior administrative staff)

ACADEMIC AUTONOMY

- Capacity to decide on overall student numbers
- Ability to select students
- Ability to introduce programmes
- Ability to terminate programmes
- Ability to choose the language of instruction
- Capacity to select QA mechanisms and providers
- Ability to design content of degree programmes

A detailed comparison of the different elements of staffing autonomy remains a challenge due to the hugely diverse regulations concerning different categories of university personnel and the differing legal frameworks of public and private labour law, which impact the ability to recruit, remunerate, dismiss, and promote staff.

It is possible to distinguish, in a very simplified way, between those systems where none or a minority of senior staff have civil servant status, and those where a majority of senior staff have civil servant status (or similar).

The systems where none or a minority of senior staff have civil servant status include Czechia, Denmark, England, Estonia, Finland, Georgia, Lithuania, Latvia, Scotland, and Sweden. The current data analysis reveals that the share of staff with civil servant status continues to decline across Europe. Indeed, Austria, Luxembourg, the Netherlands, and Switzerland no longer grant civil servant status to university staff. In Austria, civil servant staff numbers have declined and now represent approximately 20% of university staff. In Luxembourg, they represent less than 10%. Dutch and Swiss universities have also moved away from the civil servant model.

In all other analysed systems, a majority of senior staff are employed as civil servants (at least for senior academic staff); Flanders, Poland, Serbia, and Slovakia are among the systems that grant university staff special status (for instance that of 'public employees'), usually including enhanced protection regarding dismissals. However, the distinction between the two categories is far from clear-cut, and in systems where there is no (or no longer) civil servant-based recruitment in universities, staff may still benefit from some specific employment modalities.

3.1. Recruitment of staff

The analysis demonstrates that there are significant differences in recruitment procedures across Europe, ranging from a large degree of independence in the recruitment of staff to formalised procedures that necessitate the approval of an external authority.

Senior academic staff

Although recruitment practices for senior academic personnel vary, most systems follow fairly similar procedures. It is common practice to specify selection criteria at the faculty level and to set up a selection committee to evaluate candidates. The successful applicant is subsequently appointed at the faculty level or, alternatively, by a decision-making body at the university level. The selection committee either recommends one candidate or provides the decision-making body with a shortlist of preferred candidates in order of priority. The law may contain provisions about the recruitment procedure, specifying the need to publish open posts, the required qualifications for different categories of professors, and/or the composition of the evaluation or selection committee. Some system-specific regulations are described below. In only 13 systems (See Graph 13) are universities at liberty to recruit the senior academic staff autonomously.

Graph 13 Senior staff recruitment

Senior academic staff

- Universities can decide freely on recruitment
  BE-fl, CH, DK, EE, FI, GE, IS, LU, NL, NO, SK, UK-en, UK-sc
- Universities cannot decide freely on recruitment (restrictions apply)
  AT, BE-fr, CY, CZ, DE-bb, DE-he, DE- nrw, ES, FR, GR, HR, IE, IT, LT, LV, PL, PT, RO, RS, SE, SI, TR

Senior administrative staff

- Universities can decide freely on recruitment
  AT, BE-fl, BE-fr, CH, CZ, DE-bb, DE-he, DE-nrw, EE, FI, GE, IS, LT, LU, LV, NL, NO, PL, RO, SE, SK, UK-en, UK-sc
- Universities cannot decide freely on recruitment (restrictions apply)
  CY, DK, ES, FR, GR, HR, IE, IT, PT, RS, SI, TR

Restrictions on the recruitment of senior academic and administrative staff (the only university staff groups considered in this analysis) typically include external confirmation of appointments, a number of posts controlled externally, and recruitment carried out by an external authority. These restrictions may apply to all or part of the considered staff categories.

The number of posts for some or all senior academic staff is regulated in Croatia, Cyprus, France, Greece, Italy, Serbia, and Türkiye. It is worth noting that recruitment in Cyprus and Greece is an internal matter; however, since the staff salary constitutes one of the important chapters of the budget, the number of posts in both systems requires approval from an external authority.

In Croatia, Czechia, France, and Romania, appointments of certain categories of senior academic staff, usually full professors, need to be confirmed by an external authority. Czech universities may hire professors and/or assistant professors according to their regulations. However, the academic ranks or titles of professor and assistant professor ('docent') are conferred on appointment by the country's president. Universities in Romania are in principle free to hire senior academic staff; nevertheless, the recruitment of professors depends on the habilitation status, which can only be granted by the relevant ministry-based committee. The human resource plans of Slovenian universities continue to be subjected to ministerial approval. Restrictions related to staffing have increased in Croatia since 2016, as opening any type of new position requires ex-ante approval from the external authority.

The number of posts no longer requires validation by public authorities in Poland. Thus, universities benefit from greater leeway on staffing matters, insofar as they are entitled to offer the position of professor if the candidate has completed the habilitation procedure. Yet, the title of full professor is still conferred by the president of Poland.

The 2022 reform in Slovakia enables universities to recruit as professors and assistant professors, academics who do not hold the actual title. The initiative aims at simplifying the recruitment procedure for candidates who come from the business and non-academic sectors.

A series of other limitations also exist in nearly two thirds of the systems. For instance, the recruitment of senior academic staff continues to be constrained by language proficiency requirements in Flanders and in Latvia.

The recruitment of contracted academic staff in Spain must be based on an evaluation carried out by the National Agency for Quality Assessment and Accreditation (ANECA) through the Teachers Evaluation Programme for Recruitment. This procedure is also in effect for international recruitment. In France, national peer evaluation is no longer requested in order to file an application for a position as full professor. Admission into the list of civil servants' eligible for lecturer positions is now deemed enough.

Senior administrative staff

The recruitment of senior administrative staff is, overall, less often regulated than that of senior academic staff. Civil servant status is more frequently found among senior academic staff than senior administrative staff.

Subsequently, universities from two-thirds of the systems can recruit senior administrative staff independently. However, 12 countries (See Graph 13) impose various restrictions on this type of recruitment. France and Greece are two systems where recruitment is centralised and carried out by external authorities.

For instance, the recruitment of some senior administrative staff at Spanish universities requires approval from the social council (consultative body whose composition is external and regulated by public authorities). The recruitment of senior administrative staff is centralised in Türkiye and happens outside of the universities.

Serbia retains a nation-wide ban on the hiring of administrative staff, whereby universities can only replace staff who are on temporary leave. In Ireland, universities remain subject to the Employment Control Framework, which provides a fixed ceiling for permanent state-funded staff. Although this ceiling has been increased, this continues to constrain staffing policies.

The recruitment of the senior academic and administrative staff remains restricted in Portugal due to the civil servant status. The procedure, as well as criteria, are prescribed by law, in the case of senior academic staff, whereas the recruitment of administrative staff requires confirmation by an external authority.

Some significant developments in the area of recruitment or contractual relationships have been reported from the following countries:

- Austria: The 2019 University Act introduced a simplified process, called 'opportunity hiring', to hire a maximum of 5% of academic staff. This flexible route is mainly targeted to attract top researchers to Austrian universities. Furthermore, under this condition, universities are at liberty to offer unlimited contracts instead of short-term contracts.

- Estonia: The majority of employment contracts changed from fixed to permanent contracts, which generated a degree of flexibility for universities and better security for staff. Universities implement staff performance evaluations that may result in contract termination.

- France: The 2018 Civil Service Transformation Law enabled universities to hire both junior and senior administrative staff on a contractual status. Moreover, as per the 2020 Research Programming Law, the national peer evaluation,that preceded the application for a position as a full professor, has been discontinued, and consequently, admission to the list of civil servants eligible for lecturer positions is sufficient.

- Netherlands: The 2020 Public Servants Act (WNRA) abolished the civil servant status; therefore, employees of public universities now fall under regular Dutch labour law. The law replaced unilateral appointments with bilateral appointments, and any future conflicts arising between the universities and staff will be taken to the civil court instead of the administrative court.

- Latvia: On account of a ruling of the Constitutional Court, the use of open-ended contracts for the academic staff, after two fixed-term contracts, has been prescribed. Subsequently, the system discontinued six-year contracts. The court decision stirred up a broader discussion in the sector regarding the new academic framework.

- Sweden: The sector also recently obtained the right to have a longer postdoctoral period, which now stands at a minimum of three years and maximum of four years (previously a maximum of two years). This is not regulated by law but results from an agreement between the institutions, as employers, and the unions.

3.2. Staff salaries

Universities in Europe are generally not allowed to autonomously set the salaries of their senior academic or administrative staff members. Only universities in Czechia, Estonia, Luxembourg, and Sweden can determine salaries for both categories (See Graph 14). It is worth mentioning that there is no intersection among the countries which freely recruit and set salaries for both categories at the same time, with the exception of Estonia and Luxembourg. As shown in the following graph, nearly three quarters of the analysed systems impose some sort of restrictions on salary-setting, with results highly similar for senior academic and senior administrative staff.

Graph 14 Senior staff salaries

Senior academic staff

- Universities can decide freely on salaries
  CZ, EE, GE, LU, LV, SE
- Universities cannot decide freely on salaries
  AT, BE-fl, BE-fr, CH, CY, DE-bb, DE-he, DE-nrw, DK, ES, FI, FR, GR, HR, IE, IS, IT, LT, NL, NO, PL, PT, RO, RS, SI, SK, TR, UK-en, UK-sc

Senior administrative staff

- Universities can decide freely on salaries
  CZ, EE, LT, LU, SE, UK-en, UK-sc
- Universities cannot decide freely on salaries
  AT, BE-fl, BE-fr, CH, CY, DE-bb, DE-he, DE-nrw, DK, ES, FI, FR, GE, GR, HR, IE, IS, IT, LV, NL, NO, PL, PT, RO, RS, SI, SK, TR

In half of the systems, salaries are set or framed (via salary bands) by an external authority. These tend to correspond to countries where a majority of senior university staff has civil servant status.

In seven systems,[29] among which Northern Europe features prominently, salary band negotiations for senior academic staff may involve external stakeholders like trade unions. For instance, in Finland and Norway, salary agreements are negotiated between the universities and the trade unions, without government involvement. Conversely, in Iceland, the collective bargaining agreement is negotiated by the Ministry of Finance and the trade unions. The salaries for senior academic staff are bargained with other parties in Denmark, whereas the salary bands for senior administrative staff are prescribed by the Ministry of Finance.

In the three German states (Brandenburg, Hesse, and North Rhine-Westphalia), professors appointed after 2002 are guaranteed a minimum salary, while those appointed before 2002 are civil servants whose salary bands are fixed. The salaries for other senior academic and administrative staff in these three states continue to be negotiated with other parties and subsequently differ across states.

The Georgian system stands as an exception, insofar as Georgian universities are free to set the salaries for the senior academic staff, but the law prescribes the range of coefficients for the remuneration of the rector, chancellor, deans, and head of quality assurance.

Cases entered under 'other restrictions' include Switzerland, where the wage system differs across the cantons, to the extent that the salaries are proportional to the higher costs of living in certain regions. Most cantonal salary bands are fixed for one or two years, yet inflation may result in adaptations. The salary bands are decided by public authorities (either by cantons or federal authorities), based on which the universities may set salaries. Polish universities retain the capacity to set salaries for senior academic and administrative staff, with the caveat that the minimum salary levels are set by the ministry.

According to Romanian law, the external authority sets the salary bands for all public sector employees, but universities are nevertheless allowed to increase the salary for both categories if the budget allows.

29 Salary bands for senior academic staff: DK, FI, IS, NL, NO, UK-en, UK-sc
Salary bands for senior administrative staff: DE-bb, DE-he, DE-nrw, FI, IS, NL

Developments in the capacity of universities to set salaries include the following:

- Austria: The civil servant model has been discontinued, salaries are no longer set by public authorities.
- France: Salaries are comprised of fixed and variable parts. The former is common to all civil servants, while the latter, in the case of academics, can be decided by the institution within a band defined by the ministry. Since 2020 (and until 2027), the variable part has increased.
- Luxembourg: The salary grid for senior academic staff was renewed, and is now based on experience instead of age.
- Serbia: While salary bands are in place, there is a possibility to increase salary by a maximum of 30%. In addition, the law on higher education was amended in 2021, and slightly enhanced flexibilities around salaries.
- Slovenia: The 2022 law on research allows universities and other research institutes to increase salaries for researchers by a maximum of 100%.

3.3. Dismissal of staff

The spectrum of dismissal modalities of senior staff ranges from the absence of regulations specific to the sector (i.e. general labour law applies), to strict regulations linked to civil servant status. In between, some systems have developed frameworks applying to some categories of staff, with different levels of rules regarding dismissals.

A little more than one third of systems, where none or a minority of senior academic staff are civil servants, do not impose particular regulations on dismissals, with the exception of Austria and the three German states, where civil servant regulations apply to some staff.

Two thirds of the systems are subject to various regulations (See Graph 15).

Graph 15 Senior staff dismissal

Senior academic staff

- No sector-specific regulations / regular labour law applies
  CZ, DK, EE, FI, GE, LT, LU, LV, NL, RO, SE, UK-en, UK-sc
- Civil service or specific regulations apply
  AT, BE-fl, BE-fr, CH, CY, DE-bb, DE-he, DE-nrw, ES, FR, GR, HR, IE, IS, IT, NO, PL, PT, RS, SI, SK, TR

Senior administrative staff

- No sector-specific regulations / regular labour law applies
  BE-fr, CZ, DK, EE, FI, GE, LT, LU, LV, NL, PL, RO, SE, UK-en, UK-sc
- Civil service or specific regulations apply
  AT, BE-fl, CH, CY, DE-bb, DE-he, DE-nrw, ES, FR, GR, HR, IE, IS, IT, NO, PT, RS, SI, SK, TR

Dismissal continues to be strictly regulated for all senior academic and for all administrative staff in 11 systems.[30] Türkiye applies restrictions specific to senior administrative staff, whereas Belgium's Wallonia-Brussels Federation, Italy and Spain, control the dismissal of the senior academic staff in particular.

Similar developments have transpired in Estonia and Latvia. Both systems introduced permanent contracts for their academic staff as well as performance evaluation procedures. In Estonia, the employer evaluates academic staff once every five years with the mission to measure performance and support academic careers. If the employee fails to pass the evaluation, the university is entitled to terminate the contract.

30 BE-fr, ES, FR, GR, HR, IS, IT, NO, RS, SI, TR

Based on the 2021 reform in Latvia, which largely impacted staffing matters, dismissal modalities for academic staff changed. Staff must undergo a general evaluation every six years in addition to a performance evaluation once every two years. An unsatisfactory evaluation, along with a violation of the labour law, may lead to contract termination.

Along the same lines, dismissal of staff is contingent on evaluation at Polish universities, with the difference that the decision-making power on dismissal rests with the rector (following two consecutive negative evaluations). The frequency of evaluation is decided by the rector and can occur every two or four years. Nevertheless, the evaluation process is undertaken centrally, by a specially appointed group.

The dismissal of staff is no longer strictly regulated in the Netherlands due to the abolition of the civil servant status, and therefore only the labour law of the Dutch civil code applies. Yet, comparatively high protection against dismissal remains on account of institutional practices.

3.4. Promotions

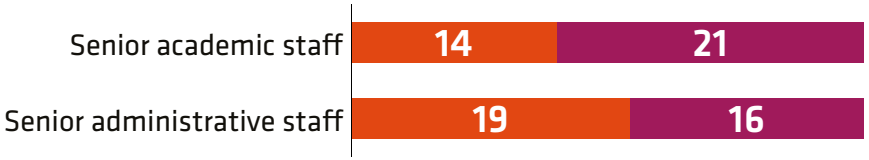
Promotion practices differ across Europe and varying degrees of restrictions exist, among which are rules regarding the selection committee or the requirement to have a post available at a higher level to promote staff. Nearly two thirds of the systems subject universities to restrictions to promote senior academic staff, whereas for senior administrative staff the numbers are almost reversed, making promotions less regulated.

Universities in 14 systems (See Graph 16) can freely promote both senior academic and administrative staff on the basis of merit. The liberty to promote staff may also stem from the absence of specific provisions, as in Georgia where promotion is not prescribed by law and hinges on institutional practices and statutes. In Latvia, Luxembourg, Norway, Romania, and Slovakia, administrative staff can be promoted freely, whereas academic staff can only be promoted if there is an open post at a higher level (Latvia) or there are legal provisions regarding the composition of promotion committees (Norway, Romania, Slovakia).

In Luxembourg, the situation has also changed to the benefit of the academic staff. Due to the 2018 reform, the university has introduced a mechanism to promote academic staff, based on internal competitive promotion. The process is defined and approved internally. Moreover, the new law introduced a second mechanism, a promotion track also known as 'conditional pre-tenure', whereby professors can be promoted to the next level based on evaluation, independent of the tenure contract.

In Slovakia, associate professors and professors who have held the position for nine years acquire the right to an open-ended contract that extends until their retirement. Similarly in Latvia, the promotion system was revised in 2021, whereby personnel who have completed two consecutive fixed-term contracts are offered open-ended contracts.

Graph 16 Senior staff promotions



Senior academic staff

- Universities can freely decide on promotions
  AT, BE-fl, CH, CZ, EE, FI, GE, IE, IS, NL, PL, SE, UK-en, UK-sc
- Universities cannot decide on promotions freely
  BE-fr, CY, DE-bb, DE-he, DE-nrw, DK, ES, FR, GR, HR, IT, LT, LU, LV, NO, PT, RO, RS, SI, SK, TR

Senior administrative staff

- Universities can freely decide on promotions
  AT, BE-fl, CH, CZ, EE, FI, GE, IE, IS, LU, LV, NL, NO, PL, RO, SE, SK, UK-en, UK-sc
- Universities cannot decide on promotions freely
  BE-fr, CY, DE-bb, DE-he, DE-nrw, DK, ES, FR, GR, HR, IT, LT, PT, RS, SI, TR

Staff performance is often evaluated by a promotion committee, whose composition is specified in the law. This applies in nine systems.[31] The specificity of the promotion of the academic staff in Spain is noteworthy, as there is a two-tier process in place. The personnel who seek to be promoted must go through an evaluation by Spain's National Agency for Quality Assessment and Accreditation (ANECA), and only upon a positive assessment is it possible to proceed with the promotion. Yet, as is often the case, the promotion is conditional on the available funds.

Rules on the composition of committees for the promotion of senior administrative staff are less common and exist in Croatia, Cyprus, Greece, and Spain. In addition to the committee, the aforementioned restrictions on staffing matters in Croatia also impact promotion, as universities must obtain external approval to promote personnel.

The promotion of both types of personnel is tightly regulated for Greek universities. A committee of 11 to 15 members, of which the majority must be external, decides on academic staff promotions, whereas a committee of five members is assembled to promote administrative staff if there is a post available at a higher level. Another specificity of this system is the division of staff, based on experience and academic degrees, into hierarchical groups. The latter has an impact on promotion, as a staff member may advance from one group to another.

Various additional restrictions may also apply. For instance, the promotion of academic staff may be dependent on the habilitation process, as is the case in Romania and Slovenia. In the case of the former, the candidate must defend the thesis at the university, while the title has to be approved externally. The decision of the ministry-based committee is final and cannot be appealed. Therefore, the university may not hire the candidate if the external committee disapproves.

While academic promotion in Slovenia, including title change, is possible every five years via the habilitation process, general promotion is subject to evaluation every three years.

With respect to promotions, there have been developments in the following systems:

- Austria: Tenure track involves international job advertisement and the completion of 4-6 years of employment, after which a permanent contract can be offered.
- Finland: The development of a unified and transparent tenure track system is in progress.
- Germany: The promotion of academic staff is no longer linked to age, instead it is now based on performance and achievements in the teaching and research domains. However, promotion practices in Germany remain unsystematic.
- Ireland: The moratorium on all promotions has been lifted, and therefore universities can promote staff freely.

31 CY, ES, GR (both senior academic and administrative staff); HR (senior administrative staff); NO, PT, RS, SK, UK-sc (senior academic staff).

4. Academic Autonomy

ORGANISATIONAL AUTONOMY

- Selection procedure for the executive head
- Selection criteria for the executive head
- Dismissal of the executive head
- Term of office of the executive head
- Inclusion and selection of external members in governing bodies
- Capacity to decide on academic structures
- Capacity to create legal entities

FINANCIAL AUTONOMY

- Length and type of public funding
- Capacity to keep surplus
- Capacity to borrow money
- Ability to own buildings
- Ability to charge tuition fees for national/EU students
- Ability to charge tuition fees for non-EU students

STAFFING AUTONOMY

- Ability to decide on recruitment procedures (senior academic/ senior administrative staff)
- Ability to decide on salaries (senior academic/senior administrative staff)
- Ability to decide on dismissals (senior academic/senior administrative staff)
- Ability to decide on promotions (senior academic/senior administrative staff)

ACADEMIC AUTONOMY

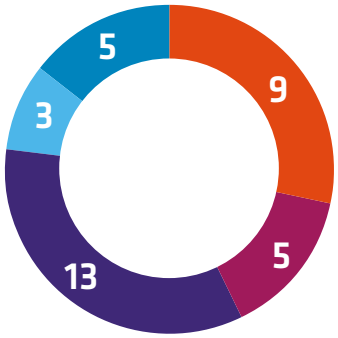
- Capacity to decide on overall student numbers
- Ability to select students
- Ability to introduce programmes
- Ability to terminate programmes
- Ability to choose the language of instruction
- Capacity to select QA mechanisms and providers
- Ability to design content of degree programmes

In the field of academic autonomy, the Scorecard focuses on the educational activities of universities: student intake, introduction of programmes, language of instruction, quality assurance, and curriculum design. Although academic autonomy as defined in EUA's Lisbon Declaration (2007) also includes the capacity to decide on areas, scope, aims, and methods of research, early analysis of these aspects in 2009 showed that they may not be adequately reflected in the Scorecard scoring, in particular as universities were seen as largely autonomous in defining their research profile.

4.1 Overall student numbers

Different methods are used when deciding on overall student numbers, which are also connected to the funding model in place in a given system. Institutions are entirely free to decide on their student intake in less than a third of the systems (nine systems, see Graph 17).

Graph 17 Overall student numbers



- Exclusive decision of the university
  EE, IE, IT, LU, NO, PL, SE, UK-en, UK-sc
- Universities decide on the number of fee-paying students while an external authority defines the number of state-funded study places
  GE, HR, LT, LV, RO
- Universities negotiate with an external authority
  AT, CY, CZ, DE-bb, DE-he, DE-nrw, DK, ES, FI, IS, PT, SI, SK
- Exclusive decision of an external authority
  GR, RS, TR
- Free admission
  BE-fl, BE-fr, CH, FR, NL

An intermediate, 'cooperative' model involves negotiations between the university and the public authorities, which usually happens in one of two ways. Student numbers may be negotiated with the relevant ministry (in 13 systems). This might take place as part of determining the content of performance agreements, as in Estonia or Latvia. Alternatively, a split system may apply, whereby public authorities decide on the number of state-funded study places and universities set the number of fee-paying students. This is used in five systems (See Graph 17) and enables universities to influence overall student numbers.

Student numbers may be fixed by external authorities only – this applies in Greece, Serbia and Türkiye.

Finally, five systems implement a model that can be characterised as free admission, based solely on successful completion of secondary education. This applies in Belgium (both systems), France, the Netherlands, and Switzerland.

Even in cases where universities can freely decide on student numbers, there may be specific or indirect limitations, such as nationally set requirements on the staff/student ratio. While Croatian universities are autonomous in defining student numbers per study programme, they must be accredited, and that entails respecting a student/staff ratio of 1/30. Recruitment of staff in Croatia is heavily regulated and thus, via this ratio, contributes to indirect control of student numbers.

Czech universities may not reduce enrolment by over 10% from one year to the next; should they do so, this will trigger budget cuts. Ceilings might apply for some fields, such as medicine, dentistry, or engineering. In free admission systems, these (and similar) fields may have a *numerus clausus*, usually determined by the state. In the Netherlands, which belongs to this group, the university executive board may decide on the programmes subject to a *numerus clausus*.

Scotland lets universities decide autonomously on their intake of students at postgraduate (master's) and doctoral levels, and of international students in general. However, Scotland-domiciled undergraduate (bachelor's) student numbers are controlled in the sense that each institution receives a certain number of funded places. Universities may freely recruit students up to that number in each group. Recruitment over the number of funded places is possible but is only funded via the regulated fee.

The following developments in this field since the previous edition of the Scorecard can be noted:

- Austria: The number of programmes for which a selection procedure is established has grown and today they together represent about 50% of students. The rule is that a selection procedure can be applied if applications go above the study places offered. The model can thus no longer be characterised as free admission, and the process is driven through 'negotiation with external authorities'.

- Croatia: While technically a 'split system', with universities deciding on non-state-funded places, it should be noted that full-time fee-paying students no longer form a significant share of the student body, as a consequence of a negative demographic trend.

- Denmark: Since 2021, the government has imposed a cap on English-language programmes. The law stipulates a certain number of study places for programmes delivered in English for each institution, and universities must adapt accordingly.

