

○ Caso Italiano

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O Prof. Stefano Boffo é Professor de Sociologia na Faculdade de Ciências Políticas e está em excelentes condições, segundo penso, para nos apresentar o caso italiano.

Em primeiro lugar, o Prof. Boffo está agora na Universidade de Sassari, vindo da Universidade de Roma, que é uma das chamadas mega-universidades com cerca de 140 mil estudantes, enquanto a Universidade de Sassari, em termos de dimensão, se assemelha às universidades portuguesas, com cerca de 18 mil estudantes. Assim, o Prof. Boffo tem a experiência de ter trabalhado em universidades muito diferentes em termos de dimensão.

Estou certo que o Prof. Stefano Boffo nos fará uma clara e abrangente intervenção acerca da estrutura do sistema de governo das universidades em Itália, sobre a composição dos diferentes corpos que intervêm nas decisões, sobre as formas e métodos como estas são tomadas, e ainda sobre o papel dos actores externos nas matérias que respeitam à universidade.

O Prof. Boffo estudou e publicou um número considerável de *papers* sobre o governo das universidades, e de como conceber e instituir sistemas de ensino superior. Foi igualmente conselheiro do Governo Italiano para a Nova Reforma de 1999 relativa ao conhecido sistema 3 + 2.

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Governing Italian Universities

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Traditionally, the Italian system of higher education was identified by the fact of being (i) highly centralised and mostly public, (ii) with a single study cycle leading to a degree *laurea*, (iii) with a steady growing number of universities, in which students distributed in a very uneven way, and (iv) affected by a very low level of productivity, that is high rate of drop-outs and average real length of studies which nearly doubled what foreseen by curricula (Clark, 1977). In the last fourteen years, the creation of a Ministry for the University and Scientific Research (1989) opened a slow but steady period of reforms, which initially gave institutional autonomy a much wider pace both in financial and statutory field (Moscati, 1996). Further steps in the same direction completed the reform with the introduction of evaluation of research, teaching and administrative activities and with the curricular reform, the so called “3 + 2”, that is a three-years first cycle, a two years second one and a further three years doctoral cycle (Guerzoni, 1999). It is just an essential sketch of the system, a base to concentrate on university governance and on public institutions.

Here, “governance” can be understood as the rules, processes and practices that affect how powers are exercised in the universities (Paquet, 2000). It refers to structures and processes used to steer universities and obviously comprises the traditions, institutions and processes that determine how power is exercised, how internal and external actors are given a voice, and how decisions are made.

Here we deal firstly with two dimensions of university governance. What are the instances of governance? Who decides on those instances and who chooses the managers?

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The answers to these questions lie first of all in the Statutes of each university. The university is an institution *and* an administration: part of the rules that regulate its governance system are in fact defined by Government. At the same time, though, the university is also an enterprise (Dubois, 1997). According to the law, the university has autonomous status, and therefore some of the rules concerning governance bodies and decision-making are established through internal decisions and firstly through Statutes.

Along with those mentioned in the law, each university has the right to establish other specific governing bodies, which in principle participate in the governance. The multiplication of these bodies brings about a multiplicity of offices, carried out by a significant number of people, through different committees: on equal opportunities, organizational re-deployment, didactical and curricular innovation, external stakeholders, international relations and so on. The more the bodies are, the less its effectiveness (Birnbaum, 1988).

The governing bodies

The law formally attributes different roles to the legislative power (one or more councils make the decisions) and to the executive power (one unit implements the decisions made by the councils). In Italy, the legislative power is in the hands of essentially two councils, the CdA-Consiglio di Amministrazione (Board of Directors) and the Academic Senate.

The Board of Directors has, in principle, jurisdiction over all finance and management issues, including staff, as well as budgeting. It is generally comprised of: the President, the Vice-President, the managing director. Moreover, in the board of Directors there are representatives of all university internal stakeholders (teaching and non-teaching staff, students) and of external stakeholders (different representatives of local community – region, province, city, chamber of commerce and so on – the unions of

entrepreneurs and workers, other economically relevant bodies and the Ministry).

The Academic Senate, on the other hand, is generally meant as the body in charge of planning, supervising and steering all teaching and research activities. Its composition may change, but it always includes a predominant representation of faculty deans and full professors, in some cases along with representatives of students and of non-teaching staff. There can be more stakeholders represented, and the high number of members can lead to a “dilution” of legislative power, or to an overwhelming presence of the executive over the legislative power, and at times to a confusion of the roles.

As anticipated, in Italy university autonomy has been formally acknowledged for a long time – it is in fact explicitly mentioned in Article 33 of the Italian Constitution. Still, it only came to be real in 1989, with the Law n. 168 on university autonomy, which was then translated into operational terms by other Acts, namely Law n. 537 of 1993 (on budget autonomy) and Ministry Decrees n. 210 of 1998 (on autonomy in recruiting teaching personnel) and n. 509 of 1999 (on curricular autonomy, that is in defining teaching programmes). Each university must draft their own Statutes. This level of autonomy was the main source of the organizational transformation that has been taking place in the last ten-fifteen years. It is nevertheless important to stress how this is *not* a full and complete autonomy: also in the field of governing bodies the law establishes some minimal requirements, more or less detailed, that all universities must comply with. For example: who can be elected as President? Which is the minimum composition of the CdA and the Senate? In spite of this common basis for all universities – reiterated by Ministry interpretations and by Court rulings –, a significant diversification in the organization of universities has still flourished. Universities have in fact taken steps to diversify themselves from their competitors, establishing their own missions, their own bodies (along with the compulsory ones: President, Academic Senate, CdA, Students’ Council), the jurisdiction of each body and the term of their elective offices.

The analysis of the Statutes and of their varying number of articles shows therefore some significant differences among Italian universities as to their mission and organization. The President, for instance, can be elected by an electorate that can include or exclude all or part of the administrative staff and of the students; the term of his or her office can go from 3 to 5 years and re-election can or cannot be allowed; finally, the President can be assisted by one or more Vice-Presidents. The Academic Senate is comprised in many cases by representatives of all university internal stakeholders, that is teachers, students and clerical and technical staff. Still, this body not uncommonly includes only academicians. In a few cases, such as the Turin Polytechnic, there are also external members. The managing director, who is the head of technical and administrative staff, is generally a member of the Senate, but often only with an advisory function. As a consequence, the Academic Senate does not have the same functions in all universities: while its focus always is on teaching and research activities, it can at times intervene on purely managerial issues. The composition of the CdA is diverse as well: most often, its members represent the clerical staff and the students, but at times some external members are featured, representing the institutions of the local community. In other words, while in Italy the prominence (and sometimes the supremacy) of the academic personnel on the other components of university life is always assured, one must take a look at the Statutes of each university to see the exact weight of the different powers at play between the AS and the CdA (Finocchi *et al.*, 2000).

These bodies might be supported by other bodies specifically foreseen in institutional statutes. For example, the University “Ca’ Foscari” in Venice, as per its Statutes, has established a specific body where external actors are also represented (the Mayor, the Chairman of the Regione, of the Provincia and of the Chamber of Commerce) and of national institutions (National Research Council and National Council for Economy and Labour). This body takes the name of *Committee of social stakeholders* and provides the University with advice and proposals.

Governance instances typically respond to two principles: participation and democracy (Paquet, 2000). Collectively, these instances

must ensure participation of all stakeholders in university life: the teachers, the clerical and technical staff, the students and the external political and economic partners. The teachers are the majority in the AS, while students have the largest part of the Students' Council. Teachers, non-teaching staff and students elect their representatives in the Councils, and inclusion of external members in them is standard practically in all cases. As stated, at any rate, the situation reflects a predominance of the academic party, which has majority not only in the Senate but also in most Boards of Directors.

A very important point concerns the election of the President. The President is elected if he or she gets the absolute majority of the votes of the electorate. Voting by proxy is not allowed. Candidates withdrawing is possible during the voting session. The passive electorate is comprised of all full professors. The active electorate is highly variable as it depends on the Statutes. Typically, full and associate professors have one vote each, while other components (researchers, non-teaching staff, students) have a number of votes reflecting their overall numbers, which is defined differently in each Statutes. The wider the active electorate is, the larger the number of interests and components the candidate has to refer to (and to satisfy) in order to be elected or re-elected.

According to the different Statutes, the President can be re-elected for a second and at times a third term. When the first term expires, it is not uncommon that the President in charge is the only candidate for the second term and his re-election is thus guaranteed.

The legislative instances

The CdA and the AS are the arena for the interplay between the legislative power (that is, the elected members of the two bodies: we will call them “the councillors”) and the executive power (the President and his staff, that we will call “the managers”). Councillors are quite different as to categories and interests that represent and the input and time they devote to this function. The power of the potentially divided group of the councillors

is therefore often weak vis-à-vis that of the managers. Although in a situation of autonomy it is up to the Statutes of each university to define functions, composition and electoral procedures for each central entity of governance, generally speaking we can repeat what we said before – that is, the Academic Senate has jurisdiction over teaching and research, while the CdA has jurisdiction over budgeting. Both instances are elected, but some Statutes foresee that a limited number of members can be co-opted. Both instances are presided over by the President, while the Vice-President and managing director can sit in these bodies as full or advisory members. The Academic Senate is definitely dominated by the teaching staff, that is the Deans of faculty and by full professors and therefore by the disciplines. The representatives of students and non-teaching staff are weak, and there are no or few representatives of external stakeholders (in a few cases, such as the Turin Polytechnic, some external representatives are admitted with an advisory function). On the other hand, the CdA is – or should be, at least formally – more open to external personalities, such as members of the local Government, of the Chambers of Commerce, of the Ministry and even private organizations which offer resources to the university, as well as, of course, to the internal actors who already sit in the Senate.

The decision-making process is influenced by the President and his staff (by the managers) and it is basically through his power to decide on the organisation of the meetings that the executive power prevails on the legislative in the CdA sessions and often also in the Senate. A power over: meeting dates, agenda of the meeting, documents to be circulated, the quorum, and more generally over the voting system and the distribution of speaking time, as well as over informing university staff and users of the decisions that have been taken. Besides, we should not forget that the legislative power of a university, given its field of action, is somehow more subordinated to the national legislation, in particular when it comes to course accreditation, evaluation procedures, and criteria and rules for allocating Ministry financial resources, which still are the main part (around 80% or more) of universities' overall resources. The CdA can therefore only play a quite constrained legislative role and as a consequence it is quite likely that it will strongly vote in favour of the proposals coming from the

university managers (that is the president and his staff). Voting against them, or voting for independent motions (proposed by one or more individual Directors) remains the exception to the rule.

The CdA: a “Bacardi Breezer” legislative arena

As already stated, along with the AS, the CdA formally is the fundamental legislative entity of university autonomy: its decisions are necessary for the university to be able to reach its goals and to manage its human, financial and organizational resources. In the daily life of university organizations, its decisions are constrained by the executive power controlling its proceedings, by the controlling action carried out by national regulations and by the initiatives taken by lower instances (the Commissions, other university counselling bodies, etc.). The CdA represents then but a feeble legislative power, a “so-to-speak” legislative power, or in other words what might be called a *“Bacardi Breezer” legislative power*, a drink that has a little taste of rum, but isn't rum at all.

Given that no category of managers has absolute majority and that the managers themselves represent a minority, decisions must be taken through the alliance of representatives of two or more categories. Still, it is quite uncommon that the proposals coming from “above” are not accepted. The external partners support almost systematically the President’s proposals, and the same applies to the majority of university managers. Most often, therefore, the CdA lines up with the directing team and the President. Another possible scenario is that the President and his staff are weak and are prisoners of the temporary alliance strategies of this or that disciplinary sector with this or that fragment of personnel, along with their respective unions: the effect in these cases is often a paralysis – at times even a prolonged one – and the overall consequence remains the same, that is the CdA still has legislative power only in appearance and most times cannot make any real decisions.

In this framework, academic actors and bodies of lower level play obviously a role which is not negligible in university governance and intensively interplay with both legislative (and executive) power.

The *faculty deans*, who, together (and sometimes in conflict) with *department directors* (and the *Board of department directors*) exert a control over most of the choices, and certainly to those related to financing teaching and research and to establishing new sites and faculties. A control, which contributes to void Board of Directors of its effectiveness.

Overall, this situation ends in three types of shortcomings: failing to make decisions, making contradictory decisions, or failing to enforce the decisions made.

The Academic Senate

A similar description can largely apply also in the case of the Academic Senate. As we have seen, whatever its composition as defined in each university's Statutes, this body is always dominated by teaching staff, and still is the arena for confrontation and collision between different disciplines, and often also the arena where major decisions on the life of the university are made. Nevertheless, upon closer examination we see that this, too, is often little more than a formal instance of decision-making. This is mostly due to the plethoric composition of some Senates as established by some Statutes, where *all* the components of internal, and – in some limited cases – even external, university life must be represented. Once again, the result tends to transform also this body to a *Bacardi Breezer* instance. That is, an instance by default paralysed, that cannot decide over choices that really matter university life, cannot avoid contradictory decisions and cannot monitor the enforcement of its decisions.

Is there an alternative and desirable organizational model for the phase that Italian universities are currently going through?

We should start from the need for strengthening of university government. The strengthening of university government through a strengthening of presidential role is reflected in some of the best examples empirically observed in the Italian experience and is often mentioned. Not only in the speeches of several university Presidents, but also in speeches and documents of part of the political actors at European, national, regional and local level, many buffer institutions such as the Rectors' Conference and the EUA-European Association of Universities, many evaluation bodies and even of entities with supervision and controlling power (example: accounting magistrates).

In fact, the kind of university governance, which we like to define as *presidential* (Bargh *et al.*, 1997), is at the same time a valued standard, a goal to achieve and an observable good practice.

University governance strengthening, along with the emerging *presidential* type of government, seem therefore to receive a wide consensus and represent a sort of compromise that all the parties concerned could accept. This could be true because it is the consequence of a basic ambiguity, in which everyone could find something valuable for themselves. This compromise would be surely acceptable by the team that manages and heads universities, which – provided that it does have a strategy – would never say no to an increase of his power. The national government, on the other hand, would find it acceptable because a strong team of managers could not avoid enforcing the laws in the establishment it directs, and can definitely ensure integration within State bureaucracy. Finally, the compromise would be accepted also by external partners, particularly local communities and entrepreneurs, who would surely prefer to have a single entity to deal with, as well as a strong and competent university administration when, for example, it comes to handling outsourcing contracts. Strengthening university government under the presidential model would therefore be supported by a wide number of actors. The first impact of such a type of governance will presumably be on the decision-making.

What is then the model of decision-making that has prevailed in the last decade in Italy? In the relationship with the State, we have moved from a centralized Napoleonic type of model to one whose keyword is “autonomy” (Moscatti, 1991; Neave, 1995). Still, we cannot talk of an organizational model of decision-making based on effectiveness and at the same time inclusion and teamwork. Given the above sketched characteristics of the legislative (and even of the executive) powers, the presently observed decision making model is often close to the so-called “political model” (De Boer and Huisman, 1997). The central power is feeble and dominated by the power of the faculties and other strong actors. There is not *one*, but several communities (the disciplines, the teachers, the supporting staff), representing diverging interests. The conflict resolution process and the compromises it produces are the result of the interplay between different forces, where – far from collegiality – the winners tend to be the strongest disciplines and the most powerful faculties and, within them, the most prestigious members of faculty. The most powerful faculties are those with the highest number of teachers, such as medicine, law and engineering, and it is not by chance that most Presidents belong to these disciplines. In order to fully prevail, these powerful areas have to establish partnerships with selected segments of the staff or unions involved. But these partnerships are still unstable and the resulting situation is often confused from the point of view of effective governance. On the other hand, in several cases it is the so-called “garbage can model” (Cohen *et al.*, 1972) that seems to be prevailing – a model characterised by feeble determination, lack of rationality in the definition of the goals, of allocation of resources and of assessment of achievements.

As a result, we have a diversity of decisions, that become quickly outdated, often unexpected (you will find anything in a garbage can), contingent (no garbage can has an identical content) and finally forgotten (the garbage can is periodically emptied).

It is here important to rapidly examine how external actors come into play in university life and how they interfere in the described governance activities. We therefore should take into account the institutions of local

Government, the National University Council, the Standing Conference of Rectors, the National Committee for the Evaluation of the University System.

The local communities (Regions, provinces, single municipalities or groups of them) play an increasingly relevant role, and this is somehow a new development, since universities were traditionally a matter of the central State.

This intervention of the “local context” in the higher education sector has been receiving increasing legitimation in European policies (structural funds and especially the European Social Fund).

Today we see a stronger level of formalization of the relationships between universities and the regional authorities, which takes place through the Committee for University Regional Coordination, where – under the chairmanship of the President of the Region – the Presidents of all universities in that region are brought together to coordinate and approve of any new higher education institution and programmes offered. Now, these Regional Committees are by far and large a “Bacardi Breezer” type of institution, where little is coordinated and few or no decisions are made. Nevertheless, they can still be paralysed by the rivalry among universities. Still, any instance of financing new programmes or establishing new institutions must be submitted to these Regional Committees in order for them to be included in the so-called *Three-Year Development Plan* that is the Ministry’s programming tool for universities.

This Plan is in fact a long and complicated matter, resulting in a Ministry Decree where State financing in the i.e. sector is laid out for the next three years. Applications to create new branches and/or new degrees are developed by each university and firstly submitted to the assessment of the Evaluation Unit established within each institution. After this, applications are examined by the Regional Coordination Committee and subsequently by the National Committee for the Evaluation of the University System. The opinion of the Rectors’ Conference is also sought for. At this point, the highly important opinion of the National University

Council comes in the picture, and the final acknowledgement is given by the relevant Parliament Commissions, one for each of the two Chambers. The last word on the decision is naturally that of the Cabinet of Ministers.

The *National University Council* is systematically consulted by the Ministry on all projects regarding higher education. Its opinion is relevant, particularly when it comes to the new curricular autonomy. This body is traditionally the place where all disciplines are represented, and it is obviously dominated by the professors, who are elected in representation of large disciplinary groups. The important role of the National University Council and of the academic *corps* counterbalances the role of Presidents, thus restraining their autonomous power.

The *CRUI-Rectors' Conference*, on the other hand, has acquired an increasingly important role in the last few years. It is a private association, and membership in it is voluntary. It gives its official opinion on the Three-Year Development Plan, on the assessment of the financial needs of universities, on the ordinary distribution of financial resources to the universities and on the allocation of the funds ensuring balancing between universities.

In its effort to promote innovation in universities, the Rectors' Conference underlines the importance of evaluation and of self-assessment, proposing (or even *imposing*) methodologies for assessing teaching, research, administration, PhD and Masters programmes. It also proposes some consulting procedures with the social partners. Finally, through the promotion of specific initiatives, this body has imposed on universities its view of quality assurance. The aim of the Campus (1995-2000) and later Campus One projects has been and still is the strengthening of, respectively, the *diploma universitario* (short university degrees) and the new three-year degree programmes, with a view to improving their quality and to respond more quickly to the needs of the labour market. The additional resources available to regular degree courses and to short degree courses that passed the pilot project phase can be obtained by universities only if they meet the significantly strict requirements for quality improvement defined by the

Rectors' Conference. Each university has at least three degree courses included in the CampusOne system: a sufficiently large base – according to the Conference – to promote the culture of quality.

The Conference therefore appears to have a strong influence also on the governance of universities, by forcing on them its procedures and goals in some specific fields that bear a very general relevance.

A specific space has, in this project and in a larger prospective, the evaluation and in particular, evaluating in order to improve governance. The question here is the following: is evaluation an instrument for strengthening university governance and supporting the emerging presidential type of government? Is it recognized as such by the university external actors and within the university itself?

The Rectors' Conference, whose role – as we have seen is presently quite important, as a *pivot* of innovation – not only accepts evaluation, but appropriates it and promotes a specific type of evaluation, merging external and internal evaluation. In this view, evaluation increases the collective strength of the Presidents and legitimises their position on the evolution of the university system. We could even say that the Conference's fight for evaluation aims to strengthen the role of each one of its members as pilot of his or her own university.

The conclusions of peer/external evaluations focussing on university governance, which have been realized in the last years, are in favour of generalized governance strengthening. Many case studies show how developing internal evaluation can actually strengthen university governance, although a satisfactory use of evaluation results in the decision-making process still seems quite difficult. Still, the impression overall is that, with a few exceptions, evaluation has not yet become a concrete and operational government tool in the hands of the President and therefore that the internal evaluation units are still perceived by top management as a hugely peripheral body when it comes to governance. How is evaluation structured?

The law of October 1999 defines both the composition of the Internal Evaluation Units and their role in evaluating teaching, research and management. All other details concerning the Units' functioning are defined by each university in the framework of their statutory autonomy.

On the other hand, the mandate of the National Committee for the Evaluation of the university system was defined in the same Law of 1999 and in a Decree of April 2000. It is comprised of 9 members, including the Chair, appointed by the Ministry for 4 years, after which they cannot be re-appointed. This Committee defines the general criteria for evaluation. The Law of 1999 envisaged a tighter link between evaluation, its results and the allocation of public funds. Referring to the new curricular organization, access to the ordinary financial resources is restricted to those universities matching the so-called *minimum requirements*. That is some standards defined by the Committee itself and whose existence in the institution is verified by the Internal Evaluation Units. Minimum requirements are standards that every degree programme must comply with and concern aspects like: minimum and maximum number of students, minimum number of teachers per programme and, in the future, also physical spaces available to each programme. Similarly, the Internal Units perform their own evaluation of the proposals of new under and post-graduate study programmes, and their positive opinion is fundamental for the proposals to be acknowledged by the Ministry.

This role has evidently a great relevance, and it interplays with the function of university governance in a more or less positive way, depending on how strongly the top management (the President and his staff) wants to make concrete use of this evaluation activity (Boffo, S., 1997). As a consequence, both evaluation in itself and the Units performing it, can be a potentially powerful instrument of university steering and a tool for strengthening university governance. This is true provided that steps away are taken from the funambulism that up to now has been a regular feature in most Italian universities' top managements, and that clear choices are made towards a presidential type of model.

Despite it has to be said that the present debate is not primarily focussing how to change legislative and executive powers in Italian universities, we may finally pose the question, what is the form of university executive power that would best serve the purpose of autonomy? The trend towards a *presidentialization* of university power appears to be important and, at least partially, widely shared. But it needs some fine-tuning. Provocatively, one should even think that in many cases – with the obvious exception of mega-universities – such a model could better work at a level beyond the individual institution. Quite obviously, this solution would not be acceptable for the present culture of university. But it could be a potential result in line with the wider devolution of powers attributed by the present national Government to Regions.

The starting point is that, due to their size, most universities are engaged in processes of coordination, of cooperation and of labour division: should the decisional power then be located at a level beyond the individual university? Should then this cooperation be institutionalised by creating new instances at regional/district level, in charge of making the basic decisions? Maybe there is a need for a regional/district university President and management. Some progress could be made if university autonomy could exist at this level, rather than at the level of individual institutions, even though decentralisation and decision-making delegation should obviously be in place within each university. In such a view, the CdA should also be on a regional scale. It would no longer be the representation body for all internal stakeholders in the university (teachers, staff, students), but it would rather become the emanation of external partners, such as representatives of the national Government, of local communities, of the business sector and of workers' organizations, along with individually appointed scientific personalities. We can imagine that before making decisions such a Board would consult with all university stakeholders or representatives, and we could also imagine that the President of the Regional/district University would not even necessarily be an academician. A quite provocative thinking, if related to present culture of universities and, up to now, just an option to reflect on in the light of how to liberate both the legislative and the

executive bodies from the situation of paralysis that appears to be so common today.

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