

## Presidential Decree February 1<sup>st</sup>, 2010, n. 76

*Regulation on the structure and functioning of the National Agency for the Evaluation of the University and Research System (ANVUR), adopted pursuant to Article 2, paragraph 140, of Decree-Law 3 October 2006, n. 262, converted with amendments by Law 24 November 2006, n. 286*

### Chapter I

#### GENERAL PRINCIPLES

##### THE PRESIDENT OF THE REPUBLIC

#### **OMISSIS**

Issues the following rules

#### Art. 1

##### *Preliminary provisions*

1. This Regulation governs the structure, model organisation and operation of the National Agency Evaluation of the university and research system (ANVUR) established pursuant to Article 2, paragraph 138, of Decree-Law 3 October 2006, n. 262, converted with amendments by law 24 November 2006, n. 286.
2. For the purposes of this Regulation, shall mean:
  - a. **Minister and Ministry**, the Minister and the Ministry of Education, University and Research [*actually, Minister of University and Research – MUR*].
  - b. for **Agency**, the National Agency for the Evaluation of the University and Research System (ANVUR) referred to in paragraph 1.
  - c. for **universities**, all Italian state and non-state university institutions, in any case called, including special status universities.
  - d. for **research institutes**, all public non-university research institutes, under the exclusive supervision of the Ministry, and private research bodies receiving public funding, in relation to the amounts granted by the Ministry.
3. The Agency shall have legal personality under public law and shall have its seat in Rome. It shall be endowed with organizational, administrative, and accounting autonomy, also by way of derogation from the provisions on the general accounts of the State and operates pursuant to Article 8, paragraph 1, of Legislative Decree no. 300 of 30 July 1999. It is subject to the supervision of the Minister and to the control of management by the Court of Auditors.
4. Based on special agreements concluded between the Minister and the other vigilant Ministers, the activities of the Agency governed by this Regulation may also be carried out, in whole or in part, for research institutes not subject to the exclusive supervision of the Ministry [...*omissis*...].

#### Art. 2

##### *Purposes*

1. The Agency shall work in line with best practice in the assessment of results at international level, basing its activities on the principles of autonomy, impartiality, professionalism, transparency and publicity of acts.
2. The Agency shall oversee the national public quality assessment system of universities and research institutes. According to Article 3 and on the basis of at least an annual programme approved by the Minister, the Agency shall undertake the external evaluation of the quality of the activities of universities and public and private research institutes receiving public funding; directs the evaluation activities entrusted to the Universities and research institutes' Evaluation Board; assess the efficiency and effectiveness of public funding and incentive programmes for research and innovation.
3. The Agency shall act as a national quality assurance agency, as provided for in the relevant European agreements in the context of the establishment of the European Higher Education and Research Areas. It collaborates with international bodies and the European Union (also through exchanges of experience and information), as well as with agencies and administrations of other countries and international scientific bodies (including industry) in higher education and research systems evaluation.
4. The Agency shall also carry out the tasks [...*omissis*...] already assigned to the National Committee for the Evaluation of the University System and to the Steering Committee for the Evaluation of Research and

shall complete the programmes of activities undertaken by those Committees, where necessary by innovating the methods and procedures which they have adopted.

5. The activities of the Agency and its inclusion in the international context of university evaluation and research activities are periodically evaluated by committees of international experts appointed by the Minister also based on designations of European industry organizations. The members of the committees will receive exclusively the reimbursement of the expenses incurred for participation in the sessions, within the limits of the regulations in force for the employees of the State administration of management level.

### Art. 3

#### *Activities, criteria, and methods*

1. The Agency shall carry out the following activities:
  - a. assess the quality of the processes, results and products of the management, training, and research activities, including the technology transfer of universities and research institutes (considering, if necessary, the individual structures of those entities); these evaluations shall be concluded within a period of 5 years.
  - b. based on objective and certifiable parameters, the Agency shall define criteria and methodologies for the assessment of the structures of universities and research institutes and university courses of study, including doctoral degrees, master's degrees, and graduate schools, for the purpose of periodic accreditation of the same by the Minister, providing for the contribution of self-evaluation procedures. For teaching issues, the active involvement of students and their representative bodies and joint committees is promoted, without new or greater burdens on public finances.
  - c. exercise the functions of directing the evaluation activities entrusted to the Evaluation Boards of universities and research institutes, except for those entrusted to them by their respective institutions, linking its activities with the internal evaluation carried out by the Evaluation Boards and comparing with them the definition of criteria, methods, and indicators.
  - d. also, about the functions referred to in point b), in cooperation with the internal evaluation units, establish uniform procedures for the recording of the evaluation of courses by students, sets out the minimum requirements that Universities observe for the evaluation procedures by students of the effectiveness of teaching and the efficiency of the services, and takes care of the analysis and publication, especially by computer.
  - e. develop and propose to the Minister quantitative and qualitative requirements in terms of stable human, infrastructural and financial resources, adequacy of teaching and research capacity programmes, for the purpose of the establishment of a merger or federation or abolition of universities or branches of existing universities, and for the activation, closure or consolidation of all university study programmes, including PhD courses, University Masters, and Graduate Schools.
  - f. at the request of the Minister, develop benchmarks for the allocation of state funding, including the determination of essential levels of performance and unit costs related to specific types of services.
  - g. on the basis of the expected results and predefined parameters, evaluate the results of the programme agreements and their contribution to improving the overall quality of the university and research system.
  - h. evaluate the efficiency and effectiveness of public funding and incentive programmes for teaching, research, and innovation activities.
  - i. at the request of the Minister and compatible with the available financial resources, carries out further evaluation activities, as well as the definition of standards, parameters, and technical regulations.
- I bis every five years, based on a decree issued by the Minister for Education, the university and the research carried out by 31 March of the year following the five-year period for which the assessment is to be carried out, with a view to identifying the guidelines for carrying out the evaluation and the financial resources needed for that purpose, carry out the quality assessment of research by universities and research organisations. The evaluation of the quality of the research must be completed by 31 December of the year following the issuance of the decree referred to in the previous period.
2. The following activities are also subject to the assessment referred to in letter a) of paragraph 1:
  - a. the efficiency and effectiveness of the teaching activity based on quality standards of international level, also regarding the learning outcomes of students and their adequate integration into the world of work.
  - b. the quality of the research products, evaluated mainly through peer evaluation procedures.
  - c. the acquisition of external funding, the establishment of collaborative relationships and the exchange of researchers with public and private entities.
  - d. the presence of students with a highly deserving curriculum and highly qualified foreign teachers.

- e. the efficiency and sustainability of governance and management structures and processes.
  - f. the completeness and correctness of public communication, especially regarding the provision of training and research; of services and facilities for students; of the self-assessment results; of the assessments made by the students; of the efficiency and effectiveness of work orientation services of the assessments carried out by international and [EU] bodies, including the allocation of funding and participation in research projects.
3. In carrying out its activities, the Agency shall use the most appropriate criteria, methods, and indicators for each type of evaluation, also regarding different disciplinary areas, considering those defined by the [National Anti-Corruption Authority – ANAC] as well as experiences developed and shared at national and international level.
  4. The evaluation activities referred to in paragraphs 1 and 2 are carried out at the request of the Minister also regarding inter-university centres and consortia and university research, as well as other university and research facilities.

#### Art. 4

##### *Results of the evaluation activity*

1. The results of the Agency's evaluation work constitute a benchmark for the allocation of state funding to universities and research institutes and for the possible allocation of specific prize funds to structures that have achieved particularly significant results.
2. The Agency shall make public the results of its analyses and evaluations. The institutions concerned may reasoned request, for a single time and based on procedures governed by the regulations referred to in Article 12, paragraph 4, letter a), the review of the evaluation reports approved by the Agency.
3. Every two years, the Agency draws up a Report on the state of the university and research system, which is submitted to the Minister, who sends it to the President of the Council of Ministers, the Inter-ministerial Committee for Economic Planning and Parliament.

#### Art. 5

##### *Data collection and analysis activities*

1. In compliance with the rules on the processing of personal data, the Agency has access to databases and other information sources of the Ministry and makes use of the same for the collection of additional data necessary for its institutional activities.
2. Universities, research institutes and other public and private bodies which (directly or indirectly) benefit from public resources shall make available to the Agency any data or documents requested by the Agency which are relevant to its activities, allowing access to their own databases.
3. The Agency collaborates with the operating structures of the Ministry for the development and integration of information and statistical systems for the evaluation of the activities of universities and research institutes. [...*omissis*...].

## Chapter II

### ORGANIZATION AND OPERATION

#### Art. 6

##### *The bodies of the Agency*

1. The bodies of the Agency are the President, the Governing Board, and the Board of Auditors.
2. The President and the members of the bodies referred to in paragraph 1 remain in office for six years and cannot be appointed again. If the President or a member of a body ceases to hold office before the end of his or her term of office, the President or member who is replaced shall remain in office for the remainder of the term of office.
3. The operational and managerial activity of the Agency shall be supervised by the Director as referred to in Article 10.  
[...*omissis*...]

Art. 7

*The President*

1. The President is elected by the Governing Board, by a two-thirds majority of the entitled persons. He shall be the legal representative of the Agency, ensure the coordination and unity of its strategies and activities, convene, and chair the meetings of the Governing Council.
2. The President appoints a Vice-President from among the members of the Governing Board who replaces him in the event of absence or impediment.
3. The financial treatment of the President is equivalent to that of an executive in charge of general executive level offices of the Ministry of Education, University and Research.

Art. 8

*The Governing Board*

1. The Governing Board is composed of seven members, chosen according to the modalities referred to in paragraph 3, among personalities (including foreign) of high and recognized qualification and experience in higher education and research, as well as the evaluation of these activities, coming from a plurality of professional and disciplinary fields.
2. The Governing Board shall determine the activities and guidelines of the management of the Agency and the evaluation criteria and methods, prepare the activities programme, approve the budget, the balance sheet, and the evaluation reports. Appoints the Director, on a proposal from the President, and provides for the assignment of tasks to the subjects referred to in article 12, paragraphs 4, letter d), and 6, and article 14, paragraph 4.
3. The members of the Governing Board are appointed by presidential decree, on a proposal from the Minister, after hearing the competent parliamentary committees. However, at least two men and at least two women must be appointed to the Governing Board. For the proposal, the Minister chooses the components in a list composed of not less than ten and not more than fifteen persons defined by a selection committee specially constituted by decree of the Minister. The selection committee is composed of five highly qualified members, each nominated by the Minister, the Secretary General of the OECD, and the Presidents of the Accademia dei Lincei, the European Research Council and the National Student Council. The selection committee also evaluates the indications of names, with their curricula, provided after public calls in Italy and abroad, by interested parties, institutions, academies, scientific societies, by experts, as well as institutions and organisations of students and social partners. The members of the Selection Committee are exclusively responsible for the reimbursement of expenses incurred for participation in meetings, within the limits of the rules in force for employees of the State administration of management, with charge charged to the appropriate budget chapter of the estimates of the Ministry.
4. If the President or a member of the Governing Council ceases to hold office, even before the end of his term of office, the Minister shall designate the new component in accordance with paragraph 3, until the list is exhausted.
5. The office of member of the Governing Board shall be full-time and shall be incompatible, subject to forfeiture, with any employment relationship, direct or indirect, whether free of charge, with the institutions assessed. The members of the Governing Board may carry out research activities and publish the results of such activities, free of charge, without prejudice to any copyright. In any event, the results of these research activities may not be subject to evaluation by the Agency.
6. Employees of Italian universities, research institutes or public administrations who are appointed members of the Governing Board shall be placed on unpaid leave for the duration of their term of office [...*omissis*...]. In any event, they shall cease to hold office in universities and research establishments and, subject to the provisions of the penultimate period of paragraph 5, may not receive State funding for research, nor be a member of evaluation committees for the recruitment and confirmation of professors and university researchers and staff of research institutes.
7. The economic treatment of the members of the Governing Board is the 85 percent of the total attributed to the President pursuant to article 7, paragraph 3.

Art. 9

*The Board of Auditors*

1. The Board of Auditors shall monitor the administrative and accounting activities of the Agency. It is appointed by decree of the Minister and consists of three members, all registered in the register of auditors. Two of the members of the College are chosen by the Minister and one is designated by the Minister of

- Economy and Finance. Two of the members of the College are chosen by the Minister and one is designated by the Minister of Economy and Finance. At the first meeting of the Board the members elect the President.
2. The economic treatment of the members of the Board of Auditors is determined by decree of the Minister, in agreement with the Minister of Economy and Finance, within the resources of the Agency.

#### Art. 10

##### *The Director*

1. The Director is responsible for the internal organisation and management of the Agency's administrative and accounting activities. It takes care of the execution of resolutions, operational indications and strategic guidelines issued by the President and the Governing Board.
2. The Director participates in the meetings of the Governing Board without voting rights and acting as Secretary.
3. The Director shall be appointed in accordance with Article 8, paragraph 2, and is chosen among people with proven experience in the field of management and management of equipment and resources and with documented knowledge in the field of evaluation of the activities of universities and research system. Applications are submitted by interested parties, together with their curriculum, according to a public call issued by the President. The same call also provides for an interview with candidates selected by the Governing Board between the curricula submitted. The organisation of operational relations between the Director on the one hand, the President, and members of the Governing Board on the other is defined by the regulation referred to in Article 12, paragraph 4, letter a).
4. The office of Director shall be conferred by the conclusion of a contract of employment for a fixed term of not less than three and not more than five years as a general manager, with reference to the general provisions of Article 8, paragraph 3 of Legislative Decree No. 300 of 30 July 1999 and, in this case, Article 19, paragraphs 4 and 6 of Legislative Decree No. 165 of 30 March 2001.
5. The employment relationship of the Director is incompatible with any other employment, professional or advisory relationship.
6. In addition, the Director may not hold any other public office of any kind, nor have any direct or indirect interest in universities and research institutes. The managers of the Public Administrations are placed on leave pursuant to article 23-bis of Legislative Decree no. 165 of 30 March 2001.

#### Art. 11

##### *The Advisory Board*

1. The Advisory Board shall be appointed by the President on a proposal from the Governing Board. It shall give opinions and make proposals to the Governing Board, on work programmes and documents concerning the choice of evaluation criteria and methods.
2. The Advisory Board is composed by:
  - a. a member designated by the National University Council.
  - b. a member designated by the Conference of Rectors of Italian Universities [CRUI].
  - c. three members designated by the National Council of University Students.
  - d. a member designated by the Conference of Presidents of public research institutes.
  - e. a member designated by the Accademia dei Lincei.
  - f. four representatives of the social partners, appointed by the National Economic and Labour Council.
  - g. a component designated by the Unified Conference State-regions, cities, and local self-government.
  - h. a foreign component and an Italian one, if present in the Board of Directors of the body, designated by the European research council.
  - i. a foreign member, and an Italian one, if present in the Board of Directors, designated by the European university association.
  - j. a foreign member and an Italian one, if present in the Board of Directors, designated by ESIB - the National unions of students in Europe.
  - k. a component designated by the Permanent Conference of Italian University Directors and Directors.
  - l. a member designated by the Secretary-General of the OECD.

3. The components referred to in letters f) and g) of paragraph 2 may not be employed by universities, or research institutes. In the designations referred to in letters c) and f) of paragraph 2, the presence of at least one man and at least one woman must be ensured.
4. The Advisory Board remains in office for four years. It elects a President from among its members and meets at least twice a year. The members of the Advisory Board are only entitled to reimbursement of expenses incurred for participation in meetings, within the limits of the regulations in force for employees of the State Administration of the management level.

#### Art. 12

##### *Organization and resources*

1. To carry out its activities, the Agency is organised in a general management structure, divided into 3 areas, one of which carries out the administrative-accounting activities of the Agency, and two carry out the evaluation activities, according to the following two operational lines:
  - a. evaluation of universities' (institutions and training activities).
  - b. Evaluation of research (institutes and research activities, including university).
2. [...*omissis*...] the general management structure is the responsibility of the Director referred to in Article 10; the administrative-accounting area and the areas of evaluation are responsible for three second-tier managers referred to in Article 23, paragraph 1, of the Legislative Decree of 30 March 2001, n. 165, one for each area.
3. The human resources of the Agency [...*omissis*...] may be amended by ministerial decree in agreement with the Minister for Economic Affairs and Finance and the Minister for Public Administration and Innovation, on a proposal from the Governing Council in relation to the operational needs of the Agency, including in accordance with paragraph 4, and within the limits of its financial resources.
4. The Governing Council [...*omissis*...] shall adopt one or more regulations concerning:
  - a. the definition of the tasks of the areas referred to in paragraph 1 and the organization of the operational relations between the President and the members of the Governing Board with the management structure and the related areas.
  - b. functional profiles of non-executive staff [...*omissis*...].
  - c. the legal and economic treatment of staff [...*omissis*...], in accordance with the provisions of the CCNL of the Ministries, including the procedures and selection procedures using the mobilization procedures provided for by current legislation, or through the ordinary forms of recruitment, pursuant to Legislative Decree no. 165 of 31 March 2001.
  - d. the conclusion, with the related economic treatment, pursuant to Article 7, paragraph 6, of Legislative Decree no. 165 of 30 March 2001, and subsequent amendments, of contracts with evaluation experts, which are conferred, after a resolution of the Governing Board, by the Director, to Italian and foreign experts in the areas of competence of the Agency, within the limits of the financial resources available in the budget of the Agency under current legislation and without new or increased charges for public finance.
  - e. administration and accounting, including by way of derogation from the general accounting provisions of the State and in any event in accordance with the principles of the State.
  - f. the ethical rules to be followed in evaluation activities by the Agency's staff and by the entities referred to in point d).
5. The regulations referred to in paragraph 4, except for those referred to in letters a) and f), are approved by the Ministry, in agreement with the Ministry of Economy and Finance and with the Ministry of Public Administration and Innovation, within the period of sixty days from their receipt.
6. [...*omissis*...]
7. According to the regulation referred to in paragraph 4, letter e), the Agency shall manage the expenditure for its operation within the limits of the financial availability entered for this purpose in the estimate of expenditure of the Ministry. The Minister may, after consulting the CRUI, reserve annually additional resources for the Agency from the ordinary university funding fund referred to in Article 5 paragraph 1 a) of the Law of 24 December 1993, n. 537, and on the ordinary fund for research entities referred to in Article 7, paragraph 1, of Legislative Decree no. 204 of 5 June 1998, in relation to the needs of the same for the performance of its institutional evaluation activities.

Art. 13

*Transparency of evaluation activities*

1. Also, by its institutional website, the Agency ensures the advertising of the following information:
  - a. Structure and staffing.
  - b. Evaluation criteria and methodologies defined by the Agency.
  - c. Results of analyses and evaluations carried out.
  - d. Report on the state of the university and research system referred to in Article 4; annual reports, reports and publications prepared by the Agency.
  - e. any other aspect of its institutional activity, in accordance with current legislation.

**Capo III**

**FINAL PROVISIONS**

Art. 14

*Transitional and final rules*

1. [...*omissis*...]