- Poland: The 2% limit on fee-paying student admission introduced in 2011 has been lifted. This regulation was designed to control funding fluctuations among universities. The universities thus autonomously decide on the overall number of students, although this does not relate to the regulated professions.

4.2. Admission mechanisms

All higher education systems require that candidates hold a secondary education qualification or succeed in a general matriculation exam. In most cases, these are the basic eligibility criteria for higher education studies, which are usually specified in national law. Admission mechanisms can be clustered into three models. Admission criteria may be set by the university, co-regulated between an external authority and the university, or regulated entirely by an external authority.

The analysis addresses regular academic programmes, and does not dive into the specificities of systems, but acknowledges that even in systems characterised by free admission, selective programmes exist. In the Netherlands, for instance, these make up about 10 to 15% of the student enrolment. In some cases, not only do regulations for these programmes tend to differ from the rest, with regard to admission, but they are also subject to specific rules regarding enrolment capacity, accreditation and tuition fees – giving more autonomy to universities to decide on these matters. Two examples include *diplômes universitaires* in France and *titulos propios* in Spain, which are degrees handled by the institutions. These do not enjoy the same recognition as state-sanctioned diplomas but tend to offer more flexibility to universities. In France, such programmes represent a fraction of the academic offer (slightly above 10% at master's degree level). In Spain, it was underlined that these programmes have gained recognition and traction in some professional areas, in the context of growing need for lifelong learning.

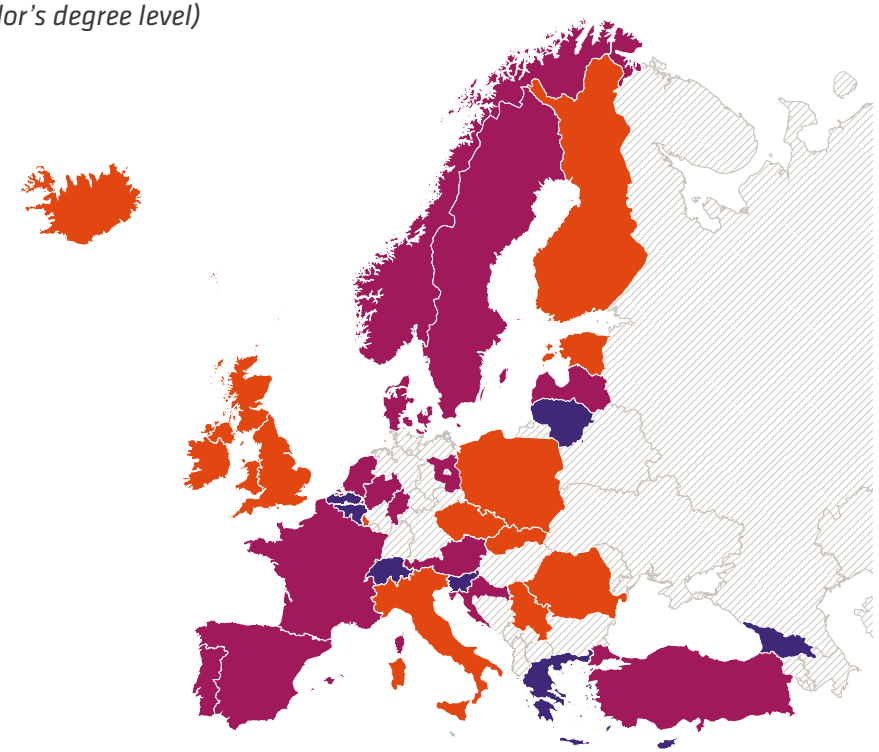
Admission to bachelor's degree programmes

At bachelor's degree level, the most frequent admission models are co-regulation (14 systems, see Map 5) and criteria set by universities (13 systems, see Map 5). Admissions are entirely regulated externally in eight systems. The latter category interestingly covers systems that feature different models for determining student numbers (free admission: Belgium and Switzerland; split systems: Georgia, Lithuania; negotiation: Cyprus, Slovenia; and decision of external authorities in Greece). While the Netherlands operates a free admission system, it allows a level of co-regulation between universities and external authorities regarding admission to bachelor's degree programmes.

Noticeable changes in admission at bachelor's degree level occurred in Austria and France since the previous edition of the Autonomy Scorecard. As explained above, Austrian universities now operate a selection process for programmes that enrol about half of the student population. The matter is thus no longer fully externally regulated; rather, both the ministry and the university are involved, insofar as the law prescribes the process and the specific selective mechanisms are introduced by the universities.

Since the 2018 law on 'student orientation and success', French universities have a greater say in student recruitment. The centralised system ranks student wishes, taking into account criteria set by institutions. Previously, universities had no say in student recruitment at bachelor's degree level.

Map 5 Admission criteria setting
(Bachelor's degree level)



- Universities can set admission criteria
  CZ, EE, FI, IE, IS, IT, LU, PL, RO, RS, SK, UK-en, UK-sc
- Admission criteria are co-regulated by an external authority and universities
  AT, DE-bb, DE-he, DE-nrw, DK, ES, FR, HR, LV, NL, NO, PT, SE, TR
- Admissions are entirely regulated by an external authority
  BE-fl, BE-fr, CH, CY, GE, GR, LT, SI

Other developments that do not affect academic autonomy scores but are worth signalling include:

- Denmark: The restriction on student intake in some areas is still being implemented and has resulted in the termination of study programmes, mainly from the humanities. More programmes have been included in the scope of these restrictions. There are currently three sources of restrictions on student intake, translating into lower de facto autonomy: the cap on study places for programmes delivered in English; the intake cut in big cities; and the restrictions applied to various programmes. (A task force has been set up to analyse the consequences of this policy.)

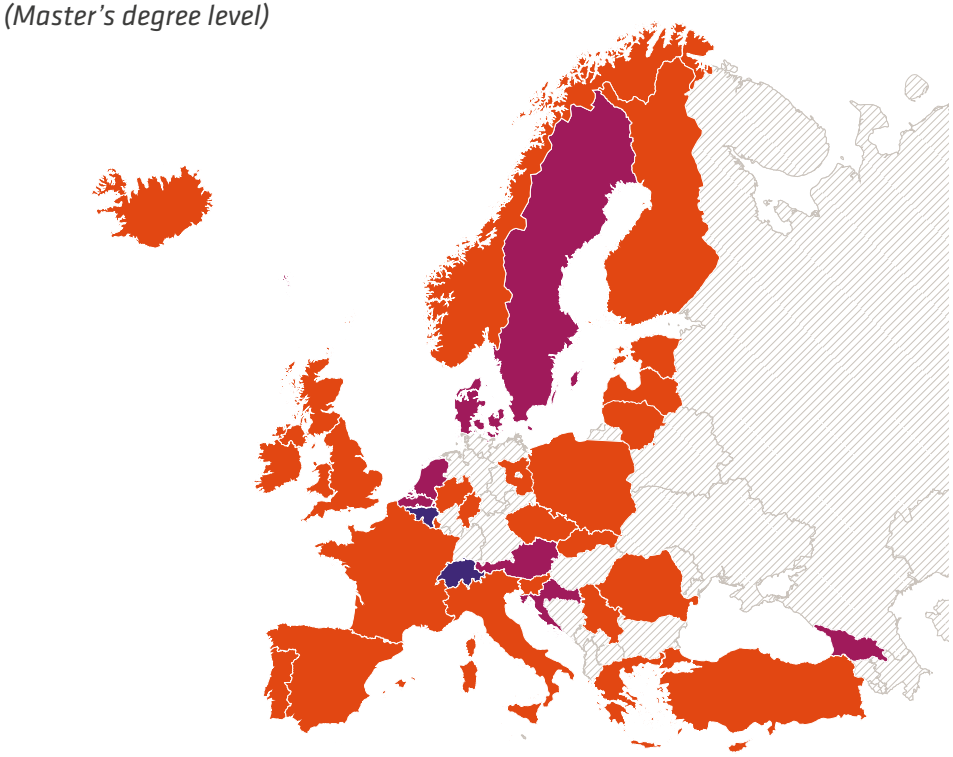
- Iceland: Since 2022, new regulations are in effect, opening up enrolment possibilities. The state no longer requires that students have successfully passed the matriculation exam to apply to universities, in an attempt to be more inclusive and better recognise other types of qualifications. However, universities remain entitled to set up their own admission criteria.

- Serbia: There is a discussion to introduce a general final secondary education exam, which will serve as a basis for university enrolment. The current admission process at bachelor's degree level takes into account the entrance score, which comes from the secondary school, and the classification exam, which is decentralised and organised at the university (faculties may select the subjects for examination).

Admission to master's degree programmes

At master's degree level, admissions are regulated by the state only in Belgium (Wallonia-Brussels Federation) and in Switzerland, while elsewhere universities have greater freedom to recruit students. Various degrees of co-regulation apply in seven systems (See Map 6), with more or less latitude for universities to decide on selection criteria. Co-regulation may refer to a two-tier admission process, using a combination of state exams and criteria decided by universities, as is the case in Croatia or Georgia. Admission at master's degree level remains characterised by stability and by and large in the hands of universities.

Map 6 Admission criteria setting
(Master's degree level)



Universities can set admission criteria
CY, CZ, DE-bb, DE-he, DE-nrw, EE, ES, FI, FR, GR, IE, IS, IT, LT, LU, LV, NO, PL, PT, RO, RS, SI, SK, TR, UK-en, UK-sc

Admission criteria are co-regulated by an external authority and universities
AT, BE-fl, DK, GE, HR, NL, SE

Admissions are entirely regulated by an external authority
BE-fr, CH

4.3 Introduction and termination of degree programmes

In line with the previous section, the Scorecard explores rules regarding the introduction and termination of academic programmes that represent the main part of the academic offer provided by universities in a given system. Thus, scores do not take account of professional programmes as described above for Spain, for instance, even though these do not come with the need for prior accreditation. The 'institutional' (as opposed to state-recognised) programmes in France and the 'practical' programmes in Poland are other similar cases.

In general, the introduction of new academic programmes requires some sort of approval by the relevant ministry or another public authority. However, the specific procedures vary considerably across Europe. New programmes may need to be negotiated with the responsible ministry. Often, such negotiations are closely related to the financial impact of the programmes. Some may also require a specific professional accreditation.

Pre-determined study fields

Nearly one quarter of the systems resort to 'pre-determined study fields'. This means that while universities are free to introduce new programmes without accreditation requirements, this applies only within the remit of the pre-established study fields for the institution.[32] In certain cases, the university's responsibilities are determined both in terms of academic offer and in geographical scope of activities. Francophone Belgian universities, for instance, have set areas in which they are allowed to operate, as well as a list of study fields for which they are authorised to open programmes. There is often, in such cases, a territorial distribution narrative at work. Depending on the national or regional allocation of educational responsibilities, opening programmes in certain fields may be more difficult if the discipline is already well catered for in other parts of the country. This logic applies in comparatively smaller systems (for instance, both systems in Belgium, Estonia, Finland, or Slovenia) but can also be found in larger ones like Poland and Romania.

Capacity to design the content of studies

Nearly all national rectors' conferences report that institutions are free to determine the content of degrees other than for the regulated professions, such as medicine, while respecting the national qualifications frameworks. Latvia reported continued mandatory inclusion of specific modules in curricula, while in Lithuania the quality assurance agency determines some of the content of studies.[33]

Some countries have an official registry of disciplines/programmes, centrally controlled by public authorities. This is the case in Romania, where the government publishes the list annually, and changes sought by universities must be discussed with the national quality assurance agency.

Introducing bachelor's and master's degree programmes

The latest data collection does not register significant changes in this area, whether at bachelor's or master's degree level. Universities in eight systems (See Graph 18) can introduce degree programmes without prior accreditation, although some negotiation may be involved. For instance, although universities can open degree programmes independently in Austria, they must have been agreed upon in a performance agreement with the ministry if they are to receive public financial support.

The most frequent case remains that all new programmes must undergo accreditation to be introduced (12 systems, see Graph 18) or to receive public funding (as in Georgia, the Netherlands, or Spain). Still, various other restrictions exist, from the above-mentioned pre-determined study fields, or evaluation by disciplinary fields rather than programmes as in France, Latvia (which still, in addition to study field accreditation, requires licensing of all new programmes) or Lithuania.

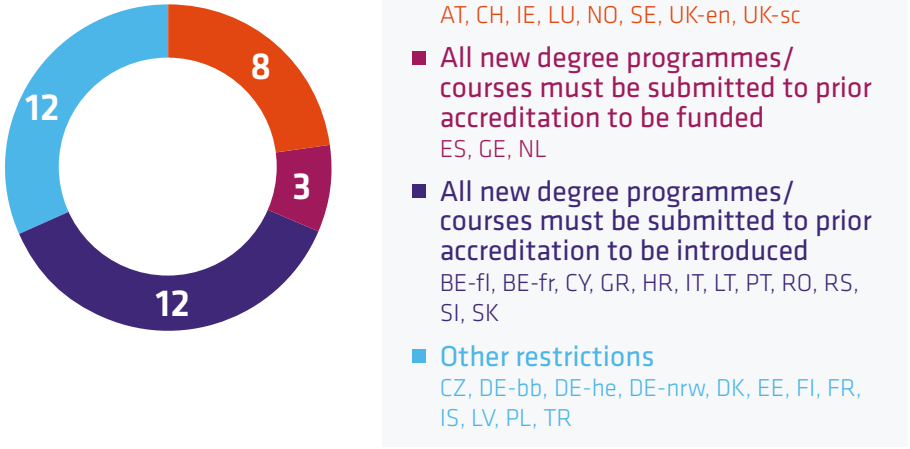
32 The Scorecard methodology registers this restriction by applying a deduction value of 1 to this indicator.

33 Although the law has made the introduction of transdisciplinary programmes possible for several years.

In the three German states included in the study, universities may apply to system accreditation, allowing them to open academic programmes autonomously. In Czechia, a similar system exists, although at the level of study fields. A minor distinction between bachelor's and master's degree levels exists in Sweden, because *Högskolor*[34] must apply for the right to award degrees for two-year master's degree programmes.

The systems that require prior accreditation for bachelor's and master's degree programmes also usually prescribe it for doctoral programmes. However, universities are more often allowed to open such programmes autonomously (14 systems).[35] Notably, Denmark, the German states, and the Netherlands give greater freedom to universities in this regard. In Lithuania, the science council decides whether universities meet the necessary requirements to offer doctoral programmes.

Graph 18 Introduction of new degree programmes
(Bachelor's and master's levels)



Developments in the capacity of universities to introduce new degree programmes include:

- Belgium (Flanders): The ban on the introduction of new degree programmes was in force between 2015 and 2017. The system is based on institutional reviews since 2016, but new programmes continue to require initial accreditation as well as ex-post accreditation which must take place a maximum of three years after introduction.

- Belgium (Wallonia-Brussels Federation): Universities undergo both programme and institutional evaluation; they have pre-determined 'responsibilities', both in terms of academic offer and geographical scope. In addition, the federation of HEIs (ARES) has gained responsibility to assess requests from universities to open new programmes.

- Czechia: Public universities that have obtained institutional accreditation may open degree programmes in determined areas of study. Institutional accreditation is available in 37 areas of study and universities can choose to apply accreditation for one or more out of the three types of degree programmes (bachelor's, master's and doctoral). Universities that have not secured institutional accreditation must apply for programme accreditation by the National Accreditation Bureau.

- Denmark: While the transition towards institutional accreditation is basically complete, universities need to demonstrate the relevance and employability of new programmes they intend to set up, in a process known as 'pre-qualification' since 2013 (for all programmes except at doctoral level).

- Georgia: The quality assurance system entails both institutional (since 2006) and programme accreditation. The programme accreditation is technically voluntary for bachelor's and master's degree programmes; however, the law states that only accredited programmes may receive public funding through the student voucher system in place in the country. In 2022, cluster accreditation was introduced, which allows the thematic grouping of several programmes. Programmes may not be opened outside of cluster accreditation.

34 Högskolor is translated as 'university college' by the Swedish Higher Education Authority (UKÄ), although these institutions may refer to themselves as universities. They may be entitled to offer doctoral degrees.

35 AT, BE-fl, CH, DE-bb, DE-he, DE-nrw, DK, IE, LU, NL, NO, SE, UK-en, UK-sc

- Latvia: Over the past decade the quality assurance system has transitioned from programme-based accreditation to study field accreditation, with the caveat that each programme under the respective field is still marked individually. A switch to institutional accreditation is expected from 2024. Also, licensing new programmes is still mandatory (whether publicly funded or not). Since 2019, the decision on opening a new study field relies on the founder – the owner of shares in private HEIs or the state (cabinet of ministers). During 2015-2018 the government took decisions to open new study fields in all HEIs, both state and private.

- Lithuania: On top of study fields evaluation, which is intended to progressively replace programme evaluation, Lithuania introduced institutional accreditation which is awarded for seven years, in 2021.

- Netherlands: The transition towards institutional accreditation has been stalled. In parallel, the Higher Education Efficiency Committee has been tasked, since 2009, with the assessment of the feasibility and relevance of newly introduced bachelor's and master's degree programmes, and there has been a discussion around extending these competences to existing programmes.

- Slovakia: Universities must get new programmes accredited. However, the system is in transition, and it is expected that accreditation will only be required to open new programmes that do not fall within the pre-accredited study fields of the institution or if HEIs fails to receive institutional accreditation.

- Slovenia: In addition to institutional accreditation, programme accreditation continues, but modalities have evolved. While before, each programme was reaccredited every seven years, the system is now based on sample evaluations. Each year, approximately 2% of the programmes are evaluated (similar procedure as reaccreditation, but more development-oriented), on the basis of a given thematic priority set by the QA agency's council. Another sample of programmes is included in the institutional accreditation process.

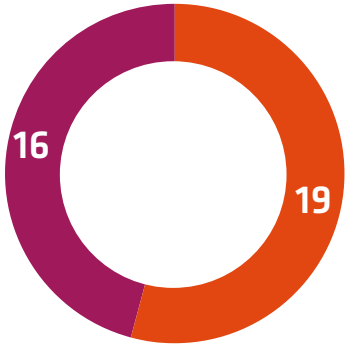
Terminating programmes

Universities in Europe are more autonomous with regard to the termination of existing programmes (outside of failure to pass evaluation), with 29 systems recording no specific conditions. Five nonetheless involve some type of 'negotiations' between universities and relevant external authorities. Austria, Brandenburg, Cyprus, Finland, and Türkiye reported such situations. Finnish universities must guarantee a place for students who would be affected by the termination of the programme. In Austria, closing a programme could entail renegotiating the framework contract with the ministry. Where universities can freely decide on the closure of degree programmes, they may nevertheless have to provide students with adequate alternatives to continue their studies in the same academic field, whether in the institution or not.

4.4. Capacity to choose the language of instruction

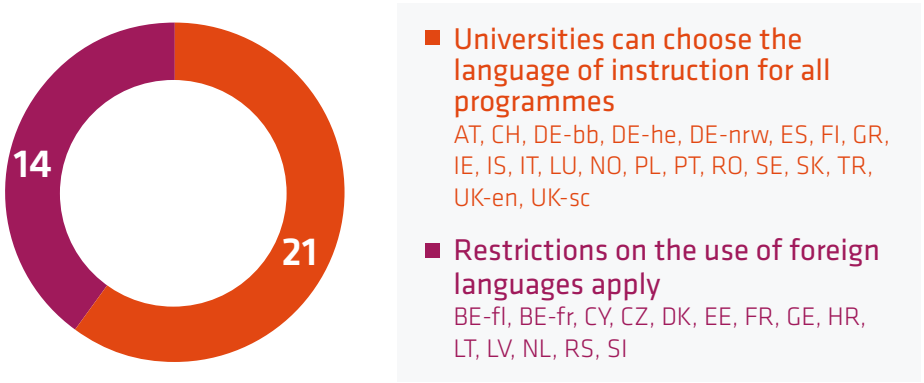
Universities in Europe are free to choose the language of instruction at different degree levels in the majority of the systems analysed. Most systems apply the same rules to bachelor's and master's degree programmes. However, the situation differs between both levels in a few cases – namely Cyprus, France, Greece, and Iceland, which feature more restrictions at bachelor's than at master's degree level.

Graph 19a Capacity to choose the language of instruction at bachelor's degree level



- Universities can choose the language of instruction for all programmes
  AT, CH, DE-bb, DE-he, DE-nrw, ES, FI, IE, IT, LU, NO, PL, PT, RO, SE, SK, TR, UK-en, UK-sc
- Restrictions on the use of foreign languages apply
  BE-fl, BE-fr, CY, CZ, DK, EE, FR, GE, GR, HR, IS, LT, LV, NL, RS, SI

Graph 19b Capacity to choose the language of instruction at master's degree level



Restrictions vary from prohibiting universities from introducing official, academic programmes fully delivered in foreign languages (at bachelor's degree level only – this applies in Cyprus, France, and Greece), to limits (set as a percentage of credits, for instance, as is the case in both Belgian systems) or to the requirement that the same or similar programmes be offered in the national language(s), whether at the same institution (Estonia, Slovenia) or in the sector (Flanders). Programmes delivered in other languages may also not be eligible for public funding. As noted with regard to tuition fees, in some countries the distinction is made based on the language of instruction rather than the nationality of students.

Recent developments with regard to the capacity of universities to set the language of instruction include:

- Denmark: Since 2021, the law stipulates a certain number of study places for programmes delivered in English. This intervention led to many programmes being terminated.
- Estonia: Universities are free to select the language of instruction, with the caveat that they generally need to offer equivalent programmes in Estonian at bachelor's and master's degree level. This condition is stipulated by the performance agreement with a view to protect the Estonian-language programmes in all fields of education.
- Greece: Since 2020, universities are allowed to deliver bachelor's degree programmes in foreign languages, but only foreign applicants may attend the programmes.
- Latvia: Legislation now specifies that study programmes may only be delivered in official languages of the EU (other than Latvian) if the institution's study programmes are rated as good or excellent during the study field accreditation. Limits may also apply.
- Netherlands: New restrictions regarding the language of instruction may be introduced in the context of high growth of the international student population in the country. The provisions may limit the autonomy of the universities to offer programmes in foreign languages. The new law would also require the introduction of a Dutch-language equivalent for English-language programmes.

4.5. Capacity to select quality assurance mechanisms and providers

It is rare for universities to be able to select quality assurance mechanisms freely and according to their needs. This is the case in Czechia and the three German states included in the Scorecard update. In the latter, the law allows universities to apply for institutional accreditation (referred to as 'system accreditation' in Germany). Institutions that successfully undergo system accreditation can accredit their own study programmes, although they may also retain programme accreditation. Czechia applies study field accreditation. Universities with institutional accreditation are authorised to approve and introduce new programmes in the accredited study fields while those without must accredit individual programmes via the National Accreditation Bureau.

In all other systems, institutions are unable to choose quality assurance mechanisms.[36] However, there are developments in a series of systems towards institutional external quality assurance, moving away from accreditation on a programme basis. While institutional accreditation/evaluation continues to be rolled out in several systems, as detailed in the section above, the extent to which it comes to replace programme accreditation differs. Overall, the transition in external quality assurance systems seems slow, when comparing the findings of the previous Scorecard edition with the new data. In some cases, systems cumulate various types of accreditation/evaluation, at institutional, study field/cluster and programme levels.

36 The Autonomy Scorecard allocates a null deduction value (0) to the systems featuring mandatory institutional evaluation.

With regard to the capacity to select the quality assurance agency, the higher education systems fall into two categories. In 10 systems (See Graph 20), universities can use a quality assurance agency of their choosing; they may also select an agency from another country. This includes cases where an additional validation by the national quality assurance agency is mandatory (as in Estonia, or in case of programme accreditation in Georgia). In all other 25 systems, universities are not able to choose the quality assurance agency. However, institutions may seek complementary, external quality assessments in addition to the mandatory accreditation/evaluation carried out by the national agency.

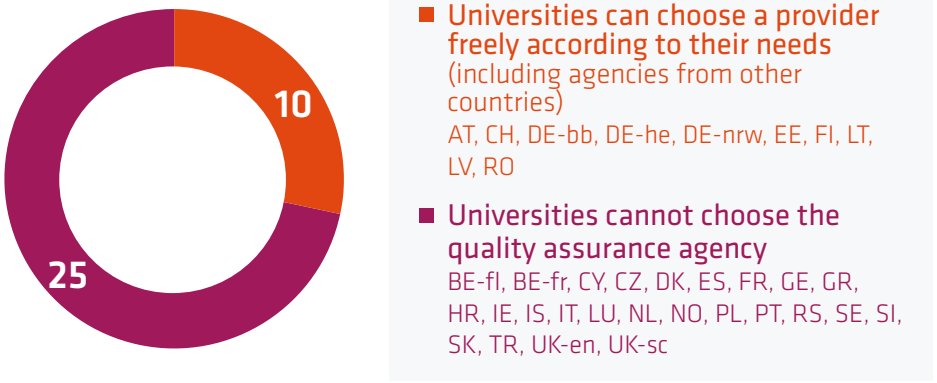
Recent developments in this field have taken place in the Baltic states, with Latvia and Lithuania opening up the possibility for universities to undergo external evaluation with European Quality Assurance Register (EQAR)-listed agencies since 2019 (although this is not a common practice so far in Lithuania due to the costs involved for universities). In the Latvian case, the final accreditation decision rests with the National Study Quality Commission.

As part of the 2017 reform, the Serbian national accreditation committee underwent several changes to meet the criteria set by the European Network for Quality Assurance in Higher Education (ENQA). As part of the institutional accreditation process, this body defines the capacity of the university in terms of students per study programme, while the institution's work permit is granted by the ministry itself and specifies maximum enrolment of state-funded students.

According to the 2018 law on quality assurance in higher education, Slovak universities have had the possibility to apply for a two-tier evaluation process. Slovak universities are allowed to select an EQAR-listed agency for the initial phase, insofar as the external agency checks the compliance of the programme with the ESG standards and writes the report, while the national agency makes the final decision.

The Turkish higher education quality assurance system has undergone several reforms. The Higher Education Quality Assurance Regulation, which was passed in 2015, led to the establishment of a new body, which was further adapted and renamed Higher Education Quality Council of Türkiye (THEQC) by the 2017 Higher Education law. The Council is member of ENQA since 2020. All universities are obliged to undergo institutional external accreditation every five years, carried out by THEQC.[37] However, in addition to the mandatory evaluation and accreditation, they are still free to select other providers (approved by THEQC) for programme and institutional evaluations. Programme accreditation is voluntary in Türkiye.

Graph 20 Capacity to select quality assurance providers



37 In 2022, following amendments made to the regulation, Turkish institutions that are evaluated within the scope of the Institutional External Evaluation Programme (IEEP) are now included in the Institutional Accreditation Programme (IAP), while the IEEP will solely be carried out as a preparation programme for IAP, for institutions that will be evaluated for the first time.

Chapter 3

The Autonomy Scorecard

This chapter presents the scorecards for the four areas of institutional autonomy. By closely examining the restrictions and combinations of restrictions that apply in each higher education system studied in the context of the project, it aims to describe how scores and ranking positions came about. To facilitate such a comparison, the field of investigated systems is split into four clusters:

- a high group scoring between 100% and 81%;
- a medium high group scoring between 80% and 61%;
- a medium low group scoring between 60% and 41%;
- a low group scoring between 40% and 0%.

It is important to note that this chapter presents the weighted results. The methodology used for scoring and weighting systems' autonomy performance is described in detail in Chapter 1: Introduction and methodology.

The analysis of each of the following scorecards focuses on the changes in the scoring of the systems concerned and their potential change of cluster,[38] rather than on their rank itself, as it should be borne in mind that three new systems were added in the present update and four present in 2011, but not in 2017, have returned. The maps in each of the following sections show the clusters (first map) as well as the evolution per system (second map).

The following section describes the most noticeable changes both within and across clusters.[39]

This chapter compares the scores to the 2017 Autonomy Scorecard, with the exception of the returning systems (Czechia, Cyprus, Greece, and Türkiye), which are compared with their performances from the 2011 data collection. The newly added systems, Georgia, Romania, and Scotland, fall beyond the comparative scope.

38 Adaptations in the 2017 scores may have led to changes in clusters, which are detailed in the country profiles and not described here.

39 The maps describe all changes recorded, independently of their scale.

1. Organisational autonomy

Map 7 Organisational autonomy clusters

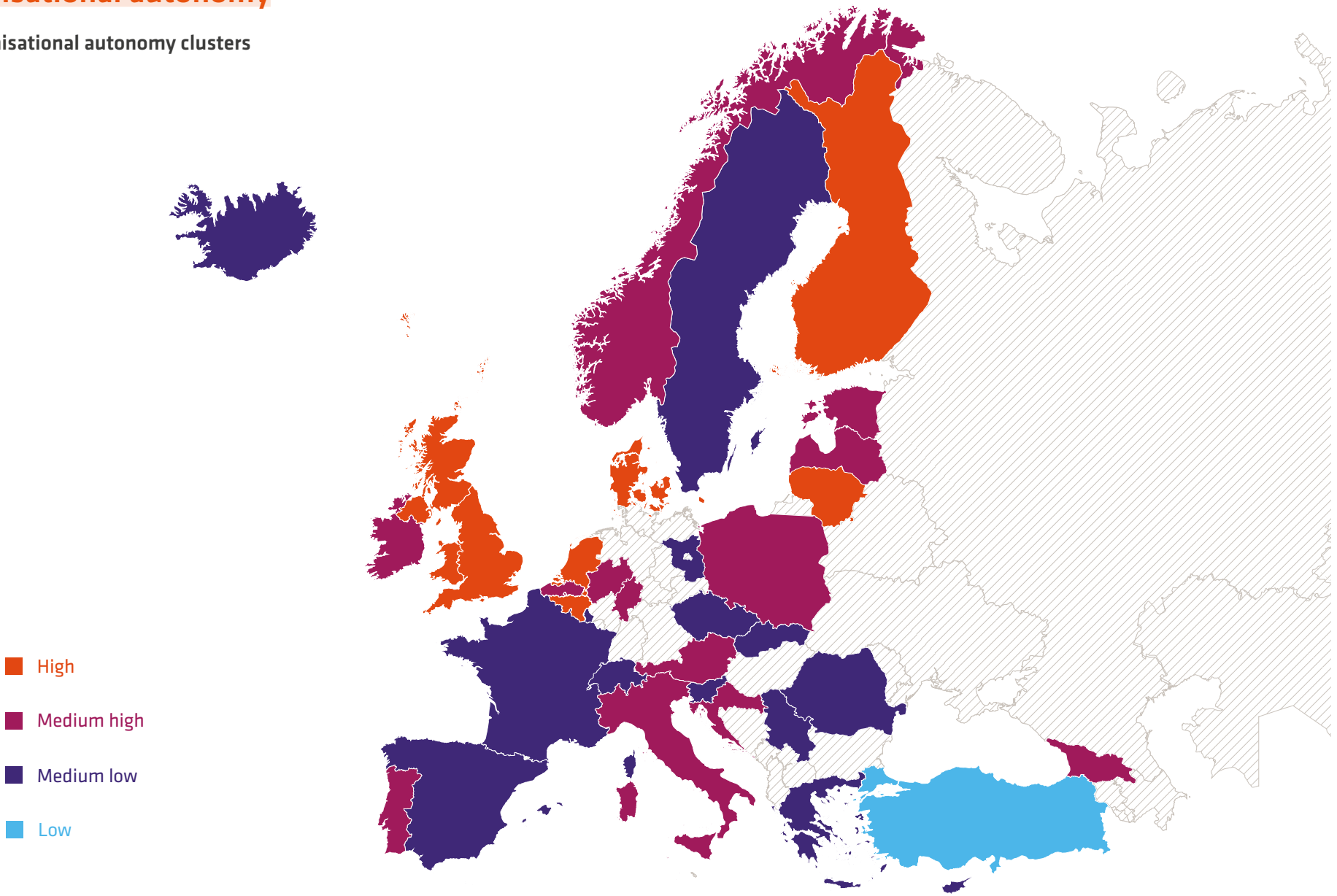


Table 3 Organisational autonomy ranking[40]

Rank	System	Score | Organisational autonomy
1	England (UK)	100%
	Scotland (UK)	100%
3	Finland	93%
4	Wallonia-Brussels Federation (BE)	90%
5	Lithuania	88%
6	Denmark	87%
7	Netherlands	83%
8	Portugal	80%
9	Austria	78%
	Norway	78%
11	Hesse (DE)	77%
12	Ireland	76%
13	Estonia	73%
14	Poland	71%
15	Flanders (BE)	70%
16	Latvia	69%
17	North Rhine-Westphalia (DE)	68%
18	Georgia	66%
19	Italy	65%
20	Croatia	62%
21	Slovenia	59%
	Sweden	59%
23	Brandenburg (DE)	58%
24	France	57%
	Slovakia	57%
26	Luxembourg	56%
	Serbia	56%
28	Spain	55%
	Switzerland	55%
30	Czechia	54%
	Cyprus	54%
	Romania	54%
33	Greece	51%
34	Iceland	45%
35	Türkiye	39%

40 The systems with the same scores are alphabetically ranked.

Over the past 10 years, England retained the leading position in the area of organisational autonomy. The English higher education system scores 100% on organisational autonomy, which means that the decision-making capacity is fully vested within the university. Scotland, a newly added system, has the same degree of autonomy in this regard.

Denmark, Finland, Lithuania, and Belgium's Wallonia-Brussels Federation, remain in the **top cluster** of highly autonomous systems (with scores above 80%), with stable degrees of organisational autonomy. While Denmark stands in this cluster, its overall scoring has decreased compared to the previous position. This is due to the fact that since 2017 the nomination of the chair of the board is subject to ministerial approval.

The Netherlands advanced from the medium high to the top cluster because the appointment of the president is now less regulated.

All the included systems in this cluster may decide freely on the major organisational matters, such as the selection of the executive heads, the governance models, and organisational structures.

The **second (medium high) cluster**, which includes countries scoring between 61% and 80%, maintains 13 systems (See Table 3), although the composition has changed. While most of the systems from the previous edition of the Autonomy Scorecard remained in this cluster, some systems moved to another cluster.

Whilst the Netherlands moved upward, Georgia, as a new system, and Estonia also joined this cluster, and Latvia returned to this group. In the case of the latter, cluster analysis over time reflects the transitional nature of the system, to the extent that Latvia has experienced downgrade as well as upgrade in the past few years. Latvia's current entry to the medium high cluster from the medium low group is the result of the 2021 governance reform which introduced a series of changes that increased organisational autonomy. The university governance structure has evolved from a unitary to a dual model. Before the reform, universities could not include external members, which is now the case for the council. Furthermore, the rector is no longer appointed by an external authority.

Ireland remains in this group, but with slightly increased scoring, due to the higher flexibility in appointing external members to the governing bodies.

The downgrade of Estonia from the high to the medium high cluster is due to the governance reform, which generated a number of changes. The law now states a maximum term of office for the rector, and the appointment of external board members is now fully controlled by an external authority.

Universities operating in systems in the medium high cluster are largely autonomous in deciding on their academic structures and in establishing legal entities. Almost all include external members in their governing bodies, although they are significantly less free in appointing them. External authorities usually become involved in the selection procedure in some form. Regarding executive leadership, the situation is less clear-cut. In a majority of systems in the medium high cluster, universities remain free to decide on the appropriate selection process and criteria for their rectors. By contrast, the dismissal procedure and term of office are prescribed by law in nearly all systems in this cluster.

The **third (medium low) cluster**, which includes systems with a score between 41% and 60%, consists of 14 systems (See Table 3), seven of which already featured in this cluster in 2017 (Brandenburg, France, Iceland, Serbia, Slovakia, Spain, and Switzerland).

Luxembourg and Slovenia join this group, with the former moving up from the low cluster and the latter moving down from the medium-high cluster. Due to the governance reform in 2018 in Luxembourg, an external authority is no longer involved in the recruitment of the executive head. Changes in the modality of the selection of members of one of the governing bodies generates a higher score in organisational autonomy. The fact that Luxembourg benefits from greater autonomy is a particularly important development, as the system is centred on a sole university and has been historically characterised by the high degree of involvement of the government in the organisational affairs.

Slovenia, on the other hand, moves down due to the implementation of further constraints on the recruitment process of the executive head.

While Slovakia remains in the medium low cluster, it increased its score, on account of more freedom to establish academic structures and the appointment of external members in the governing bodies.

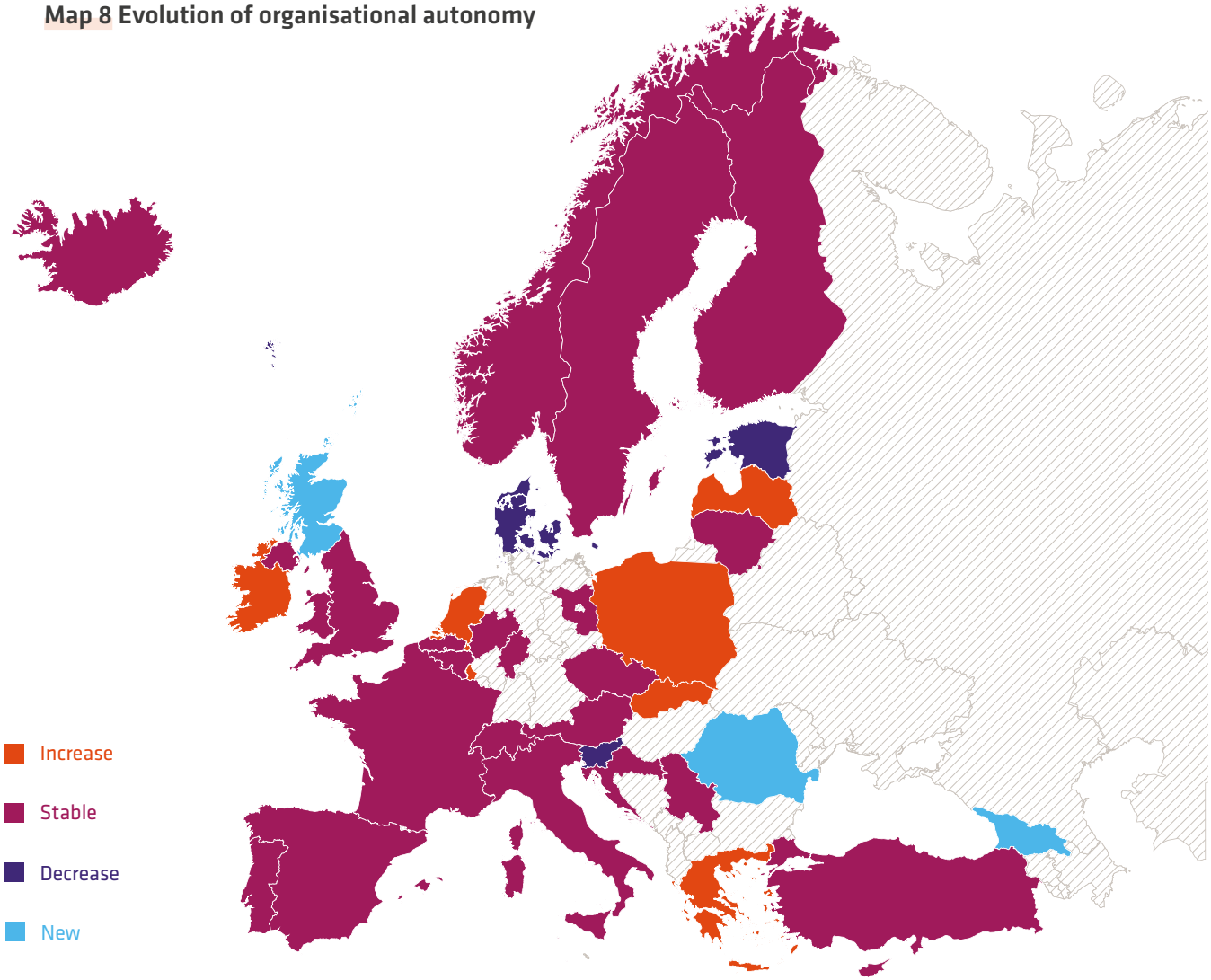
A majority of the returning systems from 2011, Czechia, Cyprus, and Greece, as well as one newcomer, Romania, also feature in the third group. The returning systems appear in the same cluster as in 2011; only Greece has increased its score, as the selection of the executive head is no longer validated by an external authority.

Although the specific national or regional circumstances within the medium low cluster are highly heterogeneous, universities in a majority of these systems face heavy regulatory constraints in all areas of organisational autonomy. In deciding on the appointment, term of office and dismissal of the executive head, universities in medium low systems have little freedom. The appointment of external representatives to university governing bodies is heavily regulated in all systems contained in the group. The comparatively least heavily regulated aspect of organisational autonomy in the medium low group is the establishment of legal entities.

The **fourth (low) cluster** contains higher education systems with scores of up to 40%. Only Türkiye is included in this cluster. Turkish universities are the most regulated across Europe in the area of organisational autonomy. Heavy restrictions apply to the selection and dismissal of the rector as well as capacity to open academic structures and legal entities. Furthermore, Türkiye remains the only system where the selection, appointment, and dismissal of the rector rests singlehandedly with the country's president. This exceptional form of influence on university governance further impacts all dimensions of autonomy, beyond what can be reflected in the scoring.

Changes in scores and clusters, whether downwards or upwards, are mostly the result of the implementation of governance reforms. Three systems registered downward evolution (Denmark, Estonia, and Slovenia), while seven countries improved their scores (Greece, Ireland, Latvia, Luxembourg, the Netherlands, Poland, and Slovakia).

Map 8 Evolution of organisational autonomy



2. Financial autonomy

Map 9 Financial autonomy clusters

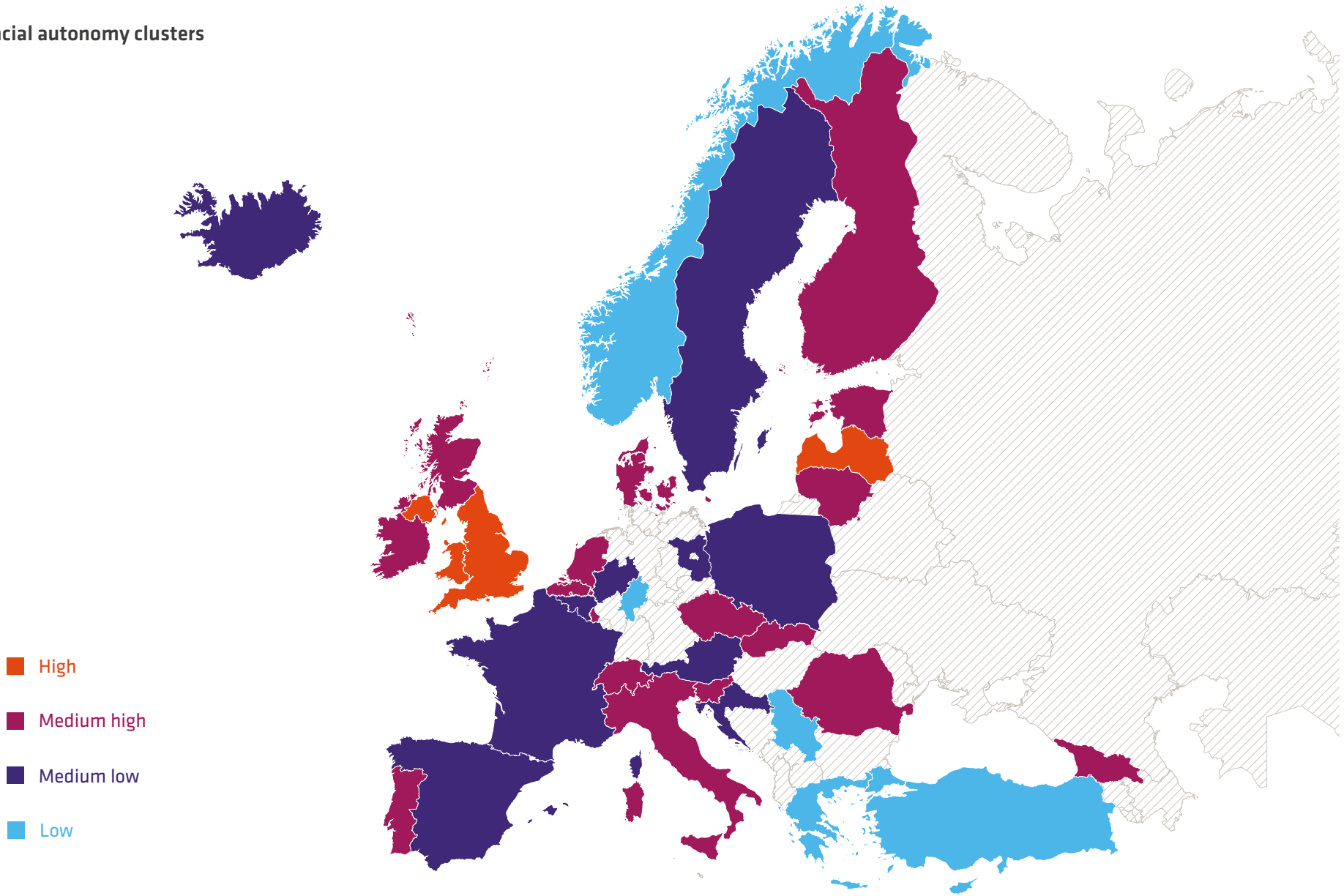


Table 4 Financial autonomy ranking

Rank	System	Score | Financial autonomy
1	Latvia	90%
2	England (UK)	89%
3	Scotland (UK)	80%
4	Estonia	77%
5	Luxembourg	75%
	Romania	75%
7	Flanders (BE)	74%
8	Switzerland	72%
9	Georgia	71%
10	Italy	70%
	Portugal	70%
12	Czechia	69%
	Denmark	69%
14	Slovakia	68%
15	Finland	67%
16	Netherlands	66%
	Slovenia	66%
18	Ireland	63%
19	Lithuania	61%
20	Iceland	60%
	Poland	60%
22	Austria	59%
23	Sweden	56%
24	Spain	55%
25	Wallonia-Brussels Federation (BE)	54%
26	Croatia	46%
27	Brandenburg (DE)	44%
	France	44%
29	North Rhine-Westphalia (DE)	43%
30	Serbia	40%
31	Türkiye	37%
32	Hesse (DE)	35%
	Norway	35%
34	Greece	31%
35	Cyprus	23%

In the area of financial autonomy, the **top cluster** has shrunk and now includes only two systems considered to be highly autonomous (i.e. with a score above 80%): England (UK) and Latvia.

The English and Latvian higher education systems share both some similarities and differences. For instance, in both systems, the funding is channelled via an annual block grant, with no restrictions to the allocation. Both systems allow their universities to keep the surplus without any restrictions. England and Latvia's systems diverge in terms of tuition fees (with exception of the tuition fees for international students), managing real estate, and borrowing money.

The change in Luxembourg, which has dropped from the top group to the second group, must be seen in the context of greater autonomy in the organisational dimension. The partial withdrawal of the state from the governance of the university has been accompanied by a more rigid regulation of tuition fees, which requires validation from the external authority.

The **second (medium high) cluster**, which includes countries scoring between 61% and 80%, covers 17 systems (See Table 4) and stands as the densest cluster under financial autonomy. Now accommodating Luxembourg, this cluster also registers the lower score of the Netherlands (within the cluster), linked to new constraints on the capacity to keep surplus on public funding. Some of the newcomers and returning systems also feature in this group, namely Czechia, Georgia, Romania, and Scotland.

Universities operating in countries that offer medium high financial autonomy generally enjoy relatively flexible public funding modalities and may most often own buildings. In most systems, borrowing money and keeping a surplus is also allowed to a varying extent. Most of the systems in this cluster do not authorise universities to set the level of fees for national/EU students, but in a majority of cases, this possibility exists in relation to international, non-EU students.

The **third (medium low) cluster**, which includes systems scoring between 41% and 60%, consists of 10 systems (See Table 4). While Poland remains in this cluster, the score has slightly improved because universities may freely allocate the block grant. This group remains stable apart from Norway, which moves down to the low cluster.

Even in systems with medium low financial autonomy, universities tend to enjoy fairly flexible public funding modalities. There is no homogeneous set of characteristics regarding financial management capacity (borrowing and keeping surplus, ownership of buildings). However, these systems leave very limited to no role for universities in setting tuition fees. The systems considered here either do not allow universities to charge fees (at bachelor's degree level) or set the level of fees only via an external authority. These systems also tend to differentiate less between national/EU students and international students in terms of fee-setting mechanisms, so universities do not have a greater say in these matters either.

The **fourth (low) cluster**, which includes higher education systems with scores of up to 40%, now comprises six systems (See Table 4), out of which only Hesse and Serbia, from the previous updates, continue to feature here. Three systems in this cluster are returning systems: Cyprus, Greece, and Türkiye.

While Cyprus and Greece are unchanged in this regard since 2011, Türkiye has experienced a minor decrease in scoring, as the result of the abolition of the tuition fees for national students. Universities must now cooperate with an external authority to set the fees for international students.

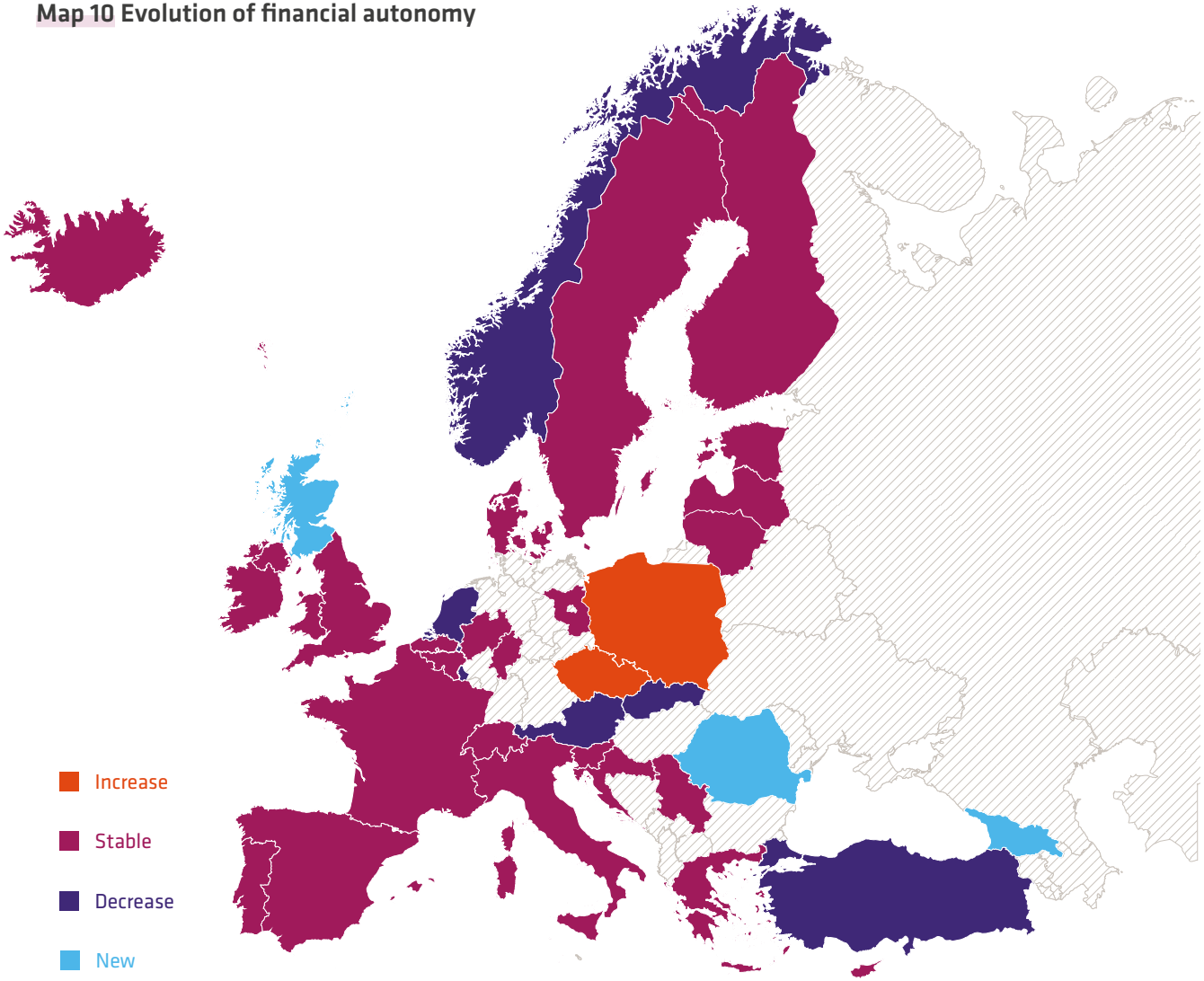
Norway has moved down from the medium low cluster. This is because the capacity to close or sell real estate has been further constrained. Hesse remains in this cluster, having registered no improvement in universities' capacity to decide on financial matters.

The final cluster contains higher education systems whose level of financial autonomy is perceived to be low. It is also worth noting that four systems (Cyprus, Greece, Serbia, and Türkiye) in this cohort are characterised by line-item budgets, which is the most restrictive public funding modality. This cluster portrays a near-complete lack of autonomy in the area of tuition fees (with the exception of Serbia and Türkiye in respect of international students) and constraints imposed on universities' capacity to own and sell university buildings, borrow money, and keep surplus funds.

Financial autonomy in practice may be considerably limited despite flexible legal frameworks, in particular, due to the acute challenge posed by the limited funding available in some systems. The freedom for universities, in principle, to allocate funds internally or independently recruit and set salaries for (some) staff, remains essentially theoretical if the institutions do not have financial room to manoeuvre.

This dimension registers the lowest number of changes, most of which show downward trends. Only Czechia and Poland moved up, whereas Austria, Luxembourg, Norway, the Netherlands, Slovakia, and Türkiye all moved down.

Map 10 Evolution of financial autonomy



3. Staffing autonomy

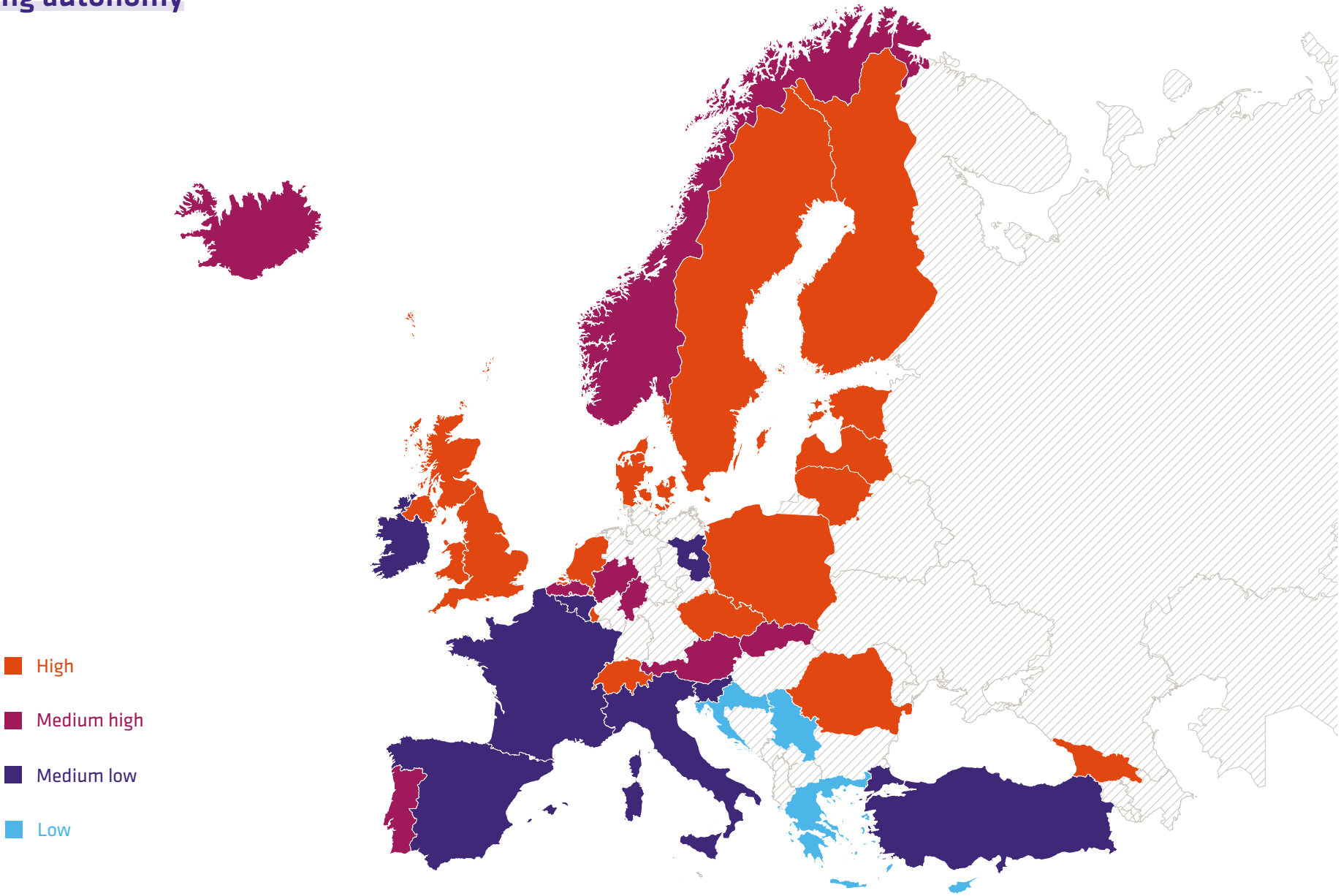


Table 5 Staffing autonomy ranking

Rank	System	Score | Staffing autonomy
1	Estonia	100%
2	Czechia	98%
3	Sweden	97%
4	England (UK)	96%
	Georgia	96%
	Luxembourg	96%
	Scotland (UK)	96%
8	Finland	92%
	Netherlands	92%
10	Switzerland	91%
11	Latvia	89%
12	Poland	87%
13	Denmark	86%
14	Romania	84%
15	Lithuania	83%
16	Austria	79%
17	Flanders (BE)	76%
18	Slovakia	69%
19	Iceland	68%
20	Hesse (DE)	63%
	North Rhine-Westphalia (DE)	63%
	Norway	63%
23	Portugal	62%
24	Brandenburg (DE)	58%
	Ireland	58%
26	Türkiye	56%
27	Spain	50%
28	Wallonia-Brussels Federation (BE)	49%
29	Italy	49%
30	Slovenia	48%
31	France	44%
32	Cyprus	39%
	Serbia	39%
34	Greece	19%
35	Croatia	12%

In the area of staffing autonomy, the trend towards a higher degree of autonomy continues, and the largest number of higher education systems falls in the **top cluster**, with 15 scoring above 80% (See Table 5). The enlargement of this cluster is linked to the inclusion of the Netherlands, as well of the newcomer systems (Georgia, Romania, and Scotland). Furthermore, Czechia returns to this cluster with the same score as in 2011. The rest of the composition of this cluster remained the same as in 2017.

The high proportion of systems in the top group is mainly explained by the fact that staff in these systems do not have civil servant status. In several systems, civil servant status has been abolished (most recently in the Netherlands) or reduced to such an extent that the vast majority of staff are no longer subject to this status. Universities have therefore a higher autonomy to set salaries, recruit, dismiss, and promote staff.

While Luxembourg and Poland retain their standing in this group, both demonstrate small increases in scores. In Poland, the 2018 reform granted larger leeway on staffing matters, to the extent that recruitment of academic staff has been simplified.

On account of the 2018 reform in Luxembourg, the introduction of a new promotion mechanism for academic staff has increased the scoring. Besides, the civil servant status continues to be phased out. It is noteworthy that since 2011 Luxembourg and Poland exhibit small but gradual increases in scores under the staffing dimension.

Countries included in the top cluster enjoy a high level of autonomy in staffing matters. Where limitations apply, they do not significantly constrain institutions. Recruitment procedures and salaries tend to be more heavily regulated than dismissal and promotion processes. Finally, though sector-specific regulations may exist in the top-cluster countries, these are not due to the civil servant status of university employees.

The **second (medium high) cluster** covers systems scoring between 61% and 80%. It includes eight systems (See Table 5), which have all previously featured in the same cluster. However, as mentioned above, the Netherlands has moved up to the top cluster.

Despite the overall stability in this cluster, some positive and negative developments have been detected. In Austria, a minority of staff (less than 20%) retains civil servant status. Therefore, universities may freely decide on salaries for most academic and administrative staff.

Slovakia decreased its score (though marginally) on account of the law that now prescribes the composition of the committee to promote academic staff, whereas previously there was no such provision in place.

Although systems in the medium high cluster face more restrictions than those in the first group, they do retain autonomy over certain aspects of staffing. Generally speaking, recruitment procedures and promotions are less heavily regulated than salaries and dismissals. Contrary to the first cluster, some of the systems included in this group grant civil servant status to some or all senior university staff.

The **third (medium low) cluster**, which includes systems scoring between 41% and 60%, also consists of eight systems (See Table 5). Türkiye, a returning system, enters this cluster, and retains stability in scoring since 2011.

Some upward trends have been registered in the third cluster. For instance, Ireland records quite a significant increase in score, as the moratorium on promotions has been lifted. Moreover, Slovenia's research law of 2022 introduced the possibility to increase the salaries for researchers, which has resulted in improved scoring.

Universities operating in systems in the third (medium low) cluster face restrictions on a majority of staffing indicators and for both staff categories. Institutions in this group are least constrained in hiring staff, and most systems maintain some freedom to determine recruitment procedures, either for academic or administrative staff.

The **fourth (low) cluster**, which includes systems scoring below 41%, comprises four systems (See Table 5): returning systems Cyprus and Greece, alongside Croatia and Serbia, which sustain their scoring from 2017. All are characterised by strict ministerial control over civil servant staff that leaves no room for universities to decide on salaries and careers and gives little scope for strategic recruitment policies. Cyprus and Greece show no movement in any direction and maintain their 2011 scores.

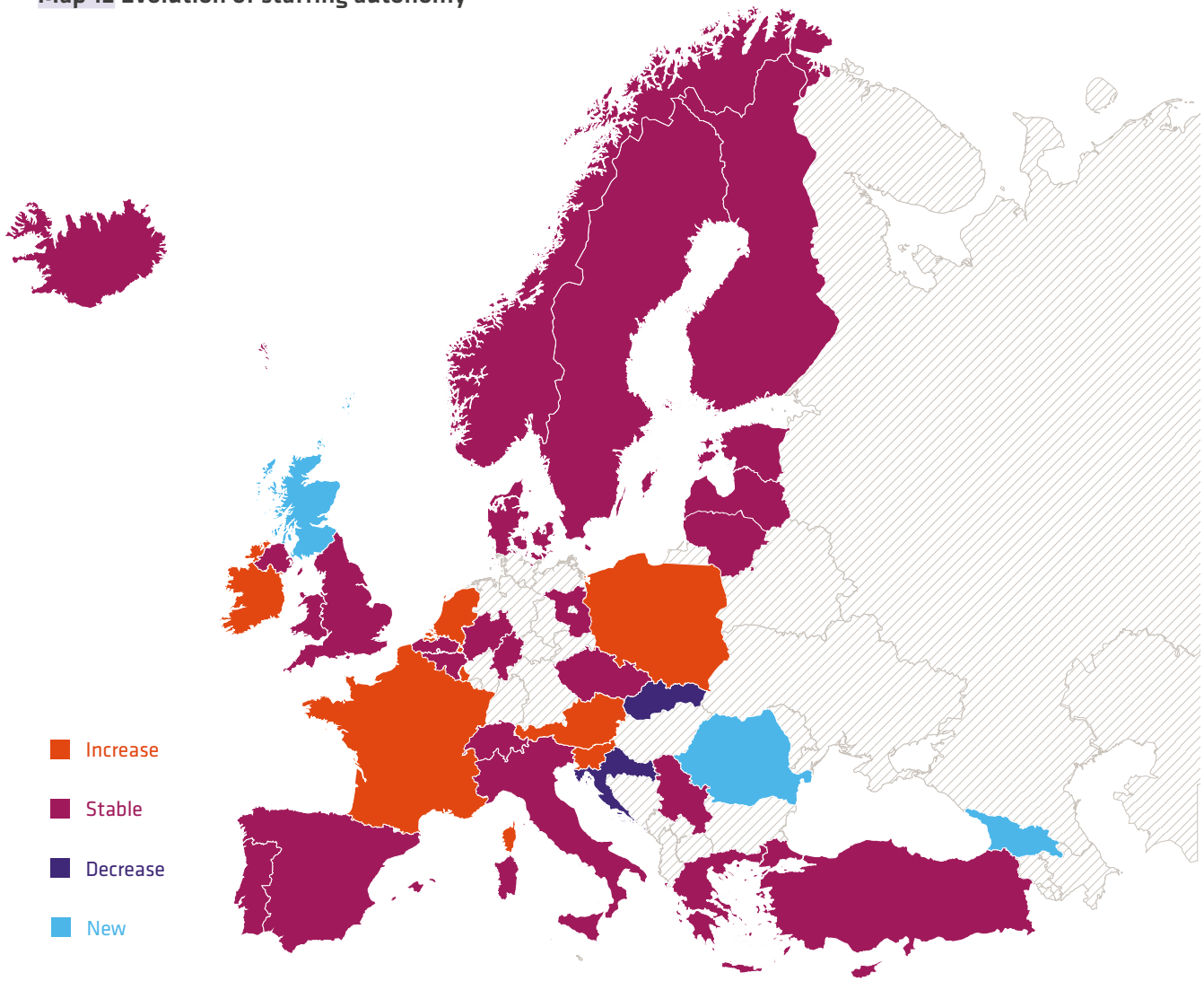
While Croatia remains in this cluster, it registered the most significant fall in the scoring, which is explained by the fact that since 2016 recruitment and promotion have been subject to stricter restrictions.

The situation in Serbia has remained the same, insofar as the nationwide ban on the hiring of administrative staff is still in effect, which continues to constrain recruitment further.

Unlike the previous report, current data analysis registers a higher number of changes in the staffing dimension, the majority of which are positive developments. The trend of phasing out the civil servant status progressively continues. Reforms in this area tend to take place over the long term.

Geographical distribution within the different clusters shows a more clearcut pattern than in the other dimensions and is related to the extent to which civil servant status is used in universities. In contrast to financial autonomy, only Croatia and Slovakia recorded downward moves, whereas seven systems, (Austria, France, Ireland, Luxembourg, the Netherlands, Poland, and Slovenia) experienced upward changes.

Map 12 Evolution of staffing autonomy



4. Academic autonomy

Map 13 Academic autonomy clusters

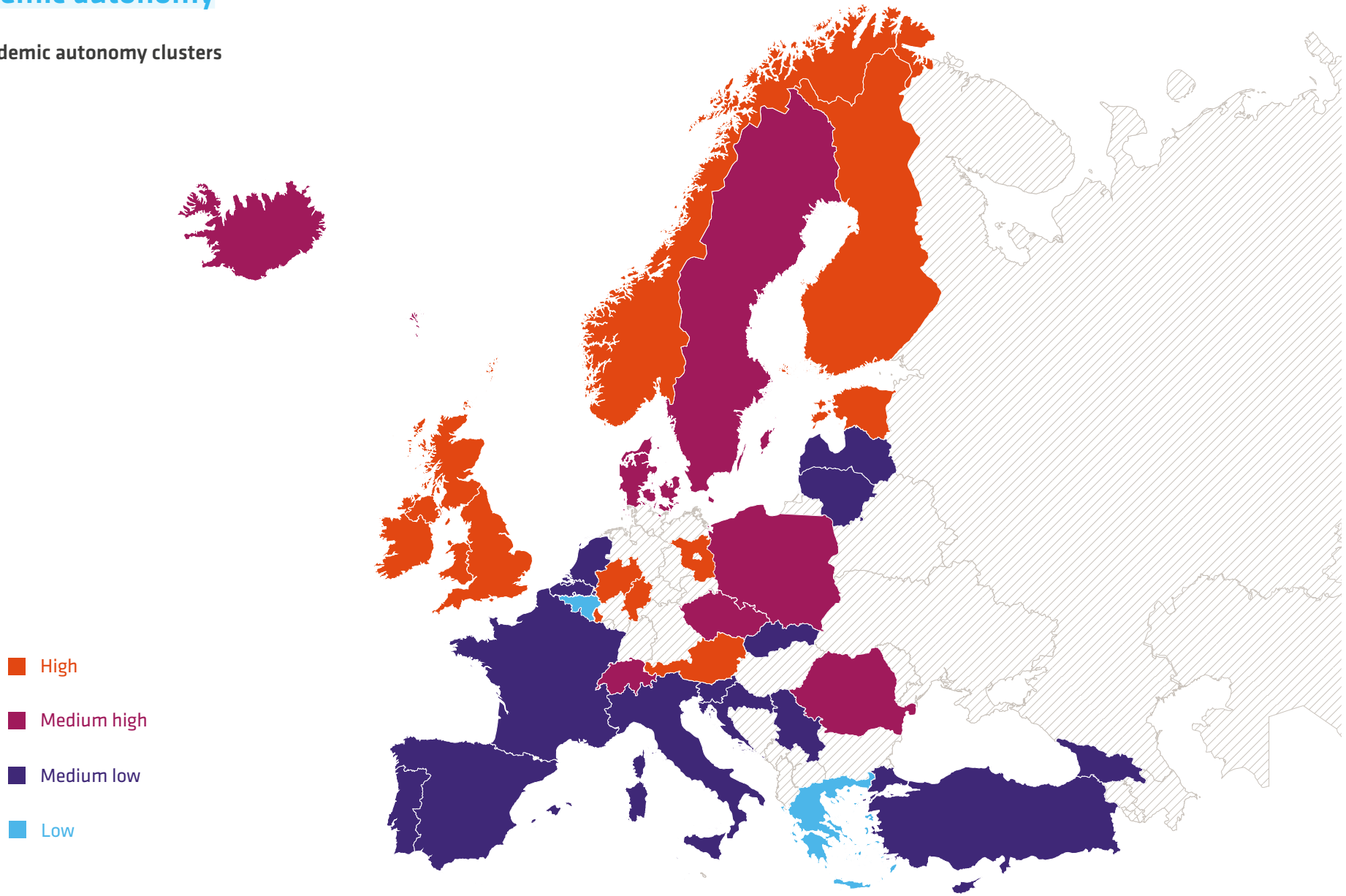


Table 6 Academic autonomy ranking

Rank	System	Score | Academic autonomy
1	Estonia	95%
2	Finland	90%
3	England (UK)	89%
	Ireland	89%
	Luxembourg	89%
	Scotland (UK)	89%
7	Hesse (DE)	88%
	North Rhine-Westphalia (DE)	88%
9	Brandenburg (DE)	87%
10	Austria	85%
11	Norway	83%
12	Iceland	80%
13	Czechia	72%
	Denmark	72%
	Switzerland	72%
16	Poland	68%
17	Sweden	67%
18	Romania	61%
19	Spain	57%
20	Italy	56%
	Slovakia	56%
22	Latvia	55%
23	Portugal	54%
24	Flanders (BE)	53%
	Lithuania	53%
26	Serbia	49%
27	Georgia	48%
28	Slovenia	47%
29	Croatia	46%
	Netherlands	46%
	Türkiye	46%
32	Cyprus	42%
	France	42%
34	Greece	33%
35	Wallonia-Brussels Federation (BE)	26%

In the area of academic autonomy, 11 systems (See Table 6) are included in the top **cluster** and can thus be considered highly autonomous. Estonia continues to lead this group, although it experienced a slight decrease in score as a consequence of universities no longer being autonomous in deciding on the language of instruction. A newly added system, Scotland, also joins the top cluster. Austria has moved up from the medium high cluster. This is due to the fact that the number of programmes for which enrolment is selective has grown, and that consequently, admission process at bachelor's degree level is now co-regulated. Therefore, the Austrian universities' capacity to decide on the number of students as well as on admission criteria has increased.

The **second (medium high) cluster** includes systems scoring between 61% and 80% and consists of seven countries (See Table 6). All the systems that previously belonged to the second cluster retain their position, with the exception of Austria. Romania, a newcomer system, features here. Czechia, a returning system, demonstrates a large increase in scoring as universities may choose between study field and programme accreditation.

Despite the overall stability in this cluster, Denmark's score has decreased on account of the newly introduced cap on the English programmes.

Systems with medium high academic autonomy are rather free to choose the language of instruction and design the content of degree programmes. By contrast, nearly all face limitations when deciding on overall student numbers and admission mechanisms.

These are systems promoting institutional external quality assurance, with some now transitioning away from programme accreditation. While none of the systems in this group let universities choose external quality assurance processes, at least three systems allow institutions to select providers.

The **third (medium low) cluster**, which includes systems scoring between 41% and 60%, is the largest and includes 15 systems (See Table 6). Most returning systems, as well as Georgia, enter this cluster. Cyprus and Türkiye show neither upward nor downward movements since 2011.

Moreover, Flanders and France have been promoted from the low cluster. In Flanders, the ban on the introduction of new programmes has been lifted, which results in an increase in scoring (and the greatest positive difference in points among changes in the academic dimension). In France, admission at bachelor's degree level is now co-regulated between the universities and external authorities, which grants universities higher autonomy in this respect.

Upward developments have been reported in Latvia and Lithuania. In the case of the former, the quality assurance reform has progressed further, and universities may choose any EQAR-listed quality assurance providers according to their needs. In the same vein, since 2019 Lithuanian universities are free to choose any EQAR-listed agencies.

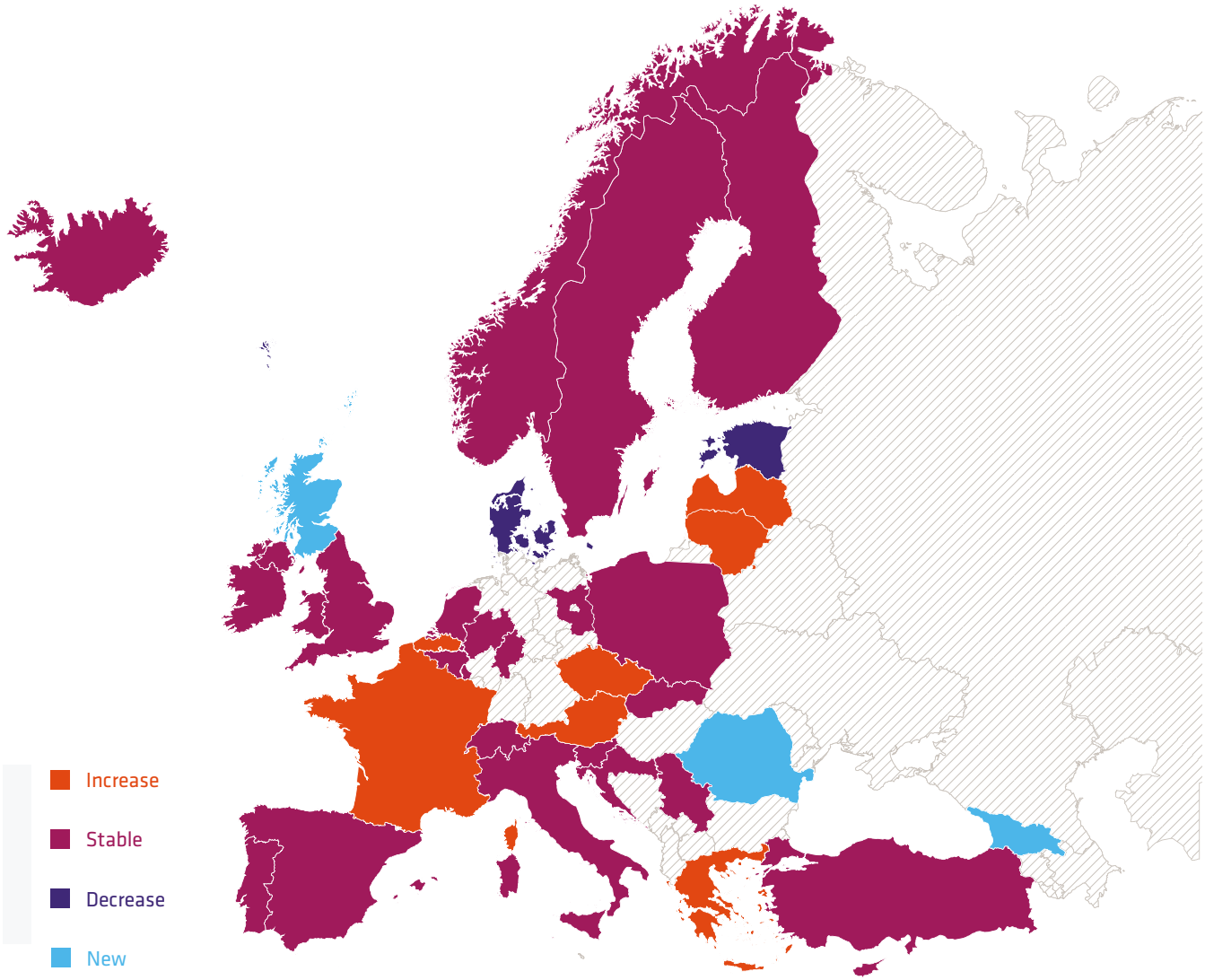
The countries of the medium low group include those operating mixed models, whereby universities have more autonomy in deciding on the intake of fee-paying students. Admission is almost never in the hands of universities at bachelor's degree level, although the trend is reversed at master's degree level. Most systems included have mandatory programme accreditation. Universities can in part select quality assurance providers. This group also features the three countries where universities are not autonomous in designing the content of academic programmes and courses.

Belgium's Wallonia-Brussels Federation and Greece are the sole members of the **fourth (low) cluster**, which consists of systems scoring below 41%.

Both systems face an array of restrictions in nearly all areas of academic autonomy, starting from the possibility to select students and language of instruction, followed by the introduction of the academic programmes, and decision on quality assurance procedures, where everything is in the hands of the external authority.

Like staffing autonomy, only two downward moves have been registered under academic autonomy: Denmark and Estonia. Both are linked to further control of the language of instruction. Upward movements are registered in seven systems: Austria, Flanders, Czechia, France, Greece, Latvia, and Lithuania. These positive developments are explained by different reasons, such as increasing the universities' capacity to decide the language of instruction, select the quality assurance agency, or take part in the selection of the students.

Map 14 Evolution of academic autonomy



5. Assessment across autonomy dimensions

The scores of the large majority of systems have remained stable over time. Nevertheless, some trends can be observed. The data collected reveals that financial autonomy registers the fewest changes (eight changes). While the organisational, staffing, and academic dimensions record the most positive developments (seven upward moves), the financial dimension accounts for the most negative moves (six) in 2022 (See Table 7).

A subset of countries experienced upgrades as well as downgrades in different dimensions. For instance, Austria, Luxembourg, the Netherlands, Poland, and Slovakia are the only systems that recorded three positive and/or negative moves. Poland is characterised by only upward developments, whereas Austria, Luxembourg, the Netherlands and Slovakia demonstrate positive and negative moves in different dimensions.

The other systems which register two moves are Czechia, Denmark, Estonia, France, Greece, Ireland, Latvia, and Slovenia. Of these, Denmark and Estonia record negative moves under organisational and academic dimensions, while Czechia, France, Greece, Ireland, and Latvia demonstrate positive moves in different dimensions. As for Slovenia, it records positive as well as negative moves in different dimensions.

Table 7 System changes across autonomy dimensions

Autonomy dimension	Increased	Decreased	Stable
Organisational	GR, IE, LU, LV, NL, PL, SK (7)	DK, EE, SI (3)	AT, BE-fl, BE-fr, CH, CY, CZ, DE-bb, DE-he, DE-nrw, ES, FI, FR, HR, IS, IT, LT, NO, PT, RS, SE, TR, UK-en (22)
Financial	CZ, PL (2)	AT, LU, NL, NO, SK, TR (6)	BE-fl, BE-fr, CH, CY, DE-bb, DE-he, DE-nrw, DK, EE, ES, FI, FR, GR, HR, IE, IS, IT, LT, LV, PT, RS, SE, SI, UK-en (24)
Staffing	AT, FR, IE, LU, NL, PL, SI (7)	HR, SK (2)	BE-fl, BE-fr, CH, CZ, CY, DE-bb, DE-he, DE-nrw, DK, EE, ES, FI, GR, IS, IT, LT, LV, NO, PT, RS, SE, TR, UK-en (23)
Academic	AT, BE-fl, CZ, FR, GR, LT, LV (7)	DK, EE (2)	BE-fr, CH, CY, DE-bb, DE-he, DE-nrw, ES, FI, HR, IE, IS, IT, LU, NL, NO, PL, PT, RS, SE, SI, SK, TR, UK-en (23)

Chapter 4

Trends

This chapter looks at general reform developments across several dimensions of autonomy and analyses their extent. Subsequently, trends and development in each individual dimension are described. It also discusses cross-cutting developments that have an impact on the capacity of universities to develop adequate institutional profiles.

1. Overall reform developments

Regulatory framework reforms

Focusing on the period following the previous edition of the Autonomy Scorecard (2017-2022), several larger-scale reforms stand out. In 2017, Czechia implemented changes to its legal framework for universities that had come into force at the end of 2016,[41] mainly focusing on academic elements (accreditation, degrees, etc). The same year, England adopted its renewed Higher Education and Research Act, which enhanced university accountability towards the newly established Office for Students. In 2018, both Luxembourg and Poland enacted wide-ranging reforms, granting more organisational autonomy to universities in both cases, and centralising decision-making in Poland, a system until then characterised by a strong independence of faculties. In 2019, Estonia mainstreamed its unique approach of individual legal acts for its universities.

Ongoing processes were then slowed down by the Covid-19 pandemic, only to be boosted once again by the EU's recovery plan - as governments drafted reform programmes which often included universities (in terms of governance, funding, curricula, or research and innovation capacity).[42] The Recovery and Resilience Facility, an essential part of the NextGenerationEU financial support package, has incentivised the inclusion of structural reforms that underpin member states' long-term economic and social resilience. Some of these plans therefore accommodate higher education reforms: Latvia and Slovakia offer two examples of national plans including changes or adaptations in the university governance model.[43] In the case of the former, the introduction of a board alongside the senate was implemented in 2021.

41 The amendment to the Higher Education Act took effect on 1 September 2016.

42 Bennetot Pruvot, E. and Estermann, T. (2021), *NextGenerationEU: What do National Recovery and Resilience Plans hold for universities?*, European University Association.

43 Ibid, p.17.

Throughout 2022, laws or significant amendments were passed in Croatia (October 2022), Ireland (October 2022), and Slovakia (April 2022).[44] The governance model of Irish universities is changing, as well as their relationship to the regulator and funding body. In Slovakia, the narrative of the reform is one of enhancing performance through greater participation of external members in the governance, centralisation of university decision-making processes, and establishment of performance agreements between universities and the ministry.

In Spain, a large-scale higher education reform has been discussed for a long time, but without result at the time data collection ended.

Landscape consolidation

Public authorities across Europe often approach their higher education systems through the prism of rationalisation, efficiency, and performance. This narrative may accommodate very diverse approaches, ranging from bringing regulatory frameworks together to further differentiation of sub-groups of higher education institutions. That has translated into governance reforms, as referred to above, as well as efforts to redefine the perimeter of key institutions. In this context, merger activity continues to be significant across Europe.[45] Since the 2017 edition of the Autonomy Scorecard, at least 10 mergers (each involving at least one university) took place in France. In Ireland, a 2018 reform led to a wave of new technological universities, resulting from the mergers of former institutes of technology. Greece organised the systematic absorption of technological educational institutes into universities (2018-2019). In Norway, eight mergers have taken place since 2016 – all via internally-driven processes, except the Nord University merger. The Norwegian college system is progressively being incorporated into universities. Other more sporadic developments include Finland, where the University of Tampere and Tampere University of Technology became Tampere University in 2019 (other high-profile mergers took place earlier in the 2010s). The Baltic states all recorded mergers (two for Estonia, one each for Latvia and Lithuania) of typical 'vertical' nature (i.e. incorporations). Latvia stated in its national recovery and resilience plan that it would seek to reduce the number of public higher education institutions and scientific institutes through mergers,[46] possibly by up to one third. Finally, in South-Eastern Europe, Romania saw the merger of Petru Maior University with the University of Medicine and Pharmacy of Targu Mures (2018).

Public authorities have also sought to bring sub-systems closer together. This might include having private providers regulated by the same higher education act as public universities (as in Czechia or Slovakia) or considering universities as part of a broader group of providers, for instance in the field of further education (as in Austria, where universities are subject to special and stricter accreditation rules for further education degrees, which apply to other types of institutions). In the Belgian Wallonia-Brussels Federation, the political will to enhance consistency in the way authorities deal with the various higher education providers results in more framing of university activities (universities are now considered together with other actors such as *hautes écoles*, art schools, and social promotion institutions, which are all historically strongly regulated). This consolidation is reflected in the creation of the Academy of Research and Higher Education (ARES), a body set up by the 2013 decree to act as a federation of higher education providers on the territory of the Wallonia-Brussels Federation. The role of ARES has grown over the years. In Ireland, the main narrative is that of progressive convergence between the university and technological education sectors in terms of regulation. Such processes may well have negative consequences for university autonomy, particularly when applying existing stricter rules in one sector to the university sector.

Underfunding weakens autonomy

Finances make up an important component of concrete institutional autonomy, in several ways. The amount of public funding made available to universities directly affects their capacity to make decisions (whether it be investing in infrastructure or opening up new programmes and recruiting the necessary additional staff).

44 The legal changes in Croatia and Ireland are thus not considered for scoring, as they took place after July 2022. All collected data for Croatia refer to the legislation that was in force until October 22, 2022 when the new Act on Higher Education and Scientific Activity (NN 119/22) became effective. Since then, the new Act on Recognition and Assessment of Foreign Educational Qualifications (NN 69/2022) also came into force on December 30, 2022.

45 For an overview, see: https://www.university-mergers.eu/

46 Bennetot Pruvot, E. and Estermann, T. (2021), *NextGenerationEU: What do National Recovery and Resilience Plans hold for universities?*, European University Association, p.18.

Significant autonomy in this dimension can become meaningless when financial resources are scarce, either because public funding is insufficient or because there is limited access to other sources of income. Underfunding leaves universities ill-prepared and vulnerable to shocks and larger-scale crises, without opportunities to build structures and capacities to reap benefits from this dimension of autonomy. The issue of low levels of public funding concerns several higher education systems. Often universities resort to financing core research work from competitive funding schemes at national or European level. In turn, these sources require co-funding, which is either unavailable or limited by law.

As staff costs represent the highest share of universities' cost structures, low levels of funding continue to restrict universities in staffing matters. So even if the regulatory framework does not foresee that the number of senior academic and/or administrative staff is controlled externally, public authorities may effectively regulate it via public funding. Similarly on salaries, the capacity of universities to be attractive is limited either by externally set salaries/salary bands, or by the inability to offer competitive salaries. The latter issue is particularly problematic for the recruitment of certain non-academic profiles, which may be in demand also from other sectors in the economy.

Transnational collaboration, the European Universities Initiative and national reform processes

The European Universities Initiative has shed light on legal obstacles to transnational cooperation between universities at institutional level. The question of the autonomy of universities and the extent to which they can decide on certain issues themselves has thus gained importance. In the context of the Autonomy Scorecard update, national rectors' conferences reflected on how the emergence of the European university alliances presented challenges for their system's regulatory framework. The analysis resulting from these interviews and a targeted survey with EUA's national rectors' conferences was presented in the briefing, *The European Universities Initiative and system level reforms*.[47]

This work showed that, while many systems are discussing changes to their legal frameworks to give universities more autonomy and further enable transnational collaboration, only a few countries already implemented said changes and some, like Greece, did so exclusively for universities participating in a European university alliance. In many cases, the debate focused on issues linked to academic autonomy such as the accreditation of joint programmes, the language of instruction, the admission of students, or questions around the delivery of online programmes.

However, all dimensions of institutional autonomy include aspects that support or inhibit transnational university collaboration.

Organisational autonomy matters for international cooperation. EUA has shown in its analysis of the alliances' governance models[48] that one of the challenges lies in the diversity of the participating universities' governing structures. The governance set-up and decision-making processes can be very different in each system and are nearly always regulated in law. The involvement of students in governance, for instance, can vary significantly across systems, in terms of which bodies they are included in, as well as the scale of representation (as a share in total membership). Practical knowledge of the roles, portfolios, processes, and the composition of bodies involved in decision-making is necessary within the alliance to successfully implement common decisions within the respective partner universities. The same reasoning applies to university leadership, whose commitment is a success factor for transnational cooperation. The selection mode (which connects to legitimacy and accountability aspects) and competences assigned to leaders should be taken into consideration. The issue about governance and leadership is indeed not about aligning these structures across systems but enhanced mutual understanding.

The capacity of universities to found or engage with other legal entities can also come into play in this type of cooperation. While all higher education systems allow universities to create non-profit entities, restrictions are frequent regarding for-profit entities (Cyprus, Greece, and Türkiye do not let universities establish those). In Sweden, universities are not entitled to sign legally binding contracts with any residential or foreign entities without obtaining preliminary parliamentary approval, while Slovenian universities also need permission from an external authority to join an alliance. These are burdensome and heavy administrative procedures.

47 Claeys-Kulik, A.-L., et al. (2022), *The European Universities Initiative and system level reforms: current challenges and considerations for the future*, European University Association, section 4

48 Bennetot Pruvot, E., Estermann,T. and Stoyanova, H. (2021), *The governance models of the European University Alliances*, European University Association

Financial autonomy can support transnational cooperation. Flexibility in the internal allocation of financial resources is important to implement measures agreed on by the consortium, as project-based funding is not sufficient to achieve ambitious goals such as those of the European university alliances. In half of the analysed systems, however, there are still significant restrictions in the internal distribution of public budgets. Investing jointly in infrastructure or equipment may become desirable or necessary in the context of deep structural cooperation. This may require pooling resources and/or borrowing to make such cross-border investments. In a large majority of higher education systems, universities face certain constraints to borrowing.

As detailed in this report, the ability to charge or set tuition fees for specific or all student groups varies widely, from systems where universities cannot set fees to fund programmes in any cohort to those that have considerable leeway, especially for master's degree programmes. This is also strongly related to political and social acceptance as well as to the general funding model. Consortia engaged in joint study programmes must address this question from an equity perspective as well as integrate this in their institutional financial strategies.

While there have been positive developments in the area of staffing autonomy in the last period, restrictive provisions, especially in terms of autonomy to set the salaries of academic and administrative staff, pose a particular challenge in the context of transnational cooperation. The disparity in salary levels across Europe has already been a problem in various European funding programmes and has been highlighted as a specific issue in the context of the EU's framework research programmes over the years. European university alliances have also begun looking into possibilities for joint staff hirings, which does not naturally fit in heavily national-oriented systems, especially where civil servant status is the norm. While staff mobility within the consortium is an explicit goal of most alliances, the objective may be at odds with career reward structures and incentives, which may be externally set.

In the context of academic autonomy, as mentioned above, the question of accreditation of programmes and the capacity to decide on the language of instruction, as well as the selection of students in the context of joint programmes, are all essential aspects of transnational cooperation. But in all three areas, universities in many systems still face several restrictions. EUA's 2022 briefing[49] explores in further detail the issue of quality assurance of joint programmes and the remaining obstacles in that field. A notable issue for alliances is the need, in some cases, to go through accreditation when the composition of the consortium changes, adding to an already significant administrative burden. 'Fast-track' options for alliances were explored in this regard, for instance in Hungary, generating a de facto and de jure distinction between European university alliances and other forms of transnational cooperation. The question remains, whether dynamics created by the European Universities Initiative may lead to significant system-wide changes.

49 Claeys-Kulik, A.-L., et al. (2022), *The European Universities Initiative and system level reforms: current challenges and considerations for the future*, European University Association, section 2

2. Trends in the different dimensions of autonomy

2.1 Organisational autonomy

University leadership

The involvement of external authorities regarding university executive leadership matters tends to be lesser, mostly because a few countries have removed the need for external validation of the leader's appointment (Greece, Latvia, Luxembourg, Netherlands). However, recent reforms may also impose stricter regulations. Slovenia inserted selection criteria in the law, notably requiring that the rector hold an academic position and come from within the university. This update also allows the assessment of developments in this area, where different options had been made available to universities. For instance, in Norway, the main model for the rector's selection has been by appointment since 2016, with the possibility for universities to opt for an election model. In the previous edition of the Scorecard, universities were split about evenly on the issue. In 2022, 23 institutions had an appointed rector and nine had an elected rector.

Türkiye stands as a complete outlier with regard to established practices in Europe, being the sole system where the selection of the university executive leadership is now entirely carried out without involvement of the institutional governing bodies (for public universities). Although the university senate's role in the selection of the rector could already be considered marginal before,[50] the process has become fully external since 2018. Such practice, enshrined in the national legislation, falls beyond the Scorecard's methodological scope. The current rules governing the nomination of university rectors and politically motivated appointments are clear violations of the principle of institutional autonomy.

The growing role of university boards

Several countries, notably in Central Europe, amended the regulatory framework in a direction that either installed, or reinforced competences of the board-type body. Unitary senate-based governance models have become a rarer exception. Estonia, Latvia, and Poland all switched to dual models. Of the higher education systems analysed, only Brandenburg, Greece and Türkiye retain senate-driven governance. Three countries resort to dual governance with a greater competence portfolio for the senate (asymmetric model): Croatia, Czechia, and Romania. Croatia, just like Slovakia, is nevertheless enhancing the competences of the board.

External members in university governance

As a corollary, associating external members to university governance becomes more common throughout Europe. The three senate-based systems mentioned above are the only ones that do not allow universities to open up to external members (at least via formal inclusion in the senate). Even more uncommon is the situation of Georgia and Romania, two countries where universities have dual governance models, but may not include external members in either senate- or board-type bodies.

The role of external members is manifold. They are expected to bring in expertise that is important for institutional strategy development, to establish links to relevant stakeholders and society and to take on the task of oversight. Many reforms in recent years have been shaped by the need to find the right balance of their involvement in university governance. Apart from finding the right profiles to support the university in achieving its strategic goals, the key questions are: who selects these individuals, and what kind of decision-making powers do they have. Where they are present, external members form a majority in the university board in two thirds of the cases. In Austria, Czechia, Hesse, and the Netherlands, university boards are fully composed of external members. In Slovakia, an otherwise fully external board may have one internal member. In systems where a board in such configurations has been recently introduced, the perception is often that the board is external to the university. It is therefore of the utmost importance that external members are familiarised and integrated in the university ecosystem and community, and are equipped with the necessary skills and understanding of the specificities of the university sector. There should also be clear and transparent communication towards them about their roles, competences, and expectations both from the university and those who selected them.

In Ireland, Luxembourg, and Poland, universities gained a greater say in the selection of external members, whereas reforms in Estonia and Latvia, which have introduced boards, make the appointment of external members a prerogative of public authorities. In Latvia, university governance was previously not open to external members at all. In Estonia, universities had the discretion to appoint

50 See chapter 2, section 1.1 on university leadership

external members in their senate.[51] In Denmark, the ministry is now approving the nomination of the chairperson of university boards. Thus, governance reforms do not necessarily equate to greater organisational autonomy for universities.[52]

From experimental approaches to mainstreaming

The case of Estonia illustrates the development of previous experimental approaches, which led to sector-wide change. The governance reform was steered both through bottom-up (sectoral) and top-down initiatives. The aims of this reform, which was strongly driven by the University of Tartu, were to get an external view of the university's strategic development and to strengthen central financial planning. The Tallinn University of Technology, which was second in becoming regulated by a specific act, also had decided to rearrange its governing structures. The process concerning the other universities in the system has been more hybrid, under the guidance of the ministry, which had started to amend the regulatory framework. Despite the enhanced possibility for tailored approaches, all universities in the system have the same level of autonomy. They all have a dual traditional structure in place, with the senate being responsible for academic and staffing matters, and the council overseeing financial and organisational affairs.

Another system that has focused on landscape consolidation and re-structuring is France. While the consequences of these reforms reach beyond organisational autonomy, it is worth highlighting the impact on that dimension. Over the past years, incentives have been set to push institutions to work closely together. However, compared to previous schemes, the latest developments (from 2019 onwards) leave greater margin for manoeuvre to universities to decide on governance modalities. In this context, the new legal construction made available to universities, entitled 'experimental public institution', is not meant to exist over the long term (between three and 10 years), but rather create a space to test governance modalities facilitating cooperation among the involved entities (including universities as well as other types of institutions). Over a dozen such groupings existed in 2022, enrolling up to a quarter of students in the system.[53] Next to, or within this organisational form, some higher education institutions acquired the status of *grand établissement*. In such cases, the board-type body may be more opened to external members than regular university boards in France. The institution may create an academic council (senate-type body). The executive head is not required to be an academic and the selection procedure is regulated internally, with the only requirement to have an open call for candidacies.

University governance continues to evolve, with significant reforms having taken place during the period considered. A frequent narrative promoting efficiency in decision-making and a stronger connection to societal and economic interest has led to the establishment or empowerment of board-type bodies and more frequent involvement of external members. What remains paramount, from an autonomy perspective, is the mode of selection of all decision-making actors in university governance and the overall balance of competences and accountability mechanisms between the governing bodies.

51 The individual legal acts now copy governance provisions already implemented previously by the University of Tartu and the Tallinn University of Technology. Under these, external members form a majority in the board and are appointed by the ministry as well as the Estonian Academy of Science.

52 The specific case of Hungary is described in this complementary analysis.

53 Therefore, the scores for France reflect the regulatory framework applying to public universities, and not experimental public institutions.

2.2 Financial autonomy

Steering through the funding model

The funding model itself, and the parameters according to which public funding is allocated to institutions, also frame and inform, if not constrain, university financial decisions. The drivers of funding allocation may reflect to some extent priorities set by the funders and set incentives for universities to perform in a certain way.[54]

Performance contracts can become an instrument of direct steering, particularly when they are connected to funding. In some countries, contracts are highly detailed and can have a great impact on institutional autonomy. While in Austria the legal framework for funding had not evolved significantly over the period considered, performance contracts describe at length the various obligations of the universities to achieve certain objectives. These include strategic goals, profile building, university and staff development; also included are research, teaching and other goals such as institutional cooperation. The contracts also prescribe the number as well as the fields of the professors that the universities may hire. As a considerable amount of funding relates to this part, the ministry has a great influence in this area. In Finland, changes made to the universities' four-year performance agreements with regard to the element 'Strategic development' increase the government's decision-making power. Slovakia's Resilience and Recovery plan under NextGenerationEU includes a university funding reform, which entails framing funding through three-year performance agreements. While the proposal was conceived as a way to distribute additional funds, it now appears that this would be carried out within the existing resources.

Even in systems characterised by high financial autonomy, as Estonia and Scotland, performance agreements have been seen as a tool to steer universities into certain directions. In Scotland, the 'outcome agreements' were originally designed as an instrument that would help universities to demonstrate how their distinctive strategies contribute to national priorities, but over time became very detailed, incorporating an ever more diverse array of government priorities with sometimes loose connection to university missions.

Increasing regulatory pressure on financial management

The Autonomy Scorecard considers as main indicators under financial autonomy the internal financial management capacity of universities, and their ability to decide on students' financial contributions. Compared to the other dimensions analysed under the Scorecard, this area almost exclusively registers downward developments, reflecting increased pressures on the sector. Indeed, Poland stands as an exception, with internal funding allocation no longer constrained since the 2018 reform. In other parts of Europe, public authorities have enforced sometimes low-key, technical requirements that contribute to lowering university autonomy (whether it concerns new maximum limits for surplus in the Netherlands or the need for an authorisation for large-scale loans in Austria).

Stability of tuition fee models

There have been almost no changes in tuition fees regulations (insofar as the capacity of universities to decide on the matter is concerned) since the 2017 Scorecard. Most systems do not let universities decide on home student financial contributions (whether because there is a no-fee policy, or because fees are set externally), both at bachelor's and master's degree levels. Qualitative changes in that area have more to do with fee decreases decided by governments (in the context of the pandemic). Regarding international students, where universities typically have more margin for manoeuvre, there have also been no significant changes. In France, fees for this cohort have been increased centrally and, in the Netherlands, a maximum fee will also be centrally regulated in the future.

Tensions around the campus

Direct interventions by public authorities on campus-related matters have caused a debate in Nordic countries around the campus, despite institutional autonomy in real estate management matters. In Norway, a campus closed by decision of the university board following a merger was re-opened by the government. A similar case occurred in Sweden. Despite the common will of the university board, staff, and students to close the campus, the government overruled the institutional decision and maintained the campus in operation. In Denmark,

54 Bennetot Pruvot, E. and Estermann,T.(2002), *Allocating core public funding to universities in Europe: state of play & principles*, European University Association, p.28

a complex discussion has been unfolding around the geographical location and distribution of university campuses, with the government requesting universities to relocate some of their study programmes. This was justified by greater inclusion objectives (enhancing the academic offer 'closer to home' for non-mobile students) as well as the need to avoid deepening a division within the country among urban and rural populations in terms of education. While the matter touches on broad issues related to the academic offer available at regional or national level, these developments directly question the universities' capacity to manage their facilities.

Challenges to greening and efficiency

The question of the ownership of buildings has become particularly important in the context of the green transition and rising energy costs. When universities are in charge of regular maintenance but may not own or sell buildings, they have fewer options to invest in sustainable, energy-efficient campuses. Devolution of real estate is a slow process, with resistance originating either from authorities or from institutions themselves, particularly when it is envisaged without the necessary financial support. Heritage buildings often come with specific regulations and trigger high renovation costs. This is an intricate matter as real estate management models vary and tend to be complex, with competences and obligations divided between different operators (universities, agencies, state services, local authorities). The issue could hardly be more pressing in the aftermath of the Covid-19 pandemic, which fast-tracked a reflection on campus use, IT infrastructure and hybrid academic provision. The energy cost crisis that erupted in 2022 also prompted universities to resort to all sorts of measures to mitigate the impact of price hikes.

Upcoming funding reforms

With public finances gravely damaged by both crises, financial pressures are mounting again in Europe, against a backdrop of several years of funding reforms. EUA's report dedicated to the topic records the recent evolutions in the field, from large-scale reforms (Croatia, Poland) to significant adaptations of funding models (Czechia, Netherlands, Romania, Slovakia, Sweden). In 2022, Ireland announced a revamp of its funding model, together with the new Higher Education Authority Bill. The review of the model led the government to recognise the need for re-funding of the sector and providing this by way of core block grant funding, which signals a move away from recent trends whereby any additional funding has been targeted or ringfenced for specific purposes. The increased funding would come in return for renewed commitment by universities to make progress across several key reform and performance priorities, including supporting the creation of a unified knowledge and skills system, strengthening representation from traditionally under-represented groups, enhancing quality and international standing, meeting skills needs and driving the lifelong learning agenda.

Sweden also introduced a new instrument within the basic block fund, leading to greater profiling of universities and potentially encouraging competition within the sector. This is expected to come into force in 2025 at the earliest, using criteria regarding the quality of research and collaborations. Swedish universities were concerned about the implications of this decision on institutional autonomy as this would entail greater steering through funding.

Increased pressure on financial autonomy comes from different angles: the increased use of earmarked or targeted funding for universities, when core public funding is eroding; the insufficient public investment in infrastructure (both for educational and research purposes); and the lack of coverage of indirect costs in competitive funding. In addition, pressures on public resources have translated into a lack of progress with regard to financial autonomy for universities. While tuition fees are a matter which must be considered under the prism of societal choices, the argument for greater financial management capacity at institutional level is a straightforward one. There is a case for reviewing restrictive legal provisions while ensuring that accountability is maintained through other means. The potential for efficiencies, notably with regard to real estate, shared assets, and sustainable procurement, among others, calls for enhanced financial capacity.

2.3. Staffing autonomy

Civil servant status

The state of staffing autonomy across Europe remains defined by the prevalence of civil servant status among senior staff. Accordingly, universities have less capacity to decide on matters such as recruitment, salaries, promotions, and dismissals when senior staff is part of civil service, which rules extend beyond the university sector. The systems analysed in the Scorecard split almost evenly on that aspect, and related changes tend to unfold over the long term. Indeed, phasing out of civil servant status for university staff, where it has happened, usually applies to new hires only (Austria, Luxembourg). In this context, the Netherlands stands out; civil servant status has been abolished by the Public Servants Act (WNRA) in 2020 and subsequently, the entirety of university staff members are no longer considered civil servants (as opposed to new staff only). However, this deregulation process started in the 1990s and the sector has had its own labour agreements for over twenty years. To some extent, granting civil servant status to senior university staff reflects societal choices, just as the question of tuition fees and student support. In the context of the Scorecard, which examines the distribution of competences between universities and public authorities, this status limits the possibilities for universities to make staffing decisions; however, it also has consequences for the responsibility of policy makers for salaries and financial support to institutions. Civil servant status has been seen as a way to strengthen individual academic freedom of staff via-à-vis central university management but may also enhance vulnerability to political decisions in the ministry.

While the Netherlands has now completed a decades-long process, no other system analysed in the Scorecard has started to phase out civil/public servant status. Rather, there are tensions growing around the limited attractiveness of academic careers outside of that status, particularly with regard to job security for early-career researchers. There is a renewed interest in this question, for instance in Germany, or in Latvia with the end of the six-year contract practice (to the benefit of open-ended contracts).

More flexible recruitment?

Simultaneously, the issue of flexible recruitment provisions remains high on the agenda of universities in many countries. In Sweden, the government has sought to reduce possibilities to hire staff on short-term contracts; as a consequence, universities may not offer fixed-term contracts longer than one year, which is problematic with regard to the recruitment of foreign researchers. Indeed, a one-year contract is not enough to get permanent resident status under the Swedish immigration law, thus making it less attractive for foreign researchers to come to Swedish universities. As a result, the sector and the trade unions reached a collective agreement allowing for three-year post-doc periods. Elsewhere, public authorities have opened 'side doors' to ease academic recruitment. Since 2019, the University Act allows Austrian universities to hire a maximum of 5% of academic staff through 'opportunity hiring'. This is a simplified process especially targeted to attract top researchers in a flexible quick process. Previously, under this regulation universities could offer short-term contracts only. Now universities can issue unlimited contracts. Among other measures, France, for instance, intends to offer 2000 posts of junior professors (between 2021 and 2027), to be shared among universities and other higher education and research organisations. While this is marginal in numbers, the measure aims at creating more flexibility in recruitments, notably by allowing institutions to be more attractive to foreign academics. Contractual employment is also becoming more widespread in civil servant status systems, although it concerns a minority of senior staff. Certain systems, however, use both models together (civil servant status for academic staff, contractual status for administrative staff). Various measures to ease recruitment and salary setting explain the limited improvements in scores of a series of systems (including Austria, France, Luxembourg, Poland, or Slovenia). The most significant changes, though, concerns the Netherlands, for the reasons detailed above, as well as Ireland, which has finally put an end to the moratorium on staff promotions.

Data collected on staffing matters reflect the diversity of tensions and pressures at play in the sector. There is recognition that universities require greater flexibility in recruitment, and structural developments have taken place there – France no longer requires national peer evaluation or to file an application for a position as full professor; Poland has removed the need for external validation for the recruitment of academic staff; and in Slovakia universities will now be able to recruit as professors and assistant professors, academics who do not hold the actual title. This initiative is mainly aimed at simplifying the selection procedure also for people from business or from abroad.

A common feature is the perceived need to open up recruitment, notably towards non-academics, and to attract foreign talent. Nevertheless, in parallel, strong restrictions continue to hamper universities' attractiveness in that regard, as in Flanders and Latvia in relation to language proficiency, or because of more structural reasons, as in Spain. There, the external accreditation system makes it very difficult for public universities to recruit international academic staff and puts them at a disadvantage compared to other parts of the sector (private providers).

The only significant decrease with regard to staffing autonomy was registered in Croatia. Since 2016, Croatian universities must seek approval from the ministry to open new positions. The pandemic has further affected staffing matters, leaving virtually no autonomy to universities, which must now obtain external approval for any promotion or temporary replacements.

Overall, the Scorecard records various instances of greater flexibility on staffing matters, but no extensive change in the prevailing models. The recurrent evaluation model found in some Eastern European systems (no permanent contract) is questioned in places like Latvia; tenure track is under development or reform in Finland, Germany, Italy, Luxembourg, or Sweden, while some countries open alternative routes for recruitment. This should also be considered in the wider context of evolving European-level discussions on academic careers and career assessment.[55]

Recent developments include the launch of the Coalition for Advancing Research Assessment (CoARA), which gives stakeholders a platform to work together to enable systemic reform on the basis of common principles and to facilitate exchanges of information and mutual learning.

Further discussion also takes place in the context of the new European Research Area policy agenda. ERA Action 3 aims to advance towards the reform of the assessment system for research, researchers, and institutions. This Action includes an analysis of legal and administrative barriers at national and trans-national level for a modern research assessment system. ERA Action 4 includes the development of a comprehensive European framework for research careers to address all challenges related to research careers in academia and beyond.

A discussion on academic careers is also emerging, with the goal of reaching a better parity of esteem between different academic paths and missions, and better recognition of the different tasks that academics perform, among them teaching. The European Strategy for Universities promises for 2023 "a European framework for attractive and sustainable careers in higher education, in synergy with the research career framework developed under the ERA". In this context, staff development should also be considered, given the continued emphasis on pedagogical and digital skills, as a condition for teaching innovation and enhanced quality. At national level, so far, regulations making staff training in teaching mandatory exist in only a few countries,[56] but there is increasing attention, including from national authorities, to how teaching can be valued through academic assessment.

55 Academic career assessment refers to the entire catalogue of methods that are used to evaluate the outputs and impacts of academic activities for the purposes of recruitment and career progression, the performance of academic units, and applications for funding within institutional or national systems.

56 Zhang, Thérèse, (2022), National Developments in Learning and Teaching in Europe, European University Association, pp.30-37.

2.4. Academic autonomy

Student selection

Different models continue to be used to regulate student numbers, with a focus on bachelor's degree level, where the connection to public funding is the strongest (as shown in other EUA work, the number of enrolled students remains a strong determinant in public funding formulae).[57] Public authorities are thus generally strongly involved in the matter, although through different modalities. The analysis also reveals further developments regarding free admission models, which the 2017 Scorecard referred to as 'under increasing pressure'. Austria has significantly increased the number of study programmes for which there is a selection procedure in the last years and can therefore no longer be characterised as based on free admission, while France has now granted universities a greater say in an otherwise still centralised student recruitment. As previously, universities are by and large responsible for student admission for master's degree programmes.

Tensions around internationalisation

There are increasing restrictions on the capacity of universities to offer instruction in foreign languages. This illustrates ongoing tensions in the field of internationalisation, as underlined in the staffing dimension. While there is more evidence (notably in the political discourse) of proactive promotion of the university sector abroad, with the goal to recruit more foreign students, regulatory frameworks in various countries have become stricter. This may involve requiring that a given programme is delivered in the national language before opening it up for an international audience or that the corresponding programme in the national language achieves minimum grades (in the evaluation/accreditation context). Certain countries that have a successful internationalisation history, such as Denmark and the Netherlands, have recently set new limits in this area. This shows that higher education policies on internationalisation and the corresponding incentives can have a strong steering effect with unintended consequences.

In the Netherlands, in the absence of actual student selection mechanisms, the policy change and related measures are being considered by the state as a means to address the issue of growing international student cohorts (which exacerbate housing issues and related cost pressures for universities, home and international students). In Denmark, the government imposed a cap on English programmes in 2021 for essentially financial reasons. With the number of EU students steadily growing over the last years, who are eligible like home students for a seven-year student grant to cover living expenses, the decision was made to decrease the number of programmes delivered in English. The law now stipulates a certain number of study places for such programmes and for each institution, and may negatively affect the system's attractiveness for EU and non-EU students.

External quality assurance

Developments regarding external quality assurance also go in both directions. While institutional evaluation/accreditation processes continue to progress, the extent to which they replace programme accreditation remains limited. At least ten systems explicitly reported using two-tier external quality assurance mechanisms (either institutional and programme accreditation in combination, or institutional and study field accreditation). Study fields accreditation seems to become more frequent, as an intermediary between institutional and programme accreditation. Overall, the related administrative burden remains heavy on universities, and the slow pace of such processes remains a source of frustration. In addition to avoiding the heavy workload with programme and/or combined approaches for external QA, institutional approaches provide more flexibility to institutions in terms of establishment of joint programmes and the creation of new programmes, including interdisciplinary ones, micro-credentials, etc. An institutional external QA approach also takes seriously one of the key principles of the Standards and Guidelines for Quality Assurance in the EHEA (ESG), namely that the primary responsibility for quality and its assurance rests with the institutions, not with external quality assurance agencies. Internal quality assurance for programme level offers higher degrees of flexibility and agility, and ensure they are adapted to the institutional needs in their specific context.

57 Bennetot Pruvot E. and Estermann,T.(2002), *Allocating core public funding to universities in Europe: state of play & principles*, European University Association, p.21

On a more positive note, a few countries have made it possible for institutions to select external quality assurance providers for their compulsory external evaluation instead of the national agency, although it remains a common practice for the national agency to have to validate the outcomes of the provider's evaluation. Institutional accreditation most often remains the exclusive prerogative of the national agency.

The autonomy of universities to decide on academic matters is evolving across Europe. As in other dimensions, except the financial one, there are more upwards developments than setbacks recorded in the Scorecard. However, complex dynamics are also at play in the area of academic autonomy, and evidence of growing interest from governments for the contents and organisation of both the academic offer and research is mounting across Europe.

Chapter 5

Academic freedom in national legislation

At the outset, it should be underlined that while the topics of institutional autonomy and academic freedom are often discussed together and are indeed related, one may not automatically derive conclusions regarding academic freedom from the Autonomy Scorecard findings. Institutional autonomy supports universities in shielding academic freedom from undue state interference. Nevertheless, the relationship between the two concepts is complex and not devoid of tensions. This relationship also shapes the interactions between the institution, its staff, and the state.

It is not in the remit of the Autonomy Scorecard work to carry out a detailed analysis of the national constitutions and other relevant legislation in all 36 systems.[58] The following analysis therefore rests on the information provided by EUA's collective members (national rectors' conferences), without any claim of exhaustiveness. This chapter is primarily intended to provide some examples of how diversely academic freedom is regulated across Europe.

In recent years, discussions on academic freedom have gained momentum within Europe. Not only has the university sector dealt with it intensively, but it has also attracted much attention from a wide range of European higher education and research policy actors. Recent discussions have tended to revolve around the definition and scope of academic freedom, whether it is possible to develop a common understanding of academic freedom, and mechanisms – agreed by all stakeholders – that enable its protection and promotion.

In 2020, the Rome Communiqué reaffirmed the importance of academic freedom. In this statement, agreed by the ministers of countries party to the Bologna Process, academic freedom is defined as a fundamental democratic right as well as "a universal value rooted in the pursuit of knowledge and truth". In the statement, academic freedom is understood as "the freedom of the academic community - including academic staff and students - in respect of research, teaching and learning and, more broadly, the dissemination of research and teaching outcomes both within and outside the higher education sector". The Communiqué also states that "institutional autonomy is constitutive for academic freedom".[59]

At the EU level, the Bonn Declaration on Freedom of Scientific Research was adopted at the Ministerial Conference of the European Research Area in October

58 In the context of this update, the EUA Council and the Scorecard Advisory Committee recommended to explore with national rectors' conferences whether the principles of autonomy and academic freedom were enshrined in national legal frameworks and what were related discussions and ongoing system developments, if any.

59 Rome Ministerial Communiqué, EHEA Rome 2020, Annex I: Statement on academic freedom

2020. The Declaration highlights the essential nature of scientific freedom for the progress of societies and the role of governments in safeguarding it.

Moreover, the European Commission has called on member states to promote and protect academic freedom and integrity in its 2022 European Strategy for Universities. The Commission is also expected to "propose in 2024 guiding principles on protecting fundamental academic values, based on the Rome Communiqué, in synergy with the action developed under ERA, which aims at developing an action plan for protecting academic freedom and the freedom of scientific research in Europe, based on the Bonn Declaration".[60] EUA, as the Europe-wide representative body for the sector, has also repeatedly drawn attention to violations of academic freedom.

The fact that academic freedom is enshrined in a legal system does not in itself provide protection. Beyond the design and proper implementation of legal protection mechanisms, academic freedom must be nurtured and embedded within universities' institutional culture.

1. Academic freedom in legislation

Despite this growing acknowledgment of the importance of academic freedom, legal definitions and conceptualisations across systems diverge greatly. Here, the analysis of the responses from national rectors' conferences together with the referenced legal texts reveals very diverse approaches to the legal description of academic freedom.

At the cost of significant simplification, one may distinguish three groups:

1. Academic freedom is referred to in legislation but is not defined in detail.
2. Legislation includes provisions referring to the freedom of teaching and/or freedom of science/research.[61]
3. Academic freedom is not referenced in the legal framework.

In some systems, academic freedom is considered to derive from the right to freedom of expression. However, this is not taken into account in this chapter's categorisation. While freedom of expression (or freedom of speech) at universities also features in related discussions, conceptually, and for the present purpose, a distinction is made between academic freedom (with a narrower focus) and freedom of expression.

A further distinction is made according to the hierarchy of legal provisions (i.e. between provisions in constitutional law and common law).

Consultations with the national rectors' conferences revealed that academic freedom is enshrined in the legal framework in some form in a large majority of systems considered, whether as a direct mention or through more substantive provisions on freedom of teaching, research, or science.

Constitutional protection

Although national legal systems are structured differently throughout Europe, provisions included in the constitution or in special laws of constitutional rank take precedence over ordinary laws and, in most cases, larger parliamentary majorities are required to amend them. However, one cannot conclude that such provisions automatically grant better protection.

In a majority of the systems considered, provisions related to academic freedom (detailed or not) are included in constitutional norms (Austria, Belgium, Croatia, Czechia, Estonia, Finland, Georgia, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland and Türkiye). In addition, almost all of these systems also have related regulations in place in ordinary law.

However, Georgia, Greece, and Spain are the only systems for which it was reported that the constitution explicitly mentions academic freedom, using that set terminology.

The remaining systems have no regulation on academic freedom (or freedom of teaching/research/science) in constitutional law.

60 Communication from the Commission on a European strategy for universities, COM(2022) 16 final

61 A further caveat here lies with how the term is coined in the national language and whether it can be translated directly as academic freedom or as a related concept.

The table below provides some examples of how academic freedom is included in constitutional norms.

AUSTRIA:[62]
Basic Law on the General Rights of Nationals, Article 17
Science, Teaching
(1) Knowledge and its teaching are free.
[...]
(5) The right to supreme direction and supervision over the whole instructional and educational system lies with the state.

Article 17a
[Artistry]
Artistic creativity as well as the dissemination of art and its teaching shall be free.

Federal Constitutional Law, Article 81c para 1
The public universities are places of free scientific research, tuition, and revelation of the Arts. They act autonomously within the framework of the laws and may render statutes. The members of university bodies are dispensed from instructions.

GEORGIA
Constitution
Article 27 Right to education and academic freedom [extract]
3. Academic freedom and the autonomy of higher educational institutions shall be guaranteed.

GERMANY
Federal Constitution
Article 5,3
Arts and sciences, research and teaching shall be free. The freedom of teaching shall not release any person from allegiance to the constitution.

HUNGARY
Fundamental Law (2020)
Article X
(1) Hungary shall ensure the freedom of scientific research and artistic creation, the freedom of learning for the acquisition of the highest possible level of knowledge and, within the framework laid down in an Act, the freedom of teaching.
(2) The State shall have no right to decide on questions of scientific truth; only scientists shall have the right to evaluate scientific research.
(3) Hungary shall protect the scientific and artistic freedom of the Hungarian Academy of Sciences and the Hungarian Academy of Arts. Higher education institutions shall be autonomous in terms of the content and the methods of research and teaching; their organisation shall be regulated by an Act. The Government shall, within the framework of the Acts, lay down the rules governing the management of public institutes of higher education and shall supervise their management.

SPAIN
Constitution
Article 20 [extract]
The following rights are recognised and protected:
a) the right to freely express and disseminate thoughts, ideas and opinions trough words, in writing or by any other means of communication;
b) the right to literary, artistic, scientific and technical production and creation;
c) the right to academic freedom;
d) the right to freely communicate or receive accurate information by any means of dissemination whatsoever. The law shall regulate the right to invoke personal conscience and professional secrecy in the exercise of these freedoms.

62 All the cited laws in this chapter, which are not originally written in English, bear the risk of translation.

Ordinary law

As mentioned above, most of the analysed systems have a reference to academic freedom in ordinary law. Often, this reference is found in the corresponding higher education act. However, academic freedom may also be referred to in several pieces of legislation. For instance, the United Kingdom offers an array of regulations that refer to academic freedom in form or another, such as the Education Act (1986), and the Higher Education and Research Act (2017), but also laws such as the Counter-Terrorism and Security Act (2015).

The degree to which laws on higher education and science provide detailed descriptions of what academic freedom entails varies. This can range from a paragraph outlining the conceptual scope of academic freedom to an article fully dedicated to the matter. In Scotland, for example, the Higher Education Governance Act (2016) spells out who is responsible for protection and which individuals and activities are covered.

CROATIA
Act on Scientific Activity
Article 4, paragraph 3
Academic freedom shall belong to all members of the academic community and shall include freedom of scientific and artistic expression and production, teaching, cooperation, and partnerships, pursuant to the Constitution of the Republic of Croatia, international agreements, and this Act

SCOTLAND
Higher Education Governance Act
Academic freedom
1) A post-16 education body must aim to–
(a) uphold (so far as the body considers reasonable) the academic freedom of all relevant persons, and
(b) ensure (so far as the body considers reasonable) that the matters mentioned in subsection (2) are not adversely affected by the exercise of academic freedom by any relevant persons.
(2) The matters are–
(a) appointments held or sought, and
(b) entitlements or privileges enjoyed,
at the post-16 education body by those relevant persons.
(3) In this section, "relevant persons" in relation to a post-16 education body means persons engaged in–
(a) teaching, or the provision of learning, at the body, or
(b) research at the body.
(4) For the purposes of this section, "academic freedom" in relation to relevant persons includes their freedom within the law to do the following things–
(a) hold and express opinions,
(b) question and test established ideas or received wisdom,
I develop and advance new ideas or innovative proposals,
(d) present controversial or unpopular points of view.".

Some laws on higher education differentiate between institutional and individual rights. Ireland's 1997 Universities Act provides one of the most detailed illustrations.

IRELAND
Universities Act
Section 14: Academic freedom
(1) A university, in performing its functions shall–
(a) have the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of its internal and external affairs, and
(b) be entitled to regulate its affairs in accordance with its independent ethos and traditions and the traditional principles of academic freedom, and in doing so it shall have regard to–
(i) the promotion and preservation of equality of opportunity and access,
(ii) the effective and efficient use of resources, and
(iii) its obligations as to public accountability,
and if, in the interpretation of this Act, there is a doubt regarding the meaning of any provision, a construction that would promote that ethos and those traditions and principles shall be preferred to a construction that would not so promote.
(2) A member of the academic staff of a university shall have the freedom, within the law, in his or her teaching, research and any other activities either in or outside the university, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions and shall not be disadvantaged, or subject to less favourable treatment by the university, for the exercise of that freedom.

The limits of academic freedom may be closely defined, as for example in France, where the law states that academic freedom and freedom of expression are limited to and may not go beyond the sphere of teaching and research. In some systems laws explicitly stipulate that academic freedom may be derogated. The constitution of Türkiye (Article 130) indicates that universities and their staff may freely engage in scientific research. However, it also describes the circumstances under which academic freedom can be limited (the independence of the state and national integration).

FRANCE
Code of Education
Article L952-2
Academic and scientific personnel enjoy full independence and complete freedom of expression in the exercise of their teaching functions and their research activities, subject to the reservations imposed on them, in accordance with university traditions and the provisions of this code, the principles of tolerance and objectivity.

GEORGIA
Law on Higher Education[63]
Article 2 – Definition of terms [extract]
c) academic freedom - the right of academic personnel, scientific personnel, and students to independently carry out teaching activities, scientific work and study.
Article 3 – Goals of higher education [extract]
4. Academic freedom may be restricted only in:
a) determining organisational issues and priorities in order to achieve freedom of scientific research;
b) resolving organisational issues regarding the study process, and the issues concerning the approval of the timetable of lectures and the curricula, in order to achieve freedom of teaching;
c) organising the study process and ensuring high quality studies in order to achieve freedom of learning.
d) in the cases when implementation of a scientific research and publication of its results is restricted under a labour agreement, or when the results contain a state secret.

Legislation may describe who is responsible for the protection of academic freedom. In Croatia, Greece, Lithuania, and Poland, for example, this obligation lies with the state. In Poland, the preamble of the Law on Higher Education imposes a positive obligation on the state to create optimal conditions for the freedom of scientific research and artistic creation, freedom of teaching, and the autonomy of the academic community.

63 Official translation

In some systems, the obligation lies with universities. The Universities Act of Finland provides an interesting example, in stating that "universities have autonomy, through which they safeguard scientific artistic and higher education freedom". It also states that universities have academic freedom and that the academic community and the internal university rules must be observed, but also prohibits universities from including in employees' contracts any provision that endangers individual academic freedom. This is one of the few provisions that establishes a relationship between academic freedom and autonomy and sets out institutional academic freedom, limitations, and mutual obligations in interaction with individual academic freedom.

DENMARK
University Act
Article 2, paragraph 2
The university has freedom of research. The university must safeguard the university's and the individual's freedom of research and the ethics of science.

FINLAND
University Act
Section 3 Autonomy
1. The universities have autonomy, through which they safeguard scientific, artistic and higher education freedom. The autonomy entails the right of universities to make their own decisions in matters related to their internal administration.

Section 6 Freedom of research, art and teaching
1. While universities enjoy freedom of research, art and teaching, teachers must comply with the statutes and regulations issued on education and teaching arrangements.

Section 32 Staff employment relations
3. The employer may not act in the employment relationship in a manner which may endanger the freedom of research, art or education referred to in section 6.

NORWAY
Universities and University Colleges Act
Universities and university colleges must promote and safeguard academic freedom. The institutions are responsible for ensuring that teaching, research, and academic and artistic development work maintain a high professional level and are conducted in accordance with recognized scientific artistic educational, and ethical principles.

Feedback received by EUA on the question on academic freedom did not focus on how legal definitions are applied. Two examples are nevertheless mentioned here. Germany has several examples of rulings of Germany's Constitutional Court (at both federal and state level)[64] concerning academic freedom. In Belgium, it is noteworthy that the constitution only mentions freedom of expression (article 19) and freedom of teaching and education (article 24). However, based on those two articles, a 2005 ruling[65] of the Constitutional Court found that freedom of education encompasses academic freedom, whereby teachers and researchers enjoy freedom to carry out research and express their opinions.

2. Ongoing system-level developments

Some of the consulted national rectors' conferences reported ongoing developments at system level, which connected to concrete initiatives, whether legislative or illustrating sector-wide coordination.

Spain recently adopted a new law (Ley de Convivencia Universitaria, 2021) that sets out the principles for democratic conflict resolution at universities. This law replaces a piece of legislation that predated the country's constitution. It requires universities to adopt rules that guarantee respect for various rights, including freedom of expression, the right of assembly and association, freedom of education and academic freedom.

In England, the Higher Education Freedom of Speech Bill was under discussion in parliament at the time of writing. This upcoming piece of legislation is intended to create a special position within universities to protect and monitor freedom of speech through a complaints-based scheme. In the event of a violation, universities may be penalised, or the case may be taken to court. The higher education sector has voiced concerns that implementing this bill may have an adverse effect on academic freedom.

64 Federal Constitutional Court of Germany, 17 February 2016 - 1BvL 8/10 https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2016/02/ls20160217_1bvl000810en.html

65 Constitutional Court of Belgium, No 167/2005 - https://www.const-court.be/en/judgments?year=2005

Discussions on academic freedom in Norway are broadly geared towards fake news and democracy and have led the Ministry of Education and Research to establish an expert group to study related issues. As a result, a report[66] entitled 'Academic freedom of expression' was published in 2022, and includes proposals for amendments to the Universities and University Colleges Act. The study notably distinguishes institutional and individual aspects to academic freedom, addresses the Norwegian regulatory framework and challenges to academic freedom of expression, and proposes measures to strengthen it, including systematic training of academic staff on these issues.

In Latvia, discussion within the sector is currently geared towards amending the legal provision on academic freedom due to its limited scope (which currently extends to methods of teaching). The Council of Higher Education of Latvia formulated proposals for amending the Law on Higher Education Institutions in January 2022 and submitted it to the parliament. The proposed changes involve a more detailed definition of academic freedom, to bring it more in line with the interpretation of the concept of academic freedom that is currently accepted in the European Higher Education Area. Similarly, in Sweden, the sector has been calling for the scope of the constitutional provision to be extended so that it also covers institutional autonomy and academic freedom in the remit of learning and teaching.

In the Netherlands, governmental supervision over international scientific cooperation (e.g. with China, Iran, North Korea, or Russia) has increased amid greater awareness of the risks linked to the development of sensitive technologies at Dutch universities. As a result, National Knowledge Security Guidelines were adopted[67], with the intention to mitigate risks of sensitive information being transferred and national security being compromised. The guidelines outline the risks that state actors may pose to academic freedom, but also determines limits on academic freedom "by the extent to which five basic principles are observed: fairness, diligence, transparency, independence and responsibility". Under the latter concept, the guidelines include the academic actors' responsibility to consider context, and thus knowledge security, in their international collaborations.

The place of academic freedom in national legal frameworks is quite diverse. Comparison of legal provisions does not alone shed light on the extent to which academic freedom is effectively protected across Europe. That said, more detailed provisions might better lend themselves to legal action in cases of violation. Debates on academic freedom take different angles but tend to generate strong polarisation. Likewise, there seems to be two categories of countries: those where academic freedom draws a lot of attention and controversy, and others where the topic is absent from public debate.

66 Norwegian Ministry of Education and Research, Academic freedom of expression, Official Norwegian Reports NOU 2022:2

67 Government of the Netherlands, National knowledge security guidelines: Secure international cooperation, January 2022

Chapter 6

Concluding remarks

The Autonomy Scorecard offers a robust approach to comparing university autonomy in Europe. While by no means exhaustive or the only way to address this topic, its methodology helps structure the topic and address some key elements that constitute institutional autonomy. Beyond this, the Scorecard allows crucial contextual developments to be captured, via interviews and other EUA studies.[68] Even if this may not necessarily affect scores directly, such information helps paint a complex picture of the direct and indirect pressures experienced by universities over the past five years. The analysis has shown that the extent of autonomy is not only determined by the legal framework, but also by a variety of accountability arrangements, steering tools, funding models, and, increasingly, informal interventions by public authorities.

Varying influence of public authorities in university governance

An important and often controversial aspect of reforms is the extent to which state authorities influence governance structures, the appointment of members of governing bodies or the election of leadership. While selection and nomination rules for university leaders vary across systems, the involvement of public authorities in such processes usually remains a formality. Türkiye, in this context, is an extreme outlier. Indeed, direct external nomination of university leaders fails to meet Europe's basic standards in terms of institutional autonomy.

The selection by public authorities of some of the members of university governing bodies is more common. While such practice may be considered as part of accountability mechanisms, connecting university governance to the public interest represented by state authorities, it is important to find an adequate balance between the involvement of public authorities and the university community in the nomination process. Several countries have implemented reforms in this area, modifying how members of governing bodies (particularly from outside the university) are nominated (e.g. Latvia, Slovakia).

Hungary is another case that shows the extent to which regulations on governance and the appointment of its members can influence autonomy in practice, as explained in the dedicated complementary analysis. Indeed, there are significant transfers of power from the ministry to the newly established foundation boards, which become the main decision-making body for all university operations (although the law continues to regulate academic matters as before).

68 Such as EUA's Public Funding Observatory

The fact that these boards are composed of members who are nominated exclusively by the public authorities on open-ended mandates, means that the only accountability link that remains is between the board members and the current government, i.e. the body that nominated them.

A growing array of steering instruments

Steering through the funding model has been explored earlier in this report.[69] Funding-related policy tools provide another form of direct control outside of the regulatory framework per se. Performance contracts are an illustration of this. They tend to extensively detail universities' objectives and obligations at the level of each institution. While these instruments allow in theory for more individualisation and tailored approaches, the practice reveals an excessive degree of micro-management. Just as universities are called upon to become strategic actors, it has proven challenging for public authorities to evolve from a top-down, controlling position towards a more supportive and enabling function.

Excessive standardisation in the use of otherwise promising policy instruments such as performance contracts also fails to support differentiation and strategic profile development in the sector and risks generating more isomorphism across institutions. Even where regulatory frameworks may provide the space for diversity, the ecosystem does not tend to promote nor reward it.

Increased ad hoc state interventions

Over the period covered by this update, numerous cases have occurred of ad hoc state intervention outside of its traditional regulatory role. These include the Norwegian and Swedish authorities overruling university decisions regarding campus closures, despite the fact that the institutions are formally autonomous in this area. In Flanders, the government has increasingly seen the need to take ad hoc measures (e.g. in the area of knowledge security), often motivated by political or media pressure to respond to specific challenges. In France, the Ministry for Higher Education, Research and Innovation announced in 2021 its intention to commission an enquiry into French university research focused on colonialism and race with the aim to distinguish 'real' academic research from activism.[70]

Ripple effects of the Covid-19 pandemic

The last years have perhaps shed the starkest light on the sector's vulnerability to external shocks. Universities had to completely re-think their activities during the Covid-19 pandemic. The crisis was global and affected universities across Europe in similar ways; yet, the perceived impact on institutional autonomy was very diverse. In many cases where lockdowns were enforced, public authorities took direct action such as limiting or stopping on-campus teaching and research activities, with university leadership responsible for the implementation of these state decisions. In this context, staffing matters, at least partly, also depended on public authorities (e.g. nation-wide rules regarding working from home, wages, and compensation). In terms of finances, the pandemic led authorities to increasingly resort to targeted funding, whether for health research or ad-hoc support to students. Some localised positive effects on academic autonomy could be detected, with universities in certain systems given more leeway to adapt and transfer curriculum development and evaluation to an online environment. Yet overall, the pandemic-induced crisis was of such a scale that it, at least momentarily, reinforced state intervention in the sector. It also made it impossible to ignore a growing tension around the positioning of universities, amid calls to speed up medical research, support civil society and the healthcare sector, while simultaneously being subjected to more external control (not unlike other parts of the economy).

At the time of writing, universities in Europe are already facing another, related crisis, as energy costs skyrocketed in the autumn of 2022. Lessons from the pandemic must be learnt, and opportunities for the sector to increase the efficiency of their operations while preserving the quality of teaching and research must be seized. Inhibiting regulatory frameworks become unjustifiable when they prevent universities from tackling structural issues and pooling resources, and generally fail to foster strategic planning.

69 See chapter 4, section 2.2.

70 EUA supports the Conférence des Présidents d'Universités (France) in its call to protect academic freedom, 25 February 2021

Evolving geopolitical tensions affecting autonomy

The increasingly tense geopolitical context has also led to greater scrutiny over universities and their many international partnerships, as well as the challenges these might pose in terms of knowledge security. At the beginning of 2022, and following the approach already adopted in several countries, the European Commission published a toolkit for universities and other research performing organisations to counter foreign interference, defined as foreign actors unlawfully retrieving information, influencing decisions, or undermining the values of institutions. The toolkit provides suggestions on how to deal with partners around the world in a responsible way, for example by setting up institutional structures that review vulnerabilities and strengthen procedures where necessary.

The February 2022 invasion of Ukraine by Russia has led public authorities in Europe to consider scientific collaboration as a policy instrument. In some countries, the end of such collaboration with Russian counterparts was a top-down decision taken regardless of institutional autonomy in the matter. There again, the picture is complex; for the sake of clarity and legitimacy, it may have been deemed desirable, in certain cases, that such decisions were taken by governments rather than by individual institutions. The majority of cases consisted of autonomous or joint decisions together with governments. Nonetheless, with a greater awareness of challenges around knowledge security, it has become paramount for universities to show that they can perform as strategic actors (notably through proactive collaboration with other stakeholders).

The complex interplay between autonomy and accountability

Institutional autonomy is most meaningful and best supports universities' performance within a fit-for-purpose accountability framework. This entails long-term policy planning and strategic use of various tools, such as a meaningful participation of different stakeholders in university governance, a consolidated quality assurance model, and appropriate reporting systems. Europe's diverse models show that there are various ways to combine academic expertise and self-determination with the necessary representation of public interest.

Finding an adequate balance between autonomy and accountability remains an underlying issue in many of the reforms referenced in this report. One must acknowledge the growing complexity of the discussion, particularly as public authorities assign more diverse missions to universities. The greater speed of public affairs and reactiveness of debates in the public sphere also lead public authorities to seek 'faster' routes to results and impact via targeted interventions that tend to hinder institutional autonomy.

Certain systems may be characterised by a high degree of formal autonomy, as measured by the Scorecard, but also display strong features of a compliance and control culture, which tends to push the sector towards uniformity. England is one of the systems that ranks highest in the Autonomy Scorecard, but it also has a sophisticated ecosystem of incentives, monitoring, and control, and is not immune to micro-management and political pressure.

In this context, the principle of 'comply or explain', as adopted in the Scottish Code of Good Higher Education Governance, can be considered a good practice, recognising that institutions may embrace different approaches towards a shared goal of achieving good governance.

Autonomous universities require strong leadership

There are many pre-requisites to reaping the benefits of autonomy, such as strong leadership and management. Universities rarely receive adequate support in developing the right sets of skills, whether strategic, transversal, or technical, to achieve this, in particular in governance and professional services. Leadership and staff development remain intrinsically connected to institutional autonomy.

EUA's *Universities without walls – A vision for 2030*[71] has identified strong leadership across the institution as one of the key success factors for universities of the future. In this respect, leadership development is an important dimension of the discussion, but remains differently addressed throughout Europe.[72] The offer of leadership development programmes varies across systems, with sometimes little to no structured provision at either system or institutional level. It is evident that there is a substantial need for leadership development to enable institutions to navigate the major transformation agendas that come with greater autonomy. Having professional leadership development programmes in place also enables institutions to make the best use of the autonomy they have been granted.

71 EUA, *Universities without walls - A vision for 2030*, February 2021

72 The NEWLEAD project (2020-2023) addresses innovative leadership and change management in higher education, with the aim to build the capacity of university leaders in steering change and in addressing new priorities on the institutional transformation agenda.

Sustained investment for impactful autonomy

The Autonomy Scorecard has repeatedly shown that universities cannot operate autonomously in a vacuum, whether in terms of accountability or finances. Adequate resources are needed to respond to the challenges that come with greater autonomy. Investing in greater capacity enables universities to reap the benefits of more open regulatory frameworks. Investment needs range from campus facilities, digitalisation, and sustainability to leadership support and the professionalisation of management. In turn, such investment helps unlock significant efficiencies as universities become more agile and find greater possibilities to pool resources, develop strategic financial management, engage in collaborative procurement, support staff upskilling, develop technology enhanced learning, etc.[73] EUA's work on efficiency has highlighted sustainable funding, flexible governance and sufficient autonomy as the key pillars of an enabling framework.

An evidence-based dialogue to support autonomy

The growing complexity of political and societal debates about university autonomy makes it all the more necessary to consider the issue from the widest possible lens. Notwithstanding its limits and caveats, the Autonomy Scorecard continues to offer a structured basis for discussions. Ultimately, autonomy remains a necessary condition to enhance institutions' ability to fulfil their core missions – through the development of their academic offer and research orientation, supported by proper financial management capacity, adequate HR strategies, and a reflection on the governance model.

73 Estermann, T. and Kupriyanova, V. (2019), *Efficiency, Effectiveness and Value for Money at Universities: a USTREAM report*, European University Association

Annex 1: Note on methodology

Developing the Autonomy Scorecard

An important facet of the methodology of the Scorecard is the involvement of the broader university community, through EUA's collective members. The Polish, German and Danish rectors' conferences, which represent diverse higher education systems, joined EUA in the consortium that carried out the original Autonomy Scorecard project.

The first stage was dedicated to developing and refining the autonomy indicators and describing the elements that represent restrictions as seen from the perspective of higher education institutions. Between October 2009 and April 2010, the EUA secretariat, in close collaboration with the steering committee and the secretaries general of the national rectors' conferences, established a list of indicators and restrictions (Annex 2: List of indicators and restrictions). Based on this list, a questionnaire was designed to collect data from the individual higher education systems. The questionnaire was then tested by the project partners with data from their higher education systems (April to July 2010) and adaptations were made in summer 2010 to reflect the comments and experiences from this trial.

The questionnaire was submitted to the 26 participating national rectors' conferences in August 2010 (Table 1). The secretaries general completed it themselves or passed it on to other experts from the same or a collaborating organisation. These responses then formed the basis for face-to-face or telephone interviews with all respondents. This allowed for the collection of more qualitative data and missing information and for the clarification of any remaining ambiguities. The interview memos were sent to the interviewees for validation and returned to the project team between October 2010 and January 2011. In the early months of 2011, a final validation round was conducted with more than half of the surveyed higher education systems, for which further explanations were required on some selected autonomy indicators.

In parallel, the work on developing a scoring and weighting system was taken up in spring 2010. The scoring system for the Autonomy Scorecard is based on evaluations of how restrictive particular regulations were perceived; the weighting system evaluates the relative importance of the individual indicators within each dimension of autonomy.

A technical structure for the scoring and the weighting system was subsequently developed, which was combined with the main data collection questionnaire. This made it possible to translate the collected data immediately into a score. Various rounds of comparison and validation were conducted to ensure the comparability of the collected data and scores. A more detailed description of the scoring and weighting methodologies follows below.

The data collection for the update in 2017 was organised following the original Scorecard methodology, based on questionnaires and interviews and several rounds of validation with national rectors' conferences. In mid-2015 they received their individual questionnaires, as completed in 2010, with interview memos included. They were invited to review each section and signal if changes were necessary, by selecting a different response option if necessary, and comment accordingly. The only addition to the new questionnaire was the creation of a specific sheet including more detailed questions on the composition of university governing bodies.

New questionnaires were also sent to national rectors' conferences that had not participated in the first Scorecard. Four new systems responded positively and joined the update: Belgium's Wallonia-Brussels Federation, Croatia, Slovenia and Serbia.

The returned questionnaires were subsequently collected and analysed by EUA. At this stage, after various exchange rounds, three countries previously included decided to opt out of the update (Cyprus, Greece and Türkiye).

EUA organised validation interviews with all participating national rectors' conferences. No follow-up was possible with the Czechia, which as a result is not included either in the update.

The data validation phase spanned over a year, from late 2015 to late 2016, because of the need to validate not only responses to indicators, but also a broader narrative for each system.

The scoring system

The scoring system of the Autonomy Scorecard is based on deduction values. Each restriction on institutional autonomy was assigned a deduction value indicating how restrictive a particular regulation was perceived to be.[74] Special care was taken to ensure the consistent application of comparable deduction values to similar restrictions across different indicators and national or regional systems.

For example, for the indicator 'capacity to decide on the overall number of students' deduction values were assigned as follows:

Table 8 Capacity to decide on the overall number of students - deduction values

Indicator: Capacity to decide on the overall number of students	
Restriction	**Deduction value**
Independent decision of universities	0 point
Universities decide on the number of fee-paying students, while an external authority decides on the number of state-funded students	2 points
Negotiation between universities and an external authority	2 points
Exclusive decision of an external authority	5 points
Free admission	5 points

74 In those cases where respondents ticked 'other restrictions', a deduction value was individually assigned, based on the explanation provided by the respondents.

The maximum or total possible deduction value for the capacity to decide on the overall number of students is the highest deduction value for the indicator, i.e. 5 points. A system's score is calculated as a percentage of this total. For instance, if the overall number of students is decided through negotiations between universities and an external authority, that system scores 0.4 or 40% – 2 out of 5 points – for that particular indicator.

In the case of cumulative deductions, the total possible deduction value is the sum of the deduction values of each possible restriction. This is illustrated by using the indicator 'capacity to keep surplus of public funding', where the maximum deduction value is awarded when surplus cannot be kept. If it can be kept with other types of restrictions, all restriction values that apply simultaneously are summed up. The following example shows a case in which universities can keep a surplus up to a certain percentage and with the approval of an external authority.

Table 9 Capacity to decide on the overall number of students - calculation of score

Indicator: Capacity to decide on the overall number of students			
Restriction	**Deduction value**	**Score**	**Percentage**
Independent decision of universities	0 point	0/5	0 = 0%
Universities decide on the number of fee-paying students, while an external authority decides on the number of state-funded students	2 points	2/5	0,4 = 40%
Negotiation between universities and an external authority	2 points	2/5	0,4 = 40%
Exclusive decision of an external authority	5 points	5/5	1 = 100%
Free admission	5 points	5/5	1 = 100%

Table 10 Capacity to keep surplus - calculation of score

Indicator: Capacity to keep surplus			
Restriction	**Deduction value**	**Score**	**Percentage**
Surplus cannot be kept	10 points		
Surplus can be kept without restrictions	0 point		
Surplus can be kept up to a maximum percentage	2 points	2/10	0,2 = 20%
Surplus can be kept but approval of an external authority is needed	2 points	2/10	0,2 = 20%
Surplus can be kept but its allocation is pre-determined by an external authority	2 points		
Surplus can be kept with other types of restrictions	2 points		
TOTAL SCORE		***4/10***	***0,4 = 40%***

Where only a specific combination of restrictions is possible, the total possible deduction value is the sum of the deduction values of all simultaneously possible restrictions.

Using this approach, a score is calculated for each indicator. Once a score for an indicator or autonomy area is obtained, it is 'reversed', in the sense that a score of 5%, which indicates a high level of autonomy, becomes 95% (i.e. 100-5% = 95%).

The weighting system

The weightings of the autonomy indicators are based on the results of a survey undertaken during EUA's Annual Conference and statutory meetings held at the University of Palermo in October 2010. The representatives of the national rectors' conferences were asked to complete a survey on the relative importance of the autonomy indicators. They were asked to decide whether they considered the indicators included in the autonomy questionnaire to be 'very important', 'fairly important', 'somewhat important' or 'not important'. 30 representatives from 18 countries participated in the survey.

The two sets of surveys yielded very similar results, indicating that the relevant stakeholders broadly agree on the relative importance of the autonomy indicators. The analysis revealed that the indicators were consistently perceived as relevant by both EUA's Council and the secretaries general of the national rectors' conferences. Almost all indicators were regarded as 'very important' or 'fairly important'. Diverging views were principally expressed concerning tuition fees, which doubtless reflects different cultural backgrounds and national traditions with regard to this issue.

These results were used to develop a system to weight the autonomy indicators: as a first step, the responses were counted for each autonomy indicator – for instance, out of 30 respondents, 21 considered the ability to decide on the overall number of students as 'very important', 7 as 'fairly important', 1 as 'somewhat important' and 1 as 'not important'. Points were then assigned to the different response options: 3 points for 'very important', 2 points for 'fairly important', 1 point for 'somewhat important' and 0 points for 'not important'.[75]

The number of respondents who had ticked one of the four response options for a particular indicator was multiplied by the appropriate number of points assigned to that particular response option. This resulted in an indicator's so-called total 'importance value'. For example, in the case of the indicator "ability to decide on the overall number of students", 21 responses for 'very important', 7 for 'fairly important', 1 for 'somewhat important' and 1 for 'not important' were multiplied by 3 ('very important'), 2 ('fairly important'), 1 ('somewhat important') and 0 ('not important'), respectively (Table 11).

Table 11 Ability to decide on the overall number of students - calculation of 'importance value'

Ability to decide on the overall number of students	Number of responses	'Importance value'
Very important	21	63
Fairly important	7	14
Somewhat important	1	1
Not important	1	0
TOTAL	***30***	***78***

This calculation was carried out for each indicator, and the 'importance value' of all indicators within each autonomy area summed up. In a final step, the 'importance value' of each individual indicator was expressed as a percentage of the sum of the 'importance values' for all indicators within one autonomy area. For example, by dividing its 'importance value' of 78 by the total 'importance value' for academic autonomy (543), the indicator "ability to decide on the overall number of students" received a weighting factor of 14%.

75 Voids were assigned 1, rather than 0 points, in order to avoid distorting the results for a particular indicator towards a lower weighting factor than warranted.

Table 12 sums up the weighting factors thus developed for the indicators relating to academic autonomy. Weighted scores are obtained by multiplying non-weighted scores with the respective percentage values (Table 13).[76]

Table 12 Academic autonomy - 'importance values' and weighting factors

Indicator - academic autonomy	'Importance value'	Weighting factor
Capacity to decide on the overall number of students	78	14%
Capacity to select students	78	14%
Capacity to introduce and terminate degree programmes	87	16%
Capacity to choose the language of instruction	70	14%
Capacity to select QA mechanisms	80	15%
Capacity to select QA providers	61	11%
Capacity to design the content of degree programmes	89	16%
TOTAL	***543***	***100%***

76 The marginal difference (+/- 1) in scores, mainly caused by an increase or decrease in the deduction value, may not be reflected in the final weighted score because of rounding up.

It is important to note that the different autonomy areas – organisational, financial, staffing and academic autonomy – are not weighted against each other. It was decided that, due to the various and intricate connections between the different autonomy areas, it would be impossible to weight the importance of financial autonomy against that of staffing autonomy, for example. The perceived importance of a particular indicator is therefore only compared with the perceived importance of the other indicators in the same autonomy area.

Table 13 Academic autonomy - non-weighted and weighted scores

Non-weighted/weighted scores - academic autonomy			
Indicator	**Non-weighted score**	**Weighting factor**	**Weighted score**
Capacity to decide on overall number of students	100%	14%	14%
Capacity to decide on admission mechanisms for bachelor's degree programmes	100%	7%	7%
Capacity to decide on admission mechanisms for master's degree programmes	40%	7%	3%
Capacity to decide on the introduction of bachelor's degree programmes	20%	4%	1%
Capacity to decide on the introduction of master's degree programmes	20%	4%	1%
Capacity to decide on the introduction of doctoral programmes	20%	4%	1%
Capacity to decide on the termination of degree programmes	40%	4%	2%
Capacity to decide on the language of instruction for bachelor's degree programmes	0%	7%	0%
Capacity to decide on the language of instruction for master's degree programmes	0%	7%	0%
Capacity to select QA mechanisms	0%	15%	0%
Capacity to select QA providers	0%	11%	0%
Capacity to decide on the content of degree programmes	0%	16%	0%
TOTAL SCORE	***28%***	***100%***	***29%***

Annex 2: List of indicators and restrictions

The table below lists the different restrictions considered for each indicator and indicates the deduction value used to calculate scores. For those indicators that include an option 'other restrictions', the default value was set at 2 points ("d.v." = default value). This value may have been adapted on a case-by-case basis to best reflect the nature of the situation described by the national rectors' conference in the questionnaire and in the interviews. The deduction value in those cases may not exceed the maximum deduction value set for the indicator. Restrictions may be cumulative or exclusive and this is reflected in the maximum deduction value of each indicator.

To ensure a coherent treatment of varied situations, several methodological rules were set, which are summarised here:

Organisational autonomy

- Criteria, such as managerial experience and/or reputation, are not considered restrictions in the scoring.
- In all cases in which the law cumulatively prescribes the criteria of holding an academic position on top of a doctoral degree, the Scorecard only registers the following: "the law states that the executive head must hold an academic position".
- Age limitations are considered as 'other restrictions' and results in a deduction of 1 point.
- Cases where the dismissal of the rector is carried out by a governing body, is recorded under 'procedure stated in law' only when specific procedural elements, such as specific vote or validation process, are mentioned.
- If the procedure for dismissing the rector is outlined in the law and is fully internal, it is recorded both as 'procedure stated in law' and 'other restrictions' with a 1-point deduction value.
- The governing structure is considered dual asymmetric when delegation of power by a central governing body to another body is possible.
- The composition of the governing body is considered fully internal, with its members being selected internally, unless the law explicitly stipulates that the universities must include external members.
- If the law sets out the guidelines for the establishment of faculties, it is considered as 'guidelines exist in the law'.
- The restriction regarding legal entities only applies in cases where universities are prohibited from establishing for-profit legal entities. Other legal forms are not considered as a restriction.

Financial autonomy

- The capacity to own as well as sell the buildings derives from the law and does not take into account institutional practices. If the law allows universities to own real estate, but institutions in practice do not, the situation is assessed as 'universities are free to own buildings'. If the law stipulates that universities may sell their properties, but in fact, it is rather complicated and restricted in part, the Scorecard favours the legal base.
- The model of setting tuition fees is recorded as a 'cooperation' model when a threshold is established by the public authorities.

Academic autonomy

- While acknowledging the importance of the professional degrees, the Scorecard only takes into account officially recognised academic degrees for scoring purposes.

- When universities may only operate within pre-determined study fields, indicators related to the introduction of programmes are assigned 'other restrictions' with a deduction value of 1 point.

- Termination of programmes does not include instances where termination is a result of negative evaluation and are thus limited to cases unrelated to accreditation issues.

- Where universities may not choose external quality assurance mechanisms because institutional evaluation is mandatory, no deduction value is assigned to the option 'universities cannot select quality assurance mechanisms'.

- When the universities are at liberty to select the external quality assurance provider, but the final validation remains with the national quality assurance agency, the Scorecard assesses this situation as 'universities may select the external quality assurance provider'.

Organisational autonomy

Indicator	Option	Deduction value
Selection procedure for the executive head	Selection of the executive head is not validated by an external authority	0
	Selection of the executive head is validated by an external authority	5
	Maximum deduction value for the indicator	***5***
Selection criteria for the executive head	Selection criteria for executive head are not stated in the law	0
	Law states that the executive head must hold an academic position	2
	Law states that the executive head must hold a doctoral degree	2
	Law states that the executive head must come from within the university	2
	Other restrictions	d.v.2
	Maximum deduction value for the indicator	***8***
Dismissal of the executive head	Procedures for the dismissal of the executive head are not stated in the law	0
	Confirmation of dismissal by an external authority but the procedure is decided by the university	1
	Dismissal by an external authority but the procedure is decided by the university	2
	Confirmation of dismissal by an external authority and the procedure is stated in the law	3
	Dismissal by an external authority according to a procedure stated in the law	5
	Other restrictions	d.v.2
	Maximum deduction value for the indicator	***5***
Term of office of the executive head	Length of the executive head's term of office is not stated in the law	0
	Maximum or range of length is stated in the law	2
	Minimum range of length is stated in the law	2
	Exact length is stated in the law	5
	Maximum deduction value for the indicator	***5***

Indicator	Option	Deduction value
External members in university governing bodies	Universities cannot decide as they cannot include external members	2
	Universities cannot decide as they must include external members	0
	Universities can decide to include external members	0
	University can decide freely on external members	0
	Proposal by university and appointment by an external authority	3
	Part of the members appointed by the university and part appointed by an external authority	3
	Appointment completely controlled by an external authority	5
	Other appointment process	d.v.2
	Maximum deduction value for the indicator	***7***
Capacity to decide on academic structures	Universities can decide on their academic structures without constraints	0
	Guidelines exist in the law	2
	Faculties/other academic structures are listed in the law	5
	Other restrictions	d.v.2
	Maximum deduction value for the indicator	***5***
Capacity to create legal entities	Universities can create legal entities without constraints	0
	Universities are only allowed to create not-for-profit legal entities	2
	Universities are not allowed to create any type of legal entity	5
	Other restrictions	d.v.2
	Maximum deduction value for the indicator	***5***

Financial autonomy

Indicator		Option	Deduction value
Length and type of public funding	Length of public funding	More than one year	0
		One year	2
		Less than one year	5
		Maximum deduction value for the indicator	***5***
	Type of public funding	Line-item budget	5
		Block grant and there are no restrictions on the allocation of funding	0
		Block-grant is split into broad categories and there are no or limited possibilities to move funds between these	2
		Block grant but internal allocation possibilities are limited by law	2
		Other restrictions	d.v. 2
		Maximum deduction value for the indicator	***5***
Ability to keep surplus		Surplus cannot be kept	10
		Surplus can be kept without restrictions	0
		Surplus can be kept up to a maximum percentage	2
		Surplus can be kept but approval of an external authority is needed	2
		Surplus can be kept but its allocation is pre-determined by an external authority	2
		Surplus can be kept with other types of restrictions	d.v.2
		Maximum deduction value for the indicator	***10***
Ability to borrow money		Universities cannot borrow money	10
		Universities can borrow money without restrictions	0
		Universities can borrow money up to a maximum percentage	2
		Universities can borrow money with the approval of an external authority	2
		Universities can borrow money from specific banks (designated by an external authority)	2
		Universities can borrow money with other types of restrictions	d.v.2
		Maximum deduction value for the indicator	***10***

Indicator		Option	Deduction value
Ability to own buildings		Universities are not allowed to own their buildings	5
		Universities can sell their buildings without restrictions	0
		Universities can sell their buildings with the approval of an external authority	2
		Universities can sell their buildings with other types of restrictions	2
		Universities are not allowed to sell their buildings	4
		Other restrictions	d.v.2
		Maximum deduction value for the indicator	***5***
Ability to charge tuition fees	National students (for EU member states, including EU students) At bachelor's, master's and doctoral levels	Universities are free to set the level of tuition fees	0
		Universities and an external authority cooperate in setting the level of tuition fees	2
		Universities can set the level of tuition fees under a ceiling set by an external authority	3
		Only an external authority is allowed to set the level of tuition fees	5
		There are no tuition fees	5
		Maximum deduction value for the indicator	***5***
	International students (for EU member states, non-EU students) At bachelor's, master's and doctoral levels	Universities are free to set the level of tuition fees	0
		Universities and an external authority cooperate in setting the level of tuition fees	2
		Universities can set the level of tuition fees under a ceiling set by an external authority	3
		Only an external authority is allowed to set the level of tuition fees	5
		There are no tuition fees	5
		Maximum deduction value for the indicator	***5***

Staffing autonomy

Indicator	Option	Deduction value
Capacity to decide on recruitment procedures (senior academic/senior administrative staff)	Recruitment is done freely by universities	0
	Appointment needs to be confirmed by an external authority for some staff	2
	Appointment needs to be confirmed by an external authority for all staff	4
	Number of posts regulated by an external authority for some staff	2
	Number of posts regulated by an external authority for all staff	4
	Recruitment carried out by an external authority for some staff	5
	Recruitment carried out by an external authority for all staff	12
	Other restrictions	d.v.2
	Maximum deduction value for the indicator (for senior academic and for senior administrative staff)	***12***
Capacity to decide on salaries (senior academic/senior administrative staff)	Universities can freely decide on staff salaries	0
	Decision on individual staff salaries is restricted due to an overall limit for all staff payments	2
	Salary band is negotiated with other parties	4
	Salary band is prescribed by an external authority for some staff	2
	Salary band is prescribed by an external authority for all staff	4
	Salary is set by an external authority/civil servant status for some staff	5
	Salary is set by an external authority/civil servant status for all staff	12
	Other restrictions	d.v.2
	Maximum deduction value for the indicator (for senior academic and for senior administrative staff)	***12***
Capacity to decide on dismissals (senior academic/senior administrative staff)	There are no sector-specific regulations concerning dismissals (national labour regulations apply)	0
	Dismissal is strictly regulated due to civil servant status for some staff	2
	Dismissal is strictly regulated due to civil servant status for all staff	5
	Dismissals are subject to other regulations specific to the sector	2
	Maximum deduction value for the indicator (for senior academic and for senior administrative staff)	***5***

Indicator	Option	Deduction value
Capacity to decide on promotions (senior academic/senior administrative staff)	Universities can freely decide on promotion procedures	0
	The law states who has to be included in the selection committee	2
	Promotion only if there is a post at a higher level	3
	Other restrictions	d.v.2
	Maximum deduction value for the indicator (for senior academic and for senior administrative staff)	***7***

Academic autonomy

Indicator	Option	Deduction value
Capacity to decide on overall student numbers	Exclusive decision of the university	0
	Universities decide on the number of fee-paying students while an external authority determines the number of state-funded study places	2
	Universities negotiate with an external authority	2
	Exclusive decision of an external authority	5
	Free admission	5
	Maximum deduction value for the indicator	***5***
Capacity to select students (at bachelor's and master's level)	Admission criteria set by the university	0
	Admission criteria co-regulated by an external authority and universities	2
	Admission entirely regulated by an external authority	5
	Maximum deduction value for the indicator (for each level)	***5***

Indicator		Option	Deduction value
Capacity to introduce and terminate degree programmes	Capacity to introduce programmes (at bachelor's and master's levels)	Universities can open degree programmes without prior accreditation	0
		A minority of new degree programmes/courses must be submitted to prior accreditation to be introduced/funded	2
		All new degree programmes/courses must be submitted to prior accreditation to be funded	3
		All new degree programmes/courses must be submitted to prior accreditation to be introduced	5
		Other restrictions	d.v.2
		Maximum deduction value for the indicator (for each level)	***5***
	Capacity to introduce programmes (at doctoral level)	Universities can open degree programmes without prior accreditation	0
		A minority of new degree programmes/courses must be submitted to prior accreditation to be introduced/funded	2
		All new degree programmes/courses must be submitted to prior accreditation to be funded	3
		Only some universities/academic units can open new degree programmes	3
		All new degree programmes/courses must be submitted to prior accreditation to be introduced	5
		Other restrictions	d.v.2
		Maximum deduction value for the indicator	***5***
	Capacity to terminate programmes	Universities can terminate degree programmes independently	0
		Termination of degree programmes requires negotiation between universities and an external authority	2
		Termination of degree programmes occurs on the initiative of an external authority	5
		Other restrictions	d.v.2
		Maximum deduction value for the indicator	***5***

Indicator		Option	Deduction value
Capacity to choose the language of instruction (at bachelor's and master's level)		Universities can only offer degree programmes/courses in the national language	6
		Universities can choose the language of instruction for all programmes	0
		Universities can choose the language of instruction for certain programmesauthority	1
		The number of degree programmes/courses taught in a foreign language is limited by an external authority	1
		Universities can choose the language of instruction only if the programme is also offered in the national language	1
		Universities can choose their language of instruction, but will not receive public funding for foreign-language programmes	2
		Maximum deduction value for the indicator (for each level)	***6***
Capacity to select quality assurance mechanisms and providers	Capacity to select quality assurance mechanisms	Universities can select quality assurance mechanisms freely according to their needs	0
		Universities cannot select quality assurance mechanisms	5 (0 in case of institutional evaluation)
		Maximum deduction value for the indicator	***5***
	Capacity to select quality assurance providers	Universities can choose quality assurance agency freely according to their needs (including agencies from other countries)	0
		Universities can only select between national quality assurance agencies	4
		Universities cannot choose the quality assurance agency	5
		Maximum deduction value for the indicator	***5***
Capacity to design content of degree programmes		Universities can freely design the content of their degree programmes and courses (other than for the regulated professions)	0
		Authorities specify some content of academic courses	2
		Authorities specify all content of academic courses	5
		Other restrictions	d.v.2
		Maximum deduction value for the indicator	***5***

Annex 3: Weighting factors per indicator

Organisational autonomy

Selection procedure for the executive head	**14%**
Selection criteria for the executive head	**14%**
Dismissal of the executive head	**12%**
Term of office of the executive head	**9%**
Inclusion of external members in university governing bodies	**12%**
Selection of external members in university governing bodies	**12%**
Capacity to decide on academic structures	**15%**
Capacity to create legal entities	**12%**

Financial autonomy

Length of public funding	**14%**
Type of public funding	**13%**
Ability to keep surplus	**14%**
Ability to borrow money	**9%**
Ability to own buildings	**12%**
Ability to charge tuition fees for national students (and EU students in case of EU member states)	**17%**
Ability to charge tuition fees for international / non-EU students	**21%**

Staffing autonomy

Capacity to decide on recruitment procedures (senior academic staff)	**13%**
Capacity to decide on recruitment procedures (senior administrative staff)	**13%**
Capacity to decide on salaries (senior academic staff)	**12%**
Capacity to decide on salaries (senior administrative staff)	**12%**
Capacity to decide on dismissals (senior academic staff)	**12%**
Capacity to decide on dismissals (senior administrative staff)	**12%**
Capacity to decide on promotions (senior academic staff)	**13%**
Capacity to decide on promotions (senior administrative staff)	**12%**[77]

Academic autonomy

Capacity to decide on overall student numbers	**14%**
Capacity to select students	**14%**
Capacity to introduce and terminate programmes	**16%**
Capacity to choose the language of instruction	**13%**
Capacity to select QA mechanisms	**15%**
Capacity to select QA providers	**11%**
Capacity to design content of degree programmes	**16%**[78]

77 The weighting factors do not add up to 100%, since digits had to be rounded to calculate the weighting factors.

78 See footnote 77

Annex 4: Academic freedom in legislation

The table below has been developed thanks to the information provided by the national rectors' conferences and through desk research.

System	Legislation including provisions related to academic freedom	Scope of the provision
Austria	Federal Constitutional Law	The constitution refers to public universities as places of free scientific research, tuition, and revelation of the Arts.
	Basic Law on the General Rights of Nationals	Basic law stipulates that science and its teaching are free.
	Universities Act	The Universities Act refers to the Basic Law provisions.
Belgium	Constitution	The constitution mentions freedom of teaching.
	2013 Higher Education Landscape law (FWB)	The law refers to the freedom of higher education institutions to organise their teaching and research activities, as well as the academic freedom of personnel.
Croatia	Constitution	The constitution refers to the freedom of scientific, cultural, and artistic creativity.
	Act on Scientific Activity	The act states that higher education should be based on academic freedom, academic self-governance, and university autonomy.
Cyprus	Individual universities' laws (example: CUT law 1998)	The Cyprus University of Technology law, as an example, refers to the responsibility of the institution to safeguard academic freedom and the freedom of scientific research and circulation of ideas.
Czechia	Constitution	The constitution states that the freedom of scholarly research and of artistic creation is guaranteed.
	Higher Education Act	The law mentions academic freedom and academic rights, as well as freedom of teaching and research.
Denmark	University Act	The law states the university has the freedom of research.
Estonia	Constitution	The constitution stipulates that science and art and their teachings are free.
Finland	Constitution	The constitution states that freedom of science, the arts and higher education is guaranteed.
	University Act	The act states that while universities enjoy the freedom of research, art, and teaching, teachers must comply with the statutes and regulations issued on education and teaching arrangements.

System	Legislation including provisions related to academic freedom	Scope of the provision
France	Code of Education	The code of education refers to academic freedom, as a guarantee of excellence in French higher education and research. Academic freedom is defined as as a right for teachers and researchers.
Georgia	Constitution	The constitution mentions that academic freedom and the autonomy of higher educational institutions shall be guaranteed.
	Law on Higher Education	The law defines that academic and scientific personnel as well as students have the right to academic freedom to carry out teaching activities, scientific work, and study.
Germany	In federal and Länder constitutions	The federal constitution mentions freedom of expression, arts, and sciences.
Greece	Constitution	The constitution states that art and science, research, and teaching shall be free, and their development and promotion shall be an obligation of the State. Academic freedom and freedom of teaching shall not exempt anyone from his duty of allegiance to the constitution.
	Law No.4485	Law No. 4485 mentions that academic freedom in research and teaching must be guaranteed.
	Law No.4777	Law No. 4777 refers to the protection of academic freedom.
Hungary	Fundamental Law	The fundamental law refers to the country's duty to ensure freedom of scientific research and artistic creation, the freedom of learning and of teaching.
	Law on National Higher Education	The higher education law refers to the right of determining teaching contents and curriculum as well as teaching methods.
Iceland	Education Act	The act mentions that higher education institutions have an obligation to respect the academic freedom of their staff.
Ireland	University Act	The University Act stipulates that a university has the right and responsibility to preserve and promote the traditional principles of academic freedom and defines in more detail what this includes.
	Technological Universities Act	A similar formulation can be found in the Technological Universities Act.

System	Legislation including provisions related to academic freedom	Scope of the provision
Italy	Constitution	The constitution states that the Republic guarantees the freedom of the arts and sciences, which may be freely taught.
	2010 Law on the Organisation of Universities	The law mentions that the ministry respects the freedom of teaching and the autonomy of universities, which are considered primary seats of free research and free training.
Latvia	Constitution	The constitution stipulates that the State shall recognise the freedom of scientific research, artistic and other creative activity.
	Law on Higher Education	The law mentions academic freedom and stipulates that the freedom of studies, research work, and artistic creation shall be ensured in higher education institutions if this freedom does not contradict with the rights of other persons, the constitution of higher education institutions, and laws and regulations.
Lithuania	Constitution	The constitution states that culture, science and research, and teaching shall be free and supported by the state.
	Law on Higher Education	The law states that higher education institutions must ensure the academic freedom of members of the academic community.
Luxembourg	University Act	The act states that in the exercise of their teaching and research functions, the academic staff of the university enjoys academic freedom.
Netherlands	Higher Education and Scientific Research Act	The act mentions that academic freedom is respected at higher education institutions and teaching hospitals.
Norway	Universities and University Colleges Act	The act stipulates that universities and university colleges must promote and safeguard academic freedom.
Poland	Constitution	The constitution stipulates that the freedom of artistic creation and scientific research as well as dissemination of the fruits thereof, the freedom to teach and to enjoy the products of culture, shall be ensured to everyone.
	Law on Higher Education and Science	The law mentions that the basis of the system of higher education and science is the freedom of teaching, artistic creation, research, and publication of its results as well as the autonomy of higher education institutions. The preamble stipulates that the state has the duty to create optimal conditions for the freedom of scientific research and artistic creation, freedom of teaching, and autonomy of the academic community.

System	Legislation including provisions related to academic freedom	Scope of the provision
Portugal	Constitution	The constitution mentions that the freedom to learn and to teach is guaranteed. Also, there shall be freedom of intellectual, artistic, and scientific creation.
	Law on Higher Education	The law on higher education mentions the critical situations under which the state may interfere in institutional governance, however, this cannot jeopardize autonomy and academic freedom.
Romania	Law on Higher Education	The law outlines the principle of academic freedom and makes the university leadership responsible for safeguarding the academic freedom of teaching and scientific personnel.
Serbia	Law on Higher Education	The law defines academic freedom as freedom of scientific research and artistic work, including the freedom to publish and present to the public the outcomes of the scientific research and artistic achievements thereof, while observing the rights of intellectual property.
Slovakia	Constitution	The constitution states that the freedom of scientific research and freedom of artistic expression shall be guaranteed.
	Law on Higher Education	The law mentions academic freedom and academic rights, insofar as academic freedom shall be guaranteed at higher education institutions.
Slovenia	Constitution	The constitution stipulates that the freedom of scientific and artistic endeavour shall be guaranteed.
	Higher Education Act	The law on higher education refers to the freedom of research, artistic creation, and knowledge of the higher education institutions.
	Research and Innovation Act	The law on research and innovation also refers to the freedom of research.
Spain	Constitution	The constitution recognises and protects the right to academic freedom, freedom of teaching, as well as the right to literary, artistic, scientific and technical production and creation. It recognises the autonomy of universities under the terms established by the law.
	Organic Law of Universities	The law stipulates that the principle of academic freedom, which manifests as freedom to teach, research and study, is the foundation of the universities' autonomy and activities.

System	Legislation including provisions related to academic freedom	Scope of the provision
Sweden	Constitution	The constitution notes that the freedom of research is protected according to rules laid down in law.
	Higher Education Act	The act states that higher education institutions must operate under the general principle that academic freedom must be promoted and protected.
Switzerland	Federal Constitution of the Swiss Confederation	The constitution states that freedom of research and teaching is guaranteed.
	Federal act of Funding and Coordination of the Swiss higher education sector	The federal act stipulates that the confederation shall respect the autonomy granted by sponsors to higher education institutions as well as the principles of freedom and the unity of teaching and research.
	Legal acts of cantonal universities *(example: University of Lausanne Law)*	The University of Lausanne Law states that the freedom of teaching, research, and study is guaranteed within limits linked to obligations connected to different posts, and that this freedom must be explicitly safeguarded in contracts.
Türkiye	Constitution	The constitution states that the universities and their staff may freely engage in all kinds of scientific research and publications, however, the freedom can be limited if the independence of the state or integrity of the nation is jeopardized.
	Law on Higher Education	The law mentions academic freedom in relation to the disciplinary procedures.
UK – England	Higher Education and Research Act	The Higher Education and Research Act states that the Office for Students has the duty to protect academic freedom, in particular, the freedom of institutions.
	Education Act	Both acts include provisions on freedom of speech at higher education institutions.
	Counter-Terrorism and Security Act	
UK – Scotland	Governance Act	The act stipulates that a post-16 education body must aim to uphold the academic freedom of all relevant persons (teachers and researchers). Academic freedom is defined as holding and expressing opinions, questioning and testing established ideas, develop and advance new ideas and present controversial or unpopular points of view.

Annex 5: Contributors to the study

Contributors from the national rectors' conferences (questionnaire, interviews, validation)

Austria	Universities Austria: Elisabeth Fiorioli (Secretary General) and Stephanie Zwießler
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