



Strengthening university autonomy and  
increasing accountability and transparency  
of Western Balkans Universities.

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Western Balkan universities

# State of play of university autonomy In Montenegro

Erasmus+ Capacity Building in Higher Education  
Structural measures project

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## Introduction

### Background

Higher education stakeholders broadly agree on the considerable benefits and importance of university autonomy. In several declarations, the European University Association (EUA) has reaffirmed the crucial role of institutional autonomy for higher education institutions and society at large. While autonomy is not a goal in itself, it is a vital precondition for the success of Europe's universities.

Autonomy does not mean the absence of regulations. While acknowledging that there are many different models, EUA has identified the basic principles and conditions which are important for universities if they are to fulfill optimally their missions and tasks. The Autonomy Scorecard methodology was developed by EUA with the input of its collective members, the National Rectors' Conferences of 29 higher education systems in Europe, between 2009 and 2011. It offers a tool to benchmark national higher education frameworks in relation to autonomy and enables the establishment of correlations between autonomy and other concepts, such as performance, funding, quality, access and retention. It was subsequently updated and the third version was released in 2023 (see [www.university-autonomy.eu](http://www.university-autonomy.eu)).

The scorecard has been used in several European countries to support their higher education reform process. The scorecard methodology has thus been broadly acknowledged by the various higher education stakeholders in Europe as an adequate tool to use for reform process development.

The **STAND project** aims to improve the processes and mechanisms of university autonomy by increasing the management capacities, accountability and transparency of universities in the Western Balkans in three target countries – Albania, Kosovo and Montenegro.

The development of an EUA Autonomy Scorecard-inspired analysis for the three countries contributes to raising awareness in the university sector of the changes needed to create a regulatory environment favourable to university autonomy. It corresponds with WP 1.3 and WP2: adaptation of methodology for University Autonomy Scorecard and the WP2 that targets roundtable discussions in partner countries in order to support the drafting of assessment report in University Autonomy and delivery of University Autonomy Scorecard Assessment.

The present report includes the results of the analysis that has been carried out by the taskforce, including STAND consortium members proceeding from Montenegro universities, in consultation with the Ministry, and with the support of EUA.



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## Montenegro higher education system

Higher education in Montenegro is provided by the universities and individual faculties. There are four universities and three independent faculties operating in Montenegro. The University of Montenegro is the only public university and the oldest higher education institution in the country (established in 1974). Three other universities are private ones: University Mediterranean established in 2006, University Donja Gorica established in 2010 and University Adriatic established in 2017. In addition to the mentioned universities, there are also three independent faculties: Faculty for Business Management established in 2005 and the Faculty for State and European Studies established in 2006 are private faculties, while the Faculty for Montenegrin Language and Literature established in 2014 is established by the state.

The University of Montenegro is the largest higher education institution in the country with the largest number of students. It is dispersed throughout the country with organizational units located in eight Montenegrin towns. University Donja Gorica has its campus in the capital city of Podgorica, while Adriatic university is located in the southern towns of Montenegro. The University of Montenegro is a comprehensive university with studies organized in almost all areas of study. Its university units are located in eight towns in all three regions of Montenegro – south, central and northern. Around 20.000 students study at the University of Montenegro accounting for 75% of the total number of students. University Donja Gorica with 2.600 students is the second biggest university in the country (enrolling around 10% of the total number of students in the country) at programmes in five areas of education. At the University Mediterranean 1.500 students are enrolled (around 6%) at programmes in four areas of education. The University of Adriatic with 1.700 students accounts for around 6% of students. Around 3% of the total number of students study at independent faculties.

The Ministry of Education is responsible creating the overall educational policy, including the higher education sector. Financing of public universities, the mutual rights and obligations between the public HEI and the Government for the implementation of study programs of the I and II cycle of studies is regulated by an agreement on financing. A Financing Agreement was signed between the Government of Montenegro and the University of Montenegro in May 2019, for a period of three years. This new funding model will provide indicators for assessing the relationship of input and output parameters, and for the performance of the university, all with the aim of improving the work quality of the University.

Quality assurance of higher education is done by the Agency for Control and Quality Assurance in Higher Education in accordance with European standards and guidelines. The Agency was established in 2017 in accordance with the Law on Higher Education. The Agency, among other things, conducts the procedure of accreditation of the study program and external evaluation (re-accreditation) of higher education institutions in accordance with European standards and guidelines for quality assurance in the European Higher Education Area - ESG.

The Council for Higher Education is in charge of improving and developing higher education in Montenegro.

Data on the number of students enrolled into undergraduate and postgraduate studies at universities in Montenegro reveals a drop in the number of students admitted to HE at the first cycle of studies and a slight increase in the numbers admitted to second and third cycle. Thus the number of students enrolled into undergraduate studies at all public and private HEIs in the country in the academic year

2015/2016 was 22 201, while in the academic year 2020/21 it was 18 403. For the same academic years the number of students enrolled into postgraduate studies was 2442 and 4297 respectively.

### Data collection

The approach retained for this analysis directly builds on the experience that EUA gained with two previous data collection rounds in the framework of the EUA Autonomy Scorecard, in the ATHENA project (Scorecard applied to Armenia, Moldova and Ukraine) and in the TRUNAK project where EUA applied a methodology inspired from the Autonomy Scorecard to Kazakhstan. It preserves the main features while adapting to a significantly shorter timeframe by simplifying the data validation and processing phases.

The EUA team organised an online training seminar for the STAND consortium in May 2021 to present the main features of the methodology and discuss the data collection process. Next, EUA built a survey that covers all items addressed in the general Autonomy Scorecard, requiring in addition data on the university governance bodies as well as contextual financial information (typical income structure).

The consortium established national “taskforces” to drive the data collection process. EUA designed “autonomy dashboards” for each system, based on the structure and indicators of the EUA Autonomy Scorecard. Each taskforce coordinated the process to fill in these dashboards, in collaboration with the relevant ministry.

The Ministry was requested to describe the relevant regulations for each indicator. The university partners worked together to provide additional descriptions of the practice corresponding to the indicator, thus enabling the consortium to detect possible cases where regulation and practice were not aligned. The dashboards were validated within the taskforce and submitted to EUA for additional comments and clarifications. As a result, the dashboard methodology has made it possible to identify areas presenting specific difficulties and challenges. For each indicator, based on the situation described, the dashboards allow to identify:

- “Autonomy enabler” (the regulatory framework allows universities to operate in a relatively autonomous way)
- “Implementation gap” (where the regulatory framework allows universities to operate in a relatively autonomy way, but this does not translate into actual practice)
- “Practice ahead of regulation” (showing that the regulatory framework should be updated)
- “Barrier to autonomy” (the regulatory framework creates obstacles to university autonomy).

The data collection was coordinated in Montenegro during Q3 2021. In October 2021, EUA and the taskforce worked together to aggregate, clarify and validate the data submitted.

The present report is intended to serve as a basis to a structured discussion around autonomy in the country.

The task force in charge of preparing the dashboard comprised representatives of University of Montenegro management (Vice-rector for Teaching), professors who are members of the Working Group in charge of drafting the new HE law, administrative services staff of the University of

Montenegro Rectorate (Legal Department, Financial Sector and the International Relations Office) and members of the STAND project from the University of Montenegro. The state of play analysis report was produced in two iterations – the first one was conducted in June 2021. After EUA gave its comments to the submitted report, the new updated report was produced in December 2021 and forwarded for final comments to EUA. The round tables were organized during January and February of 2022.

### Reform process in Montenegro

Drafting of the new Law on Higher Education (has been planned for Q2 of 2021 but there were some delays due to the Governance change, so new Working Group has been appointed in March of 2023) has been mostly inspired by the need for democratization of the election process of the university managing body (Rector), as well as the need for deconcentrating of the managing *power*. Experience has shown that the election of the Rector by the Decision of the Governing Board leads to the situation where the position of the Rector's function is subordinated to the function of the Governing Board President, which leads to the concentration of decision making (of both governing and managing type) in the "hands" of one person – President of the Governing Board. Besides, if the same person can be at the same time a member of the Governing Board and a member of the Senate and/or perform other significant functions at the University – which is not regulated by the current law, there is a "gap" - then in the hands of individuals there is huge responsibility, but at the same time too big decision making power.

An important part of the discussions pertains to the model of studying, since the model 3+2 does not suit the needs of Montenegrin higher education according to one part of the academic community, nor does it suit the needs of the labor market in Montenegro. The working group preparing the draft of the Law is also considering the issue of student (self)financing. Self-financing students are those who pay themselves the tuition fees, while budget students are those whose studies are financed from the budget of Montenegro. Budget financing of all students for the first two study cycles turns out to be unsustainable, as the University lacks funds for normal operation which was in the previous years (till 2017) covered from the funds university obtained from tuition fees.

In addition to the mentioned, "major" topics, a large number of Articles of the Law on Higher Education is the subject of analysis and discussions, so, for example, an important subject of the discussions were parts of the Law regarding the national Agency for Control and Quality Assurance of Higher Education, then the part pertaining to the Council for Higher Education and its competencies etc.

## Section 1: Analysis per autonomy dimension

This section considers each dimension of autonomy (organisational, financial, academic and staffing autonomy) in a sequence, describing the current framework for public universities. At the end of each sub-section, a table assesses the situation for each indicator. Colour coding is used to show the level of regulations / constraints that universities operate with for each indicator. Green means autonomy enabler; yellow refers to significant constraints; red represents important lack of autonomy.

### 1. Organisational autonomy

#### Public universities

##### 1- University statutes

The Statute of the public university is adopted by the university governing body. The Parliament does not have a say in this process, nor can it make any direct changes to the Statute. No public discussion is organized for the adoption of the Statute, but it is submitted to the Ministry of education for approval. Public discussions are not foreseen, but internal discussions and consultations within the university are recommended practice. The Statute, by which the organization and operation of a university is regulated, is derived based on the provisions stipulated in the Law.

##### 2- Leadership

- Section describing the situation for each indicator of organisational autonomy, starting with a focus on the executive leader (appointment, criteria, mandate, dismissal)

According to Article 50 of the Higher Education Law the Rector of the State University is elected for a three year period based on a public competition and on a delivered development programme for the University. The Rector of the State University is elected by the Governing Board from among the Full Professors of the State University. The same person may be elected twice consecutively. The manner and procedure of the election of the Rector, or Vice Rector, their authorisations, the mandate duration of a Vice Rector and other issues are regulated by the State University Statute.

The Working Group in charge of drafting the new Law on Higher Education was established at the beginning of 2021 but the draft law that could be presented at a public debate has not been formulated, so a new Working Group was established in March of 2023. The previous Working Group had been continuously working and its members had been trying to include the submitted ideas, suggestions and objections during a year and a half. As the interest for the new Law is quite high, a large number of suggestions had been submitted to the previous Working Group. We will quote several ideas regarding the election of the rector that were considered. During the month of May of 2021, two alternatives were present in the draft Law pertaining to the election of the rector (below are rephrased statements from the draft law from May 2021):

1. The Rector of a public university shall be elected and dismissed by the Senate, among the members of the full professors of a public university after expressed opinion of the councils of university organizational units. The Governing Board confirms the decision of the Senate or returns it to the Senate for repeated decision making. The Governing Board shall be obliged to confirm an identical decision of the Senate.
2. The Rector of a public university shall be elected at direct elections, among the members of full professors of the public university with a minimum 15 years of service at a public university. The right to elect the rector shall have academic staff employed by the public university, and

in compliance with the institution Statute, students shall participate in the procedure for election of the Rector.

After discussions, analyses and consultations, the latest proposal of the previous Working Group was in line with the Proposal no. 2:

The Rector of a public university shall be elected at direct elections, among the members of full professors of a public university with a minimum of 15 years of service at a public university. The right to elect the rector shall belong to academic staff employed by the university, and the students shall participate in the procedure of direct election of the rector in compliance with the institution Statute.

Knowing that the Working Group has been recently established (in March of 2023), it is difficult to assume their proposals. There is only one representative of the University of Montenegro in the newly formed Working Group, while there were three in the previous one.

#### 1. Governance structure

The university governance structure is composed of the Governing Board and the Senate. According to article 46 of the Law, the Governing Board of the State University has 15 members and it is comprised of the following representatives: academic staff, other employees, students and representatives of the Founder. The representatives of the Founder on the Governing Board of the State University comprise 1/3 of total number of members of the Governing Board. The University does not take part in the selection of external members i.e. representatives of the founder are appointed by the Government. The representatives of the students on the Governing Board of the State University are elected by the Student Parliament in accordance with their Rules. The Governing Board is appointed for a period of four years, except for the representatives of students who are appointed for two years. The competence, manner of appointment and dismissal, as well as the manner of work and decision-making of the Governing Board are closely regulated by the Statute of the State University.

The Senate consists of: rector, vice-rectors, and representatives of academic staff and student representatives, in accordance with the statute of the university. Of the total number of members of the senate, at least 50% of the members must be full professors of the university.

Jurisdiction, number, composition, term of office, manner of election and dismissal, as well as the manner of work and decision-making of the senate are regulated by the statute of the university.

Previously, during description of the changes that the new Law on Higher Education is expected to bring, we have pointed out that the current Law does not prevent overlapping of functions, so the same person can hold several significant positions at the same time. Such a "gap" in the Law (undefined situation in the field of possible double or triple functions) can in some cases lead to a situation where the same person participates in the decision making on the same issues at several levels. The concentration of power affects lack of democracy in decision making, and the failure to hear the "voice" of a large number of academic staff members in the decision making process, and thus leads to their being unfamiliarity with the current issues.



Individual members of the academic community think that a more correct distribution of roles, functions and responsibilities can lead to fuller autonomy of academia members, and thus of the University as a whole as well. Namely, it is realistic to expect that better distribution of roles and functions would reduce the possibility of external or internal “pressure” to make certain decisions following the ideas of particular centre of power.

## 2. Academic structures

HE Law: University Organisation - Article 39: An Institution may have University status if it implements at least five Study programmes within Undergraduate studies, out of which at least one Study programme is implemented at both Undergraduate and Postgraduate level. The Study programmes [...] shall cover at least three out of the seven following areas: Natural Science, Technical Technological Science, Medical Science, Social Science, Humanist Science, Agricultural Science and Interdisciplinary Studies. A University carries out its activities through: Faculties, Academies of Art, Institutes and Three-year Academies, as well as through Organisational units.

## 3. Legal entities

According to the law, universities may create legal entities for educational and research purposes, and may generate income from it, with the consent of the government.

### SELF-ASSESSMENT

Public university has limited capacity to decide autonomously on governance structure (there are 5 representatives of the Government in the Governing Board), but there is more autonomy on organisational structure. The University may decide about academic staff representatives in the Governing Board and also organizational units may decide on their representatives in the Senate. The main political influence may be exerted via the Governing Board, because that body decides on the rector's appointment.

Assessment per category<sup>1</sup>

Autonomy indicator	Situation for public universities	Assessment	Commonly found situation in European universities (in higher education systems analysed in the EUA Autonomy Scorecard)
Selection procedure for rector	Internal matter	Autonomy enabler	The executive leader is nearly always chosen by the institution itself, but this requires the validation of an external authority in about half of the surveyed systems. This is a formality in most, though not all, cases: in some systems, the external authority may carry considerable weight in the selection process.
Selection criteria for rector	Set in law / The executive head is elected among the full professors of the university	Strict constraints set in law	Provisions regarding the qualification requirements for the rector are specified by law in roughly two-thirds of the systems. Where universities may decide on selection criteria for their executive head, conditions for eligibility feature in the university's own statutes or stem from common practice, rather than from legal prescriptions. The most common legal requirement is the need for the rector to hold an academic position.
Dismissal of the rector	Internal matter	Autonomy enabler	Dismissal is a key factor when assessing the rector's accountability to the institution and to other stakeholders. The law does not contain provisions regarding the rector's dismissal in a little over a third of the systems considered. In the remaining systems, the dismissal of the executive head is more or less strictly regulated: external involvement may be limited to confirming the dismissal. The law may also specify the procedure to be followed.
Term of office of the rector	Set in law / three years renewable once consecutively	Limit to autonomy	The length of term is almost always specified in the law, as a fixed duration or a minimum/maximum range.
External members in	In Board, by law / selected by public authorities	The external authorities control the selection and	In most Northern European countries, universities are able to freely select their external members, although in some of these countries, an external authority formally appoints external members who were put forward by the university. In a

<sup>1</sup> Green: autonomy enabler; yellow: significant constraints; red: important lack of autonomy



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governing bodies		appointment of external members.	<p>majority of systems, the government continues to partly or completely control the appointment of external members.</p> <p>In a majority of European universities, external members participate now in the most important decisions in the institutions' governing bodies. Selection and nomination processes have also been revised to the advantage of the university. The 'type' of external members involved in university governing bodies remains an issue in some systems. When they come from public authorities, their involvement may be seen as a way for the state to gain greater influence over internal decision-making processes, thus reducing institutional autonomy, or conversely as a practical way to clear potential subsequent hurdles.</p>
Internal academic structures	Extensive guidelines in the law	The law specifies the type of academic structure and lists the study fields necessary.	<p>Most universities are free to decide on their internal academic structures and can create legal entities. In a number of cases, institutions gain more autonomy if they carry out certain additional activities through such distinct legal entities.</p>
Creation of legal entities	With consent of the Ministry	Limit to autonomy / opportunities to explore	

## 2. Financial autonomy

### Public universities

#### 1- Financial management

- Length of funding cycle: one year from 01 January to 31 December.
- Autonomy to allocate funds internally: The block grant includes funds intended for financing the salaries of employees and to pay external associates and clinicians engaged at Medical faculty. Any funds left after payment of salaries is absorbed by recurrent functioning costs (energy, etc)
- Funding modalities of research activities (mainly via competitive schemes? Recurrent funding for scientific activity?) Out of the remaining allocated funds, but also partly from the funds which the university earns (tuition fees and the like) funds are allocated for scientific work, publication of papers in prestigious reference journals is stimulated. Expenditures are covered in line with the signed agreements i.e. there are dedicated funds for expenditures. Taxes are calculated in accordance with the national legislation.
- Keeping surpluses on own and public funding, capacity to borrow: In practice so far the University of Montenegro has not returned budget funds since the system in question is funding by means of a block grant and the allocated funds were mainly fully used, but it is an obligation in theory. Possible borrowing of funds would only be possible with a consent of the Government of Montenegro and this possibility has not been used so far.
- Real estate management (owning and selling buildings and land): There is a possibility to sell property, but only with previously obtained consent of the Government of Montenegro.

#### 2- Tuition fees

Since 2017 all students are enrolled into undergraduate and master programmes according to the model following the accreditation carried out in 2017. The studies of both national and international students are funded from the budget, and they all have the same rights. In the meantime there are still students enrolled according to the old model of studies from the previous accreditations (2012 and earlier) and they pay the tuition fees both at undergraduate and at master studies.

There is a defined limited number (quota) of students to be enrolled into undergraduate or master studies which does not restrict the number of foreign citizens applying for admission as they have the same rights for admission as Montenegrin nationals. A certain number of candidates who have met the condition for admission is enrolled notwithstanding their citizenship (passed entrance exam and position on the ranking list in the quota of published positions).

The University has autonomy to determine the amount of tuition fees for students who pay them, in this case, students of doctoral studies, students who repeat a year due to failure to meet the studying



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obligations. The decision is made by the Governing Board. All financial issues are under the competence of the Governing Board.

#### SELF-ASSESSMENT

The block grant includes funds intended for financing the salaries of employees, but it is not enough to ensure investments and maintenance of university buildings located in eight Montenegrin towns. Also, it is not possible to plan strategic development of the institution.

Assessment per category<sup>2</sup>

Autonomy indicator	Situation for public universities	Assessment	Commonly found situation in European universities (in higher education systems analysed in the EUA Autonomy Scorecard)
<b>Funding cycle</b>	Annual cycle	Lack of autonomy	Annual funding cycles are the norm in Europe but there is a trend towards multi-annual contracts to enhance financial planning capacity. In Europe the norm is that annual funding sustains both teaching and research activities.
<b>Public funding modalities</b>	The funding allocated by the Ministry is in the form of Grants, the University management determines the priorities for the payment of expenses.	Lack of autonomy	Line-item budgets are now extremely rare. Nevertheless, in many of the systems that use block grants, internal allocation possibilities continue to be limited by law. This ranges from a division into broad categories with no or limited possibility to shift funds between them to the earmarking of certain parts of the grant for specific purposes.
<b>Ability to keep surplus on public funding</b>	No – unspent funds must be returned.	Lack of autonomy / reform needed	Restrictions regarding financial management remain rather stable; a majority of systems allow universities to borrow money under some conditions, and most often let universities keep surpluses.
<b>Ability to borrow money</b>	Possible with authorisation of the Government	Unused in practice	
<b>Ability to own buildings</b>	The University may sell buildings with authorisation of the Government	Issue to explore, as the university is confronted with high maintenance costs	Most systems make it possible for universities to own buildings. There also continues to exist intermediary models, where a (semi)-public agency owns university buildings. Only about a third of the systems where universities can own buildings actually allow them to sell real estate freely. Restrictions apply in all other cases, usually in the form of an external approval, or a notification to an external authority.
<b>Tuition fees to BA students</b>	No fee	The University has very limited options regarding	The general rule remains that universities are seldom in a situation where they control

<sup>2</sup> Green: autonomy enabler; yellow: significant constraints; red: important lack of autonomy

<b>Tuition fees to MA students</b>		tuition fees following the change of model in 2017.	tuition fees for the main Bachelor student population, with slightly more margin for manoeuvre at Master level. None of the systems surveyed introduced tuition fees at either level during the period considered.
<b>Tuition fees to PhD students</b>	The University may set the fee freely		
<b>Tuition fees to foreign BA students</b>	No fee / no differentiation with domestic students	There is no differentiation made between home and foreign students, due in part to their modest numbers at the University.	Universities are typically granted more autonomy in setting tuition fees for international students. This particular part of the student population is discussed differently, with less emphasis on the social and societal dimensions. It is therefore rather rare that universities are not able to charge fees for these students (only Norway and the German states considered in the analysis). They are more often free to decide on fee levels (in 14 systems both at Bachelor and Master levels, compared to four systems at Bachelor level and seven systems at Master level when looking at national/EU students).
<b>Tuition fees to foreign MA students</b>			
<b>Tuition fees to foreign PhD students</b>	The University may set the fee freely / no differentiation with domestic PhD students		

### 3. Academic autonomy

#### 1- Admission

Student admission process is done in accordance with the provisions of the Law on Higher Education. The Government determines the number of students to be financed from the budget of Montenegro for a particular study programme, in accordance with the number prescribed in the licence of the public institution. Decision is made by Government on the proposal of the governing body of a public institution, within the procedure of giving the consent to the enrolment into study programmes.

The conditions, criteria and manner of enrolment into the first year of undergraduate and applied studies are prescribed by the Ministry, while the content, manner and procedure of taking the admission exam and closer criteria of their assessment, as well as manner and level of compatibility of undergraduate studies programmes for enrolment into the first year of master academic and applied studies are determined by the act of the institution.

More detailed criteria, manner, procedure and level of compatibility of master studies study programmes for enrolment into the first year of doctoral studies are prescribed by a professional body of the institution (The Roles of doctoral studies of the UoM, designed by The Board for Doctoral Studies and adopted by Senate). It could be concluded that the role of the university in admission matters grows with the level of studies (lesser role for admission at Bachelor level, greater role at a Doctoral level).

#### 2- Academic offer

All study programmes must pass the processes of internal and external evaluation, accreditation and reaccreditation. Processes of (re)accreditation were performed by the Council for Higher Education until 2017, when the Agency for Control and Quality Assurance of Higher Education of Montenegro was established, which took over this obligation. However, the competence of the Agency, its arrangements, manner of managing the Agency and other important issues pertaining to the Agency have not been defined precisely enough by the Law so far. This is why an important segment of work of drafting the new law refers to defining the mentioned elements.

Introducing new programmes is possible only after the process of accreditation (the same holds true for modules, LLL programmes etc.), and their closing is possible after consultations with the Government. The Law on Higher Education prescribes a period in which the closed programmes continue to operate, which is defined in relation to its total duration and the optimum possibilities of students to complete the programme.

Student admission is done based on the Rulebook adopted at the level of the State, so the universities do not have sufficient autonomy in this regard. The current Rulebook, developed and adopted by the Ministry, has suffered numerous critics, so that amendments are expected. Some of the critics are: it does not allow for entrance exam for all programmes, there is no differentiation in the number of points in relation to the degree in which the pupils studied a certain subject (e.g. the same number of points is given no matter if students studies a subject during one or four years of secondary school, if



the weekly number of hours was 2 or 4 etc.). Admission criteria are set by the public authorities at BA level; the University may set up entry exams in specific BA programmes and for MA programmes, but the Ministry decides on it.

The language of instruction is determined in advance, as part of the programme accreditation procedure. It is possible to accredit programmes in English language, but it is not possible to deliver in English a programme accredited in Montenegrin – Serbian, Bosnian, Croatian language without new accreditation. (An exception refers to particular subjects and some of their content oriented to adoption and mastering of key competence of communication in a foreign language.)

External authorities do not exert influence on any part of internal curriculum structure, but this constitutes a part of teacher autonomy. Naturally, some strategic directions of the university, as an integrated institution, refer also to curricula, so all curricula are oriented according to learning outcomes, a higher degree of outcomes regarding academic integrity is recommended etc. Transversal competencies are recognized (e.g. problem solving, team work, research skills etc.) in Montenegrin qualifications framework, which was developed on the model of EQF, so that curricula prescribe them with the aim of reaching adequate qualification level.

The process of introducing programmes in mother tongue and in English language is quite slow and controlled from the outside. The admission of students is subject to rules whose adoption is not under the competence of the University. Curriculum development is part of teacher autonomy to a large extent, and this particularly refers to the elements of internal organization of the curriculum such as: methods of teaching and learning, methods of knowledge assessment etc.

#### SELF-ASSESSMENT

The admission system implemented makes universities the “recipients” of state-sponsored students, while the rules of admission are prescribed on the national level. University may propose some entrance exams, but it is in Ministry’s authority to decide on it. National Agency for Control and Quality Assurance of Higher Education decides on the criteria for re-accreditation and accreditation, while the basic rules and procedures for the Agency are prescribed by the Law on Higher Education. University is not allowed to choose another agency. Public authorities have limited influence on study programmes and the curricula. It is possible to develop study programme in English but is not acceptable to “translate” study programme that is accredited in national language(s).

The reform intends to increase academic autonomy by giving universities a greater say on admission rules.

Assessment per category<sup>3</sup>

Autonomy indicator	Situation for public universities	Assessment	Commonly found situation in European universities (in higher education systems analysed in the EUA Autonomy Scorecard)
Capacity to decide on overall number of students	Number of state-supported students fixed by the Government in accordance with the University capacity as prescribed by its license.	The capacity for the University to enrol self-paying students is now marginal (only doctoral student pay tuition fees, and students who repeat a year).	Most countries impose some regulations on the overall number of students, and three basic models can be found. Roughly a quarter of systems operate on the basis of free admission for everyone holding the basic qualifications. However, pressures on this model continue to be tangible; in some systems the number of academic fields, where a numerus clausus applies, is increasing. At the opposite end of the spectrum, about a quarter of systems leave it to universities to decide on the number of study places, usually (but not systematically) also granting them control over admissions. In between those two models, half of the systems privilege mixed approaches, where there is a certain degree of negotiation or split in the decision-making competences between universities and the state.
Student selection	Admission criteria are set by the public authorities at BA level; the University may set up entry exams in specific BA programmes and for MA programmes, but the Ministry decides on it	No autonomy for BