

# Chapter 3

## Reforming Universities in Italy: Towards a New Paradigm?

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### Introduction

Higher education institutions (HEIs) have been characterized, in the last 20 years, by deep changes for their social and economic roles, organization, and structures (Maassen and Stensaker 2010). Different forces have driven changes within HEIs: external pressure for change, arising, for example, from the European Union, with its policies for education and research (Drori et al. 2006; Leresche et al. 2009; Gornitzka 1999; Féron and Crowley 2002), and the national reforms aiming at modernizing universities, granting them greater autonomy and borrowing management-type decision mechanisms and logics (Paradeise et al. 2009; Van Vught 2007; Krücken et al. 2007). Beside the large recognition of the managerial paradigm inspiring the desired changes, not all the European countries implemented the reforms in the same way and at the same time.

Using the case of Italy, the work aims at: (a) understanding the underlying rationales, motivations and justifications which characterize the actual reform, and (b) highlighting in what respect the reform addressed the cultural and cognitive frameworks which shape the national academic system. Our hypothesis is that a reforming process, to drive significant changes in an institutional paradigm, must act towards the main features, ideas, values and assets which support it (Hall 1993), and that, instead of sudden changes, gradual transformations are more likely to be observed. Thus, we questioned whether the policy design of the reform, and the tools it proposes, would support changes in the dominating paradigm allowing the academic system to move from the bureaucratic-continental model to a new model of governance (Capano 2008; Maassen and Stensaker 2010; Reale and Potì 2009). Reform implementation is not explored at this stage; rather the focus is on the design and

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contents of the reform and how it acts with respect to the main features of the national paradigm. Possible trajectories of academic institutions and the transformation of the HE system it might put forward are finally discussed.

Historical neo-institutionalism and literature about models of governance frame the analysis. A longitudinal analysis of the texts, from the presentation until the approval through the several modifications proposed and approved by legislative actors, is exploited, in order to highlight the innovative character of the reform and traditional features which still emerge and that can burden the announced paradigmatic changes in the governance of academic institutions.

We intend to contribute to deepening the discussion on academic reforms policy design, addressing how the combination of the three main factors indicated by the literature on the construction of public policies, namely institutions, interests and ideas, can shape the national paradigm. We also want to explore how underlying policy designs in the reform process have major importance in the evolution of practices and tools that shape the academic decision process, organizational choices and institutional settings, according to expected – and intended – changes.

The chapter is structured as follows. This section introduces the theoretical assumptions leading the work. The methodology and the set of documents used to discuss previous and current reforms of the HE system in Italy are presented in section “[Theoretical Assumptions](#)”. The reforming processes undergone in the past are outlined in section “[Methodology](#)” through a discussion of the contents and purposes of the main laws aimed at reforming the Italian academic system. The recent reforms and the policy process, which led to its approval is introduced in section “[The Reforms of the HE System in Italy: A Brief Overview](#)”. Section “[The Reform of the Governance of the HEIs Introduced by Law 240/2010](#)” discusses the innovative character of the reform design, and tries to underline the extent to which it challenges the domestic features of the Italian academic system. The changes introduced during the parliamentary process are presented, pointing out those modifications, which represent, with respect to the original reform design, a shift from the proposed in-depth change of those features, which characterize the Italian HE system, through the introduction of innovative governance instruments and assets, to a different and ‘softer’ design. The conclusions discuss whether the reform, in its final version, leaves unchanged, or rather only softened, the traditional features of the Italian context, allowing path dependency to emerge, and the policy’s legacies to constrain transformation processes.

## **Theoretical Assumptions**

Policies designed at European and national level affect the regulations, norms, and values of higher education systems and academic institutions: while the former accounts for changes driven by exogenous forces, the latter focuses on factors internal to the institutions to explain transformations.

However, many authors, on the one hand, argue that stability characterizes academic institutions. Universities as organizations show specific characteristics and features,

because of their core tasks, research and training, which cannot be easily standardized, and which characterize them as loosely instead of tightly coupled systems (Weick 1976; Van Vught 2007; Krücken et al. 2007; Musselin 2007). Mahoney and Thelen (2010) showed that institutions are often related to the idea of persistence, therefore different approaches – sociological, historical and political – are focused more on explaining the continuity of institutions rather than change. On the other hand, scientific literature also observes that institutions do undergo changes, which are often not paradigmatic but limited in terms of the objectives and the instruments used. Notwithstanding the common idea that institutions undergo changes, different approaches emerge.

Historical institutionalism and path dependence, which underline the continuity of some distinctive patterns of an institution over change (Mahoney and Thelen 2010), allow the analysis of national policies driving changes in the academic institutions to be framed (Peters 2004). The basic idea is that path dependency characterizes policy choices and actions, meaning that policies at any time are influenced by policy choices made earlier. The patterns of policy and institutional choices created by a government then persist unless there is sufficient force to overcome the inertia that characterizes policies, or unless ideas, which shape them are not substantially changed. Differently from a perspective based on structuralism, which considers changes to be determined by exogenous pressures, historical institutionalism focuses on the normative and cognitive elements that are context-related and can determine different paths of change. The approach stresses the importance of the “domestic setting in which innovation lands”, that is the domestic factors which seem to determine to what extent and according to what type of domestic setting new policies are introduced. Changes are shaped, then, by the national settings they are embedded in (Krücken et al. 2007; Bleiklie and Kogan 2007; Reale and Poti 2009; Capano 2008; Maassen and Stensaker 2010), so that different trajectories of changes in higher education systems can emerge as well as clear policy legacies. According to this view, Lenschow et al. (2005) underlines that “actors’ choices with respect to following, adapting, or ignoring foreign examples are influenced by dominant ideas (policy paradigms or even more general view of the world)”. Moreover, he specifies, “policy specific political discourses, thus the ideas and narratives behind policies and policy change are set within the broader culture of a country”.

It is worth recalling here the literature about regime types and about models of governance to delineate the characteristics of a national governance system and to explain the reform capacity of a country. The continental model is characterized by a combination of academic, corporation and governmental bureaucracy, while the role of the university institutional level is weak because of the absence of trustees and the substantial role played by academic corporations (Paletta 2004; Bleiklie and Kogan 2007). So far, different distribution of power and level of authority granted to the three main levels within the HE system characterizing the university includes: the work-floor units (professors, departments and faculties), the university bureaucratic apparatus and trusteeship, and the governmental political and administrative authorities. Differences in the combination of authority or in power distribution among these levels shape the model of university (Clark 1983; Harman 1992; Huisman 2006; Neave 1996) and help to frame institutional change.

More recently, it was suggested that as governance “refers to the possible ways in which policy actors combine to solve collective problems” (Capano 2011: 1625), the structure of the governance reveals the role governments want to play: restructuring the hierarchical relationships with the universities, setting procedural or self-governance modes of steering, or steering at a distance. The quoted ‘ideal’ modes of governance depend on the level of governmental specification of the goals to be achieved, and the means to be used.

Hall (1993) introduced the importance of ideas as elements shaping policies and institutions, raising the question of whether to foster changes, ideas need to be modified. Ideas are defined as the beliefs, principles and values, thus the normative and cognitive elements, which influence both the design and the strategy of policy change. Policy paradigms are defined as the cultural and cognitive frameworks governing the policy process and policy changes. This allows the dynamics of changes, as well as the contents of policies, to be depicted. The extent of change in a policy paradigm depends mostly on its inadequacy to solve problems in an existing context and the existence of an alternative paradigm. According to some scholars, reforms aimed at innovating an institution should then act on the system of ideas in a given context, replacing the existing paradigm with a new one. Other authors underlined that changes do not consist often in a paradigmatic about-turn, nor in a unidirectional effect of ideas on changes, but in incremental modifications to the existing policy design, coming from bidirectional interactions (Musselin 2000).

These assumptions support the idea that there are several modes of institutional changes, which can be identified, distinguished and compared (Streeck and Thelen 2005). Notwithstanding the different factors which can be the cause of institutional changes, either endogenous (as internal reform processes or economic changes) or exogenous (as internationally driven changes and new regulations) factors, the process of change can be incremental (e.g. through piecemeal changes) or due to unexpected conjunctures. The results of changes can be different too. In the former case, changes might result in the continuity of previous conditions or in their gradual transformation, whereas in the latter situation, which is an abrupt process of change, no significant modifications can be observed, but a real rupture and substitution of previous situations. Reforming processes, by the way, mainly aim at introducing new paths and new logics of actions in institutions and institutional settings, so that gradual transformations are more likely to be observed than break down with respect to previous conditions (Streeck and Thelen 2005).

Streeck and Thelen (2005) also propose five patterns of gradual transformative changes, which help to qualify them according to different observable empirical settings: displacement, layering, drift, conversion and exhaustion. The first category refers to changes as consequences of shifts in the balance of powers and arrangements within an institution rather than their revision and amendment. As for the second category, layering, changes result from the introduction of new elements and arrangements in a given institution. Drift, on the other hand, could occur without explicit intervention but as a consequence of changes in existing conditions surrounding an institution. The fourth category presented, conversion, can be considered as the main result of policy action as it follows new goals, functions and

purposes introduced by policymakers. Finally, exhaustion indicates the gradual collapse of an institution rather than an abrupt process.

Based on these categories, changes in institutions can depend on modifications introduced or occurring through different processes with respect to the initial and original settings. However, as abrupt modifications of the HE system are rarely observed, the capacity of a reforming process to drive transformative changes could be discussed in two different ways. One would be by looking at modifications implemented by the higher education institutions, thus as a consequence of reform taking place; the other, by looking at the contents and rationales of the reform, thus discussing what the reform intended to act upon beyond its implementation, which is the focus of this work.

We investigate the measures, norms and rules put in place by present reform in its initial and final formulation, and differences between the two, in order to highlight legacies of the past, which might have influenced the reforming process.

Accordingly, the types of changes that are supposed to be implemented could be different from the expected ones declared in the objectives and aims driving the reform, and they are also taken into account as possible trajectories of changes stemming from the modifications introduced by the reform. The gap between the rhetoric of the reforms, the instruments they proposed to foster changes and the limited effects they produced or are willing to produce (Clark 1983; Capano 2003) should then emerge.

## Methodology

Italy has not participated in the reforming processes affecting most higher education systems in Europe since the beginning of the 1980s, mainly aimed at improving the universities' competitiveness and managerial capabilities (Paradeise et al. 2009), reshaping their role and mission toward the society and challenging the national character of academic institutions. In the 1990s (Reale and Poti 2009), instances of increasing the internationalization and efficiency of higher education institutions were translated into the reforms of Italian HE, modifying academics' recruitment procedures, funding criteria, strategies and curricula design (Woolf 2003). Institutional autonomy, accountability, efficiency, competitiveness, internationalization and steering at a distance became daily discourses on reforms of universities, anticipating expected profound changes in the academic landscape and in the governance of HEIs, which, by the way, have been rarely observed. "Institutional sclerosis" and path dependency have often been the rule (Braun 1999), leaving almost unmodified the structure of the HE system, the balance between different decision levels and the institutionalized practices internal to academic institutions as well as their organization. Few universities, where a combination of internal facilitators of change (leadership, strategic governance, scientific specialization and internationalization) and environmental factors (local government, strong international connections) (Ferlie et al. 2007) were favorable to transformation,

showed the capacity and the will to self-reform, experiencing changes and innovative management models.

So far, the reforms and laws approved in Italy until now introduced modifications to the university system, for example granting greater autonomy and introducing new ways of assessing academic institutions, but did not allow the HE system to be reshaped; for example, it is still based on equality as the main principle; the balance of powers and the organization internal to the academic institutions remained linked to a collegial and bureaucratic model of governance. Rather, reforms have been re-contextualized and harmonized with the dominating principles of systemic and institutional governance (legality, equality, bureaucracy and collegiality), turning out to be an evolutionary adaptation of the existing paradigm, and hindering the move from the bureaucratic-continental model to a new model of governance (Reale and Poti 2009).

The Law n. 240 of December 30th 2010 was announced as a paradigmatic about-turn of the national HE policy, aimed at improving the quality and the efficiency of the academic system in Italy and at introducing deep modifications to the Italian universities' internal governance, downsizing the centralized national decision level and modifying academic institutional settings, boosting the academic institutions to overcome the traditional national paradigm. The process started in 2009 with a proposition for a law decree transformed in Law n. 240 on December 30th 2010. It was intended to push forward instances for changing the configuration of the Italian academic system, adopting as keywords 'efficiency', 'effectiveness', 'accountability', 'quality' and 'transparency', overcoming the localism, and promoting the merit of individuals and organizations. Because of these aims, it merely acts upon (a) the governance of academic institutions and (b) recruitment of academic staff, which represent the central issues of the reform.

In this work we deal with the former feature: the internal governance. Literature on university governance indicates leadership, strategic governance, scientific specialization and internationalization as factors internal to the universities that can sustain and facilitate changes. Among these factors, governance, thus the way in which universities are governed and the way they make and implement their own decisions, is widely considered by the literature of structural importance as the factor enabling universities to undergo changes foreseen by laws and regulations (Luzzatto and Moscati 2007; Capano 2008; Woolf 2003). The actual reform rationale is analyzed as well as its consistency, with the declared objective of fostering changes in the dominating academic system paradigm, allowing it to move from the bureaucratic-continental model to a new model of governance (Capano 2008; Maassen and Stensaker 2010; Reale and Poti 2009). The focus is not a comparison between present and past reforms and the effects produced, rather we investigate what present reform intends to do and what measures are proposed to achieve these aims. We also try to figure out the critical factors of the reform that might hinder in-depth changes within academic institutions, leaving them almost unchanged. Possible patterns of transformations in the HE system and in the governance of academic institutions, which might occur from other factors related to the reform, are also discussed.

We delineate how underlying policy designs in the reform process seem to have major importance in the evolution of practices and tools which should shape the academic decision process, organizational choices and institutional settings,

according to expected – and intended – changes. We recall here the definition of policy paradigm as the set of ideas, principles, values and beliefs, thus cultural and cognitive frameworks, which contribute to shaping and governing policies, policy process and policy instruments (Hall 1993).

The aim is to point out whether the declared aim of the reform to allow a paradigmatic change of the university system in Italy has been translated into tools and instruments that could challenge the cultural and cognitive frameworks that govern the policy process, thus the set of ideas that determine the mechanisms of resistance, adaptation and/or transformations towards changes.

The questions we address in the chapter are: What rationales and motivations shape the reform? What new assets for the institutional governance does it put forward? To what extent does the reform act towards critical factors, such as path dependency and policy legacies, which could lead to a reproduction of the existing system? Is the reform likely to challenge the existing dominant paradigm inducing radical or incremental change?

The study is based on several documentary sources: literature about university governance systems both in Italy and in Europe, and more recent data (Eurydice 2008), policy documents, statements, guidelines, position papers and discussion papers commenting on the relevant changes introduced by the reform (CUN-National University Committee 2009). Also, documents and proceedings from national conferences and seminars are taken into account (MIUR 2009).

Law texts (see Appendix 1) are also considered both for past laws and for current reform text.

The following prospect (Prospect I) presents in more in detail the articles of the initial and the final reform text taken into consideration and discussed in the work to outline the differences emerging as a result of the parliamentary works and influences of forces internal to the academic system.

#### Prospect I

Regulation	Subject	Articles mainly considered in the discussion
Decree 1905/2009	Reform of the university system. Regulations concerning the organization of universities, the recruitment of academic staff and delegation to the Government for the measures concerning the improvement of the quality and efficiency of the university system. The decree was presented by the Minister in November 2009.	Title I, artt. 1,2,3 Title II, art. 5
Law proposal 3687	Reform text with amendments approved by the Senate in July 2010 presented to the Deputies Chamber.	Title I, artt. 1,2,3 Title II, art. 5
Decree 1905b/2010	Reform finally approved by the Deputies Chamber in November 2010 and issued by the Senate on 23rd December 2010.	Title I, artt. 1,2,3 Title II, art. 5
L.240/2010	Law issued by the President of the Republic on 30th December 2010 and published in the Italian Official Journal on 14th January 2011.	Title I, artt. 1,2,3 Title II, art. 5

A longitudinal analysis of the reform text, from its presentation to the approval through the several modifications proposed and approved by legislative actors, is then carried out.

We consider the mentioned items as explanatory variables to be used for heuristic purposes to clarify the arguments and rationality elaborated within the policy discourse, thus to depict the rationales, motivations and justifications underlying the reform of the HE recently approved (Hanberger 2001).

## **The Reforms of the HE System in Italy: A Brief Overview**

We can outline three main reforms periods in Italy and we briefly describe them, trying to focus on modifications they introduced (or were willing to introduce) with respect to the governance of higher education. We differentiate changes with respect to systemic governance and institutional governance, the first relating to the system and the second to the way academic institutions are governed.

Until the 1980s, the HE system remained almost unmodified, despite the enlargement of the system, both in terms of the number of students and of institutions, which characterized almost all the HEIs asking for a reconfiguration of the role and types of universities. Besides this, the reforms introduced in this period mainly aimed at solving the problem of the status of the teaching personnel, which grew substantially in quantitative terms during the 1970s, with a strong increase in teachers with non-permanent positions, asking for a new stabilization of their work contract.

A second period can be identified from the 1980s until the beginning of the 1990s. The reforms that took place in this period were mainly addressed at providing universities with institutional autonomy and at reducing the control of the state over academic institutions. The Decree 382/1980 defined the universities as “the most important research institutions in the Italian research context” and introduced a dedicated budget for research activity; the departments were established as the key organizational sites of research management at the local level; doctoral courses were promoted for the first time in the country; the new role of Researcher was defined and two levels of professors, i.e. Associate Professor and (Full) Professor, were established. An important step forward was represented by the law 168/1989, which introduced the principle of autonomy for the universities and established provisions aimed at producing some important structural changes in the higher education and research sector, enhancing accountability, efficiency and effectiveness.

A third period began in the 1990s and can be traced until 2009. External factors such as the Bologna Process and internal factors such as the improvement of internationalization pushed for greater changes in the academic system (OECD 2001). Like many other countries, Italy started a broad reform process, which invested in



the public administration as a whole and also schools and universities.<sup>1</sup> The Bassanini law<sup>2</sup> introduced important innovations in the Public Administration which also affected the higher education system that were mainly driven by the aims to introduce measures to improve managerial capacities and organizational efficiency according to the new public management principles. Universities were granted a larger space of action, according to the principles of subsidiary and decentralization of the administrative action, and the concepts of accountability and transparency were introduced as leading principles for their actions.

A new autonomy, both procedural and substantial, was granted to the universities in the 1990s. On the one hand, this guaranteed universities with a sufficient self-government capacity; on the other hand, the new autonomy was not balanced by adequate instruments pushing forward the accountability and transparency of academic institutions (Reale and Potì 2009; Paletta 2004; Capano 2008). Universities mainly responded to these pressures by adapting their behaviors for the accomplishment of the Government's aims, but their decisional and organizational capacities improved to a very limited extent. The Rector's leadership was strengthened, although his/her power was in many cases circumscribed by the control of the coalitions of professors sustaining his/her election and re-election; the configuration of the two main governing bodies – the Academic Senate, mainly governed by professors internal to the universities, and the Administrative Board, mainly representing the universities' stakeholders – did not evolve, nor did the role of the external stakeholders' components become relevant (Paletta 2004).

So far, past reforms were not intended to carry out in-depth changes either with respect to the configuration of the HE system or the organizational patterns of the universities; rather, some innovations were introduced such as evaluation, but its use as a steering and regulation tool remained weak (Reale 2010).

A new wave of reforms has affected Italy in recent years. The public debate on the need for increasing efficiency, effectiveness and accountability in the public administration, and, in the frame of its general redesign promoted by Law 15/2009, the so-called “*riforma Brunetta*”,<sup>3</sup> the higher education system was again under revision.

At the beginning of 2009, a new law n.1 cut down dramatically the Government core funding (FFO) of universities, establishing a few rules for resource allocation and personnel recruitment, and putting lots of universities under the possible burden

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<sup>1</sup>The institution of the Ministry for Universities and Science and Technological Research (MURST, then changed to MIUR) is dated to this period.

<sup>2</sup>Law 59/1997.

<sup>3</sup>Law 15/2009, “Delegation to the Government to improve public offices' productivity, efficiency and effectiveness, the transparency of public administrations and new regulations of functions assigned to the CNEL (National Council of the Economy and Labour) and to the Court of Auditors”, came into effect with Decree 150/2009.

of not covering their basic current expenditures, especially those located in the south, often characterized by a lower performance compared with the universities of the north. It also foresaw:

- The amount of the FFO that was cut being allocated on the basis of the performance of universities in education, research and achievements on the basis of the formula;
- Universities that did not respect the threshold for the personnel costs (which should not exceed 90 % of the FFO) could not hire new personnel in the forthcoming year;
- Universities were no longer allowed to use all the resources made available by the turnover for hiring new personnel, but could use only a share of 50 %;
- Changes in the national rules were designed to limit the nepotism affecting university recruitment as well as the advantage given to local candidates.

The law was approved after a long debate, involving policymakers, stakeholders and academics. The impact was very high, since it affected the basic resources of the universities (core funding and turnover), and reduced substantially the margin of manoeuvre for recruitment, pushing Universities to reconsider their internal management. The reform 240/2010 recalled this law in its general aims, with respect to the need for more transparency and accountability as basic requirements to change the university system.

One of the most relevant items was the conflict that emerged among the academics, confirming the presence of different, rather divergent views on the future and the role of the university, and the presence of a deep diversification within the communities. One evidence of the divisions between the academics was the emergence in 2007 of a new association – the AQUIS – joining those universities, labeled as ‘virtuous’, because of the presence of at least one of the following requirements: a personnel cost below the 90 % threshold, an international reputation for being included in one international ranking of universities, a critical dimension (more than 15,000 students). Twelve universities out of forty qualified joined the association, whose positioning was generally perceived as tentatively to create an alternative buffer institution with respect to the existing Conference of Italian University Rectors (CRUI).

## **The Reform of the Governance of the HEIs Introduced by Law 240/2010**

Our analysis of the university reform under Law 240/2010 is related to the changing of: (a) the actual configuration of the HE system, (b) the internal governance of Italian universities, (c) the evaluation activities internal to universities, which represent constitutive elements of the national paradigm referred to above. Differences between the initial and the final designs with respect to these factors are discussed.

### *Changes in the Actual Configuration of the HE System*

Two main provisions are introduced, which represent important innovations for the Italian HE system. The first concerns the possibility for universities to change their statute from public bodies to private not-for-profit foundations.<sup>4</sup> This can be decided autonomously by the universities, on the basis of the majority of votes of the Academic Senate. The universities that decide to turn into private foundations maintain the possibility to provide higher education courses recognized by the Government. They can set up organizational and management assets different from public universities, in order to comply with their new juridical status. As an example, they can decide on the composition of their governing bodies, which could include both public and private organizations. The second innovation<sup>5</sup> envisages the possibility for universities to federate, or to merge, with other universities, or non-academic institutions (e.g. higher technical institutes). The federation or merging together should be based on a common project, which describes the motivations and the aims for it, the allocation of structural and human resources and the governance rules decided by the new institution.

Both the provisions seem to strengthen the autonomy of universities with respect to the possibility to define strategic objectives and assets, pushing the system of HE education towards a different configuration. Nevertheless, two main constraints emerge. Differentiation of the universities seems to be promoted more on the basis of their juridical status – private foundations or public universities – than on the basis of the specific mission attributed to them (education, research, professional training), which is not modified, both types of institutions being entitled to carry out teaching and research. Also, in the case of federation or fusion of different universities, the reform does not envisage a differentiation in terms of their institutional function or the qualifications they provide. The fusion and aggregation of universities can be decided on the basis of regional proximity rather than on the basis of different specialization, research infrastructures and missions. So, the reduction of the costs related to the existence of numerous academic institutions within the same local context seems to be the main aim rather than a rationalization of the HE system, in a line of continuity with the political will to reduce the role of the State as main funder of the HE system. Moreover, the possibility for universities to turn into private foundations must be agreed by the majority of the components of the Academic Senate, which represents the academic professionals, and no clear provisions are offered about the changing status of professors, at present considered as civil servants. It is not clear, either, which academic body (Rector, Academic Senate, Administrative Council) is in charge of decisions regarding the federation or the fusion of universities, how this impacts on human resources both for universities

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<sup>4</sup>The previous DPR 254 of 2001 allowed universities only to establish private foundations for the management of teaching and research activities.

<sup>5</sup>Title I, art. 3.

and the other institutions, as well as the real gain of this transformation with respect to the possibility of attracting more government funding and resources.

No major differences emerge in the initial design and the final reform, which also envisages the possibility for the universities, those who can prove to be financially reliable, to modify their status, and the need for change to be realized by academic institutions with no expenses for public finances.

### ***Reforming the Governance of Universities***

Important changes are introduced in the organizational patterns of the universities. We describe them by distinguishing between the governing bodies of the universities and their internal organization.

The reform constrains the autonomy of universities, obliging them to adopt a specific set of governing bodies – the Rector, the Academic Senate, the Administrative Board, the College of the Auditors of Accounts, the Evaluation Units and the General Director – and determining a few basic principles for their composition and functioning. Universities can decide on a different internal organization autonomously only in two cases: if they have less than 500 professors (full, associated and researchers), or if they have gained the stability and sustainability of the budget, and with an excellent performance in both teaching and research. Small size, financial sustainability and excellence are then the reasons allowing modification in the governance design. The former is a simple quantitative requirement whereas the latter two are qualitative performance requirements; both are determined by specific government procedures, to be implemented through the supply of criteria, indicators, standards and assessment exercises developed by the National Agency for the Evaluation of Universities and Research (ANVUR).

The Rector is assigned increased powers and responsibilities with respect to the past.<sup>6</sup> He/she is in charge of the definition of: (a) the main objectives and aims related to both the scientific and the didactic activities of the university; (b) the proposal of the 3-year plan for the university, according to the advice of the Academic Senate. Also, the appointment procedure is deeply modified. With respect to the past, the Rector is not necessarily a professor internal to the university but can also be from another Italian university. In the case of an external professor being hired as Rector, funds related to his/her position are transferred and the vacant position can be filled according to new regulations concerning the hiring of academic professors.<sup>7</sup> A unique mandate of 6 years is foreseen and cannot be renewed.

As for the Senate, the reform<sup>8</sup> regulates its composition, which can vary according to the size of the university, and establishes a maximum of 35 members, elected

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<sup>6</sup>Title I, art. 2, par. 1 lett. b,c,d,s.

<sup>7</sup>Art. 2, par. 1 lett c.

<sup>8</sup>Title I, art. 2, par. 1 lett. e,f,g.

for two tiers at least, among full professors, of which one tier must be a department director representative of the different scientific areas of the university. The Rector and a delegation of students are also members of the Senate. Components of the Academic Senate, except for the Rector and the department directors, cannot be appointed to other academic responsibilities. Its mandate lasts 4 years and can be renewed only once.

The Academic Senate is entitled to address binding opinions with respect to teaching and research activities, services addressed to support students, other decisions concerned by the 3-year university plan and, more importantly, the financial accounts and the yearly and 3-year budgetary plans. It approves, jointly with the Administrative Board, regulations concerning teaching and research activities and can decide, with a two-tier majority of its members, on a motion of no confidence in the Rector.

The responsibilities assigned to the Administrative Board (Title I, art. 2, par. 1 lett. h,i,l,m) concern the strategic orientation and decisions of the universities, the approval of the financial and human resources plan and the deliberation of the constitution or the abolition, in agreement with the Academic Senate, of new courses and branches of the university and the appointment of the General Director, after the Rector's proposal and in agreement with the Academic Senate. The composition of the Administrative Board is also modified. It must be composed of 11 or less members, and it should also include, besides the Rector and student representatives, three or at least two external members who have to be selected among Italian and foreign candidates, highly specialized and qualified and with managerial competences, according to the rules settled by the university in the Statute or through public competitions.

The General Director (Title I, art. 2, par. 1 lett. n,o), who replaces the former Administrative Director, holds managerial tasks already settled by Decree 165/2001, to the extent that these are compatible with new university regulations, and is mainly in charge of the management and the organization of university-related services and non-scientific staff, according to indications provided by the Administrative Board. The General Director is hired, on the basis of a 4-year private law contract, which can be renewed.

The internal organization of the universities, traditionally based on the division of faculties, in charge of teaching, and departments, in charge of scientific research, is also modified and simplified (Title I, art. 2, par. 2 lett. a to g). The departments are in charge of both teaching and research activities and they are assigned to related decisions, thus cancelling the faculties as organizational units within universities. Grouping those belonging to similar scientific areas also must cut down the number of departments. The academic staff is, as a consequence, reduced to a maximum of 35 or 40 members depending on the size of the university (number of permanent professors and researchers). Intermediate structures, not exceeding the number of 12, can be settled up between more than one department and these would be in charge mainly of the coordination of teaching activities and the support of research.

Some differences emerge between the initial and the final text of the reform with respect to the governing bodies of the universities, whereas limits are introduced with respect to their internal organization.

As for the governing bodies of universities, in both texts the strengthening of the role of Rectors clearly emerges. However, in the proposal presented in November 2009, the election procedure also envisaged high qualification and managerial experience as criteria for selection, thus reinforcing the role of the Rector as a manager of the university. The mandate, in the final text of the reform, cannot be longer than 6 years, whereas in the initial reform two mandates were possible for a maximum of 8 years (as for the Academic Senate and the Administrative Board). Moreover, in the initial reform design the possibility of rectors being hired from other universities was not linked to the need also for funds to be transferred and the vacant position to be filled according to new regulations for academic recruitment. This new provision appears as a twofold limit: on the one hand, it allows more competitive and attractive universities to recruit the Rector externally without worsening the internal budget; on the other hand, it represents a risk for less competitive universities which might be forced to fill the vacant position at their own expense.

The separation of functions between the Academic Senate and the Administrative Board was more evident in the initial reform than in the final one. The Administrative Board was initially assigned the functions related to the orientation, initiative and coordination of both scientific and research activities, traditionally attributed to the Academic Senate, as the representative body of the academics. Its role and power were reduced in the final reform by the attribution to the Academic Senate of the power to address binding opinions both on teaching and research activities, services addressed to support students, as well as other financial decisions. Also, the possibility for the Senate to address a motion of no confidence against the Rector was introduced in the final text, (the consensus needed to propose the motion was changed from the  $\frac{3}{4}$  to the two tiers of the Senate members). It is worth noting that the initial reform proposal also foresaw a simplified Academic Senate composition: only a few details were provided, mainly concerning the number of the members, 35, as a binding rule for its composition. The final reform text provided further details on the composition of the Academic Senate, which should include at least  $\frac{2}{3}$  permanent professors of which  $\frac{1}{3}$  should be department directors. So far, in the final reform the Academic Senate composition seems to be reshaped, then, to a limited extent and a shift towards a more traditional configuration can be observed.

Differences also emerge with respect to the composition of the Administrative Board. The number of members, 11, did not change, whereas initially the reform envisaged the Board to be composed of at least 40 % of members external to the university, this provision being reduced in the final reform to three or two members only. Moreover, in the initial reform the General Director -the leading managing figure was nominated by the Rector after appointment of the Administrative Board, and the agreement of the Academic Senate was not required; the agreement of the Senate was introduced in the later text of the reform.

No significant changes, between the initial law and the one approved in December, can be observed with respect to the internal organization of the universities (faculties and departments) apart from the possibility of labeling the faculties

in a different form (the law indicates the possibility to set “horizontal structures for the coordination of teaching activities”).

### ***Evaluation Institutionalized***

Finally, the reform also acts with respect to the organization, the composition and the tasks of the Internal Evaluation Units (NUVs-Nuclei di Valutazione) (Title I, art. 2, par. 1 lett. q,r). They have to be composed mainly of members external to the universities and a member of the academic staff can coordinate them. A commission is supposed to support the Internal Evaluation Unit, composed of students and professors, elected within the departments.

Self-evaluation should become a consolidated practice within universities (Title II, art.5, par. 1 let. c). Accordingly, universities are asked to organize it autonomously, in order to ensure compliance with quality standards, to support meritocracy and to improve scientific performance, reporting the assessment results to the MIUR. Self-evaluation activities should concern both teaching and research (Title I, art. 2, par. 1 let. r) and should be carried out by the NUVs, which are also assigned the responsibility, jointly with the ANVUR, of assessing the scientific structures and staff.

In this respect, some differences between the initial reform proposed by the government and the final text emerge. Initially, few details were provided about the evaluation activities, and the NUVs were mainly assigned to carry out the evaluation of teaching activities. Thus, the provisions about the NUVs’ tasks and competences in the final reform text have been enlarged, although the linkages with the ANVUR have been strengthened. As for the NUVs, the final text of the reform maintains the innovative presence of a delegation of students, but it also states that the coordination role can be assigned to professors internal to the university, previously not envisaged. As a whole, the role and the power of the NUV is not really defined: notwithstanding the members are appointed by the universities (the Rector or the Boards, according to the Statute), it seems more a local unit, which provides data, analysis and information to the ANVUR, with the autonomy that the university Statute would eventually attribute, and the real space of maneuver that the Rector or the Board would effectively recognize.

## **Discussion**

Past reforms of the HE system in Italy presented several constraints and they did not achieve the expected results. The diversification in the HE offer did not occur. The number of universities multiplied mainly as a consequence of increasing participation by a larger number of students. Besides increasing the number of academic institutions, their mission was not regulated differently, for example by dedicating

some universities to teaching and others to research, nor were different regulations envisaged for the diplomas they issued. Thus, the academic configuration of the HE system was left unmodified without ad hoc differentiations or regulations. Higher education remained the privilege of universities regulated by common rules defined at the Government level according to the principle of equality (same regulations for all universities with no regard to their quality of teaching and research, same legal value of diploma).

Collegiality, being considered the basis for the freedom and democratic character of Italian universities, remained the bulk of the decision system. Innovative management models, smoothing the collegiality features of academic decision processes and improving the leadership capacity of Rectors, were experienced only in a few universities. The Government's attempt to promote the autonomy of universities did not succeed: decisional processes, power distribution and organization were not modified, not even such changes were declared as main aims to be achieved through the reforms. The internal organization of academic institutions was neither rationalized nor did it simplify the main academic activities, teaching and research, remaining shared between two different structures, the faculties and the departments, often with overlapping responsibilities and tasks, and a previous system based on chairs also remained unchanged. Neither did the redefinition of the curricula imposed by the Bologna Process force a modification of the internal organization of the universities. Evaluation remained weak and also self-evaluation processes improved only in a few universities, where favorable circumstances were present. Evaluation Internal Units (NUVs), established in 1999, did not perform the expected role: they were overwhelmed by their double responsibility towards both the Ministry, which indicated the aims and objectives of their activities, and the university, which appointed the majority of the members of the NUV (Dente 2006). So far, evaluation has often fallen into routine activities instead of being implemented as a process to improve academic organization and outcomes. The State has maintained a strong regulatory role towards academic institutions, although no observable effects on universities, especially those performing poorly, have been observed.

The reform approved in December 2010 aimed to introduce in-depth transformations into the Italian academic system, the internal governance of universities being one key feature to be transformed. We focused our analysis on three main factors considered as indicators of the changes introduced by the reform: the modification of the HE system configuration, the organizational patterns, and the evaluation activities carried out at the university level; we observe how the reform was designed in order to act upon them. We also compare the initial reform presented in November 2009 with the final text approved in December 2010 in order to allow changes introduced during the policy negotiation process to emerge. The analysis does not describe a before-and-after situation; rather, it points out, through the analysis of modifications introduced to the legislative text, how and in what respect the initial rationales and aims have been shaped differently.

As for the first issue observed, the reform introduces new provisions, with no observable changes between its initial version and the approved reform text. Public



universities do not dominate the suggested configuration, but a movement toward a more differentiated system is supported, which should include public and non-profit organizations, and different organizational settings, such as the establishment of consortia between neighboring institutions. Thus, the reform attempts to make the Italian HE system evolving toward a diminished role of the State as funding authority. Nevertheless, two limits seem to emerge. Firstly, no differentiations, such as for the mission (teaching or research), the specialization in specific disciplinary fields, course organization and the value of the diplomas issued, are envisaged. Secondly, the possibility for academic institutions to move towards different configurations – through merging or assuming a private status – is allowed for those institutions which meet financial accountability and sustainability criteria only, and no dedicated financial incentives are foreseen to sustain the process of change. The actual configuration of the HE system would hardly be challenged, with the exception of a few universities located in a very rich local context, which might also consider it interesting to hollow out from the public status. Those universities located in less developed territories, as in Italy in the case of the south, might not have the opportunity to develop different strategies in order to cope with the budget constraints. Thus, a differentiation of the national HE system might occur at the expense of equity.

As for the second issue, the organizational patterns, it can be observed that the model of governance the reform designed was innovative, but differences emerge between the initial and the final reform. For example, the role of the Rectors is strengthened, but changes introduced with respect to the length of the Rectors' mandate – 6 years compared to the previously envisaged 8 years as in the case of the Academic Senate and the Administrative Board – seems to limit its role. The same holds true with respect to the Rectors' competences, initially more managerial than academic, and the chance to hire him/her from external universities, at no expense to universities, especially as far as the possibility of filling the vacant position of the Rector is concerned.

The traditional powers of the Academic Senate, downsized in the initial proposal, were finally recovered, softening the role attributed to the Administrative Board and curbing that of the Rector, for example as far as the nomination of the newly introduced General Director is concerned. Innovating features concerning the Administrative Board, i.e. its composition and the powers assigned, have mostly disappeared in the final reform or they have been significantly counterbalanced by the presence, through the Academic Senate, of the academic elite (i.e. the directors of the departments) in the main decision processes of the university. The General Director too, finally introduced as one of the governing bodies, shows limited discretion in the tasks assigned, activities being addressed by the Administrative Board and controlled, often, by the Academic Senate.

The balance between the main governing bodies – Rector, Academic Senate and Administrative Board – is only partially modified by the reform. Collegiality is not eliminated in principle, nor reduced, and the capability of the external members in the Administrative Board to influence significantly academic life would remain a rare case.

The same holds true for the NUVs. The composition of the units is substantially modified compared to the past regulations, although some innovative elements are not part of the reform yet. Their activities are strongly enlarged compared to the past, and some of them are compulsory fulfillments to be carried out in agreement with the ANVUR. In fact, internal evaluation is envisaged by the reform as complementary and subsidiary to activities carried out by the ANVUR and would support the Ministry evaluation of the universities' scientific results and financial resources allocation decisions. However, no additional expenses are allowed for internal evaluation activities, despite being more complex than before. It could be questioned, then, whether the NUVs would not be overwhelmed, as happened in the past, on the one hand by the universities, and on the other hand by the Ministry, falling into bureaucratic routines.

These evidences are summarized in the table below.

Reforming periods	Configuration of the HE system	Organizational patterns	Self-evaluation
Past reforms of the 1980s and 1990s	No differentiation of the HE system: public universities only.	Substantial autonomy is granted to universities, but decision and organization capacities are improved to a very limited extent.	Self-evaluation is improved and Evaluation Committees internal to the universities (NUVs) are established.
	Same mission, teaching and research, specialization and diplomas issued for all academic institutions.	Rector leadership strengthened but often limited by academic elite. Decisions jointly managed by Rectors, the Academic Senate and the Administrative Board. The decision role of external stakeholders remains limited.	NUV tasks are enlarged – information, cost-benefits analysis, assessment of the efficiency and effectiveness of university teaching and research expenditure – but they take on a double role (appointed by the university and responsible toward the Ministry).
Tools and measures in the initial reform design (November 2009)	Differentiation of the HE system: change of status – from public organizations to private not-for-profit foundations, federation and merging with other universities, or non-academic institutions (i.e. higher technical institutes).	Rector leadership strongly improved (Rectors as managers, elected for a 4+4 period, between academics, also external to the university).	The composition of the units is substantially modified (i.e. mainly external members and integration of a student delegation).

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Reforming periods	Configuration of the HE system	Organizational patterns	Self-evaluation
	Same mission, teaching and research, specialization and diplomas issued for all academic institutions.	Different composition and powers for the Academic Senate (maximum 35 members, mainly advisory tasks assigned) and the Administrative Board (maximum 11 members of which at least 40 % external, in charge of decisions related to scientific and research activities, financial matters).  The internal organization of the universities is modified and simplified: departments are assigned both teaching and research activities, the number of departments strongly reduced, faculties almost disappeared.	NUVs are mainly assigned the evaluation of teaching activities (few details are provided).
Tools and measures in the final reform (December 2010)	Same regulations.	Rector leadership is improved. Rectors are elected for one period of 6 years, between academics also external to the university.  Governing bodies also include the General Director, who replaces the Administrative Director.	NUVs' innovative elements concerning their composition are softened (a coordination role might be attributed to internal professors).  Activities are substantially enlarged (teaching, research, human resources recruitment criteria) but they have to be carried out in agreement with the ANVUR (National Agency for Evaluation, appointed by the MIUR).

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Reforming periods	Configuration of the HE system	Organizational patterns	Self-evaluation
		<p>Academic Senate keeps traditional powers (i.e. vote for a no-confidence motion against the Rector, binding opinions with respect to main academic decisions) with respect to the Administrative Board.</p> <p>Different size of the main governing bodies – AS and AB – but compositions similar to the past (maximum 35 members for the Academic Senate, elected mainly among full professors and department directors, and 11 members for the Administrative Board of which at least the two tiers must be external).</p>	

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Three main considerations emerge from the analysis. Firstly, financial issues gain increasing importance as criteria for granting universities the opportunity to change their organization or to move towards a different configuration. Accordingly, the role of the State as funder is also slimmed down. Secondly, the reform introduces measures and instruments circumscribing the substantive autonomy of the universities, thus the possibility for universities to decide the goals and the aims as well as the instruments to achieve them. Thirdly, the link between responsibility, especially as far as financial issues are concerned, and authority clearly emerges.

In sum, the actual reform was announced as an in-depth about-turn of the academic system in Italy and governance was considered the key feature that the reform would act upon. Nevertheless, the reform rationales and design were modified and softened during the parliamentary process, pointing out a retrenchment of traditional features of the Italian academic system instead of its evolution towards different configurations, organizational settings and power distribution. The reform introduces new patterns of governance for academic institutions, beyond the main assumptions of an ideological shift to efficiency,

transparency, excellence and competitiveness, but some critical factors hinder the push towards in-depth changes within academic institutions, reinforcing their national embedding.

## Concluding Remarks

Until recently, universities in Italy have been almost impervious to what was happening abroad (Woolf 2003), remaining characterized by compromised solutions, often applied with institutional rigidity, which in the end did not introduce the expected radical changes. Rather, they mainly represented an evolutionary adaptation of external pressures in line with the existing traditional administrative paradigm.

This work aims to contribute to the discussion about reforms policy design, by analyzing the recent university reform approved in Italy and focusing on modifications it introduces in the governance model of higher education institutions. Our hypothesis is that, notwithstanding the external pressures which impact on national regulations and norms, such as the increasing push towards internationalization and the Europeanization of the higher education system, the policy design behind the reform has been mostly influenced and shaped by national settings and national policy discourse letting path dependency patterns emerge.

The focus of the work is not on changes produced in the university system by the reform, this being hardly observable at this stage, but rather on the policy design of the reform. In fact, as recalled by Lenschow et al. (2005), dominant ideas at the national level shape the way reforms are introduced and enacted. Thus, the study tried to highlight the underlying motivations and rationales behind the reform, looking at changes it introduces in the national governance system of academic institutions and the main political discourse, which accompanied them. Our main questions concerned whether the reform has enough force to overcome national inertia and whether and in what respect it acts towards main features of the national paradigm. Moreover, in line with the historical institutionalism view we exploit in the study, changes in the policy design of the reform from its presentation until its final approval are taken into account.

According to Hall's (1993) arguments, ideas shaping national policies and institutions have to be modified to change the national dominant paradigm; in that respect, Law 240 turns out to be weak. Basic ideas, institution configuration and main actors' interests within the academic environment, which shape the national academic system, were not modified, or this happened only to a very limited extent and in a discontinuous way. Domestic settings and traditional centripetal forces prevailed.

The reform, in its declared aims, intended to radically change the internal governance of academic institutions, a key prerequisite in order to deeply change the Italian national configuration and to foster a movement toward

transforming universities into stronger organizations. Rather, the analysis highlights the powerful role of academic corporations in shaping the reform design, represented by the Academic Senate, and the limited space granted to the work-floor level, burdening the possibilities for a shift in the balance of powers and the set-up of new arrangements in the academic organization. Such evidences suggest the reforming capacity cannot be seen as radical, nor the persistence of national institutional features of the Italian governance system, in line with a continental governance model.

Moreover, the analysis of the political path toward the reform approval provides insights into the intentions of policy actors involved, the solutions they agreed with respect to the need to modify the university system, and the role the government wants to play. Looking at the reform as it was finally approved after the parliamentary process, important changes seem to concern the possibility of a different configuration of the HE system and the role of the State in relationships with universities. This mainly consists in reducing state expenses for higher education, ceding real and substantial autonomy to best-performing universities and preserving the academic elite's space of maneuver.

Thus, three possible trajectories of transformation, according to the frame proposed by Streeck and Thelen (2005), can be envisaged, which mostly depend on the financial capacity of academic institutions. On the one hand, a layering or a drift process may be possible for those institutions which might benefit, given their financial sustainability, from the introduction of new arrangements in their internal or local organizations (i.e. new status or the possible establishment of consortia between neighboring institutions) or changes in the existing conditions surrounding them (i.e. financial restrictions and consequent budget constraints). On the other hand, the gradual collapse of less favored universities is likely to be observed.

The actual reform might end up with the introduction of further differentiation of academic institutions mainly on the base of their ability to cope with the lack of public resources. The reform, in fact, leaves to some universities – those that will survive the cutting of the government basic funding, and whose performance was assessed as being of a high level – the possibility to experience alternative organizational and functional models of governance, thus entrusting only this restricted number of HEIs with substantial autonomy to self-determine both the objectives of their actions and the instruments to achieve them. In this respect, universities could be entrusted with different levels of autonomy, according to their performance. This is supposed to deepen differences among academic institutions, distinguishing between those that have been able to undergo changes and those that have not.

So, although the policy design and the rationale underlying the reform show a continuation in the rut of Italian tradition, the configuration of the national system as it might emerge after the reform may reveal unexpected changes, which indicate that further research into reform implementation is needed. In sum, it remains an open question as to what advantages universities will take from this reform, and how the whole system could evolve in the forthcoming years.

## Appendix 1

Year	Regulation	Subject	Articles mainly considered in the discussion
1989	L. 168/1989	Institution of the MURST (Ministry for Universities and Scientific and Technological Research) and acknowledgment of autonomy to universities.	Title I art. 1 Title II artt. 6–7
1997	L. 59/1997	“Bassanini Law” Decentralization from Government to the universities of administrative and managerial tasks (subsidiarity as main principle regulating the State and academic institutions’ relationships).	Title I art. 1
1997	L. 449/1997	Attribution to the universities of autonomy and responsibility over financial issues and recruitment, definition of activities and responsibilities of the universities’ Internal Evaluation Units.	Title III art. 51 par. 6
1998–1999	L. 204/1998 and Decree 381/1999	MURST becomes MIUR, introduction of the National Research Plan for Universities. New regulations for the recruitment of professors and constitutions of the CIVR.	L. 204/1998 art. 1–7 Decree 381/1999 Title II art. 8, Title V art. 11
1999	L. 370/1999	Regulations concerning universities and scientific and technological research. ‘Osservatorio’ for evaluation changes into CNVSU, the Internal Evaluation Units are replaced by the NUVs.	Title I artt. 1,2,6
2001	Decree 165/2001	Competences of administrative and technical staff are decentralized to the universities.	Art. 41, Artt. 48
2005	L. 230/2005	Modification of the recruitment system.	
2005	L. 43/2005	Regulations concerning the 3-year strategic plan of universities.	Art. 1
2008	L. 133/2008 and Decree 112/2008	Regulations concerning the improvement of public financial resources. They establish the possibility for universities to change their status from public bodies to not-for-profit private institutions (“Fondazioni”).	Artt.16
2009	L. 15/2009 and Decree 150/2009	Reform of the Public Administration enabling the Government to introduce regulations to improve production, efficiency, effectiveness and transparency of public administrations.	Title I and III, artt. 56 and 60 which modify Decree 165/2001

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Year	Regulation	Subject	Articles mainly considered in the discussion
2008–2009	L. 1/2009	Regulations concerning the right to HE study, the merit recognition and quality improvement of the HE system.	Artt. 2 , 3
2010	DPR 76/2010	Regulation concerning the ANVUR, the National Agency for the Evaluation of Research.	Title, art. 1–3

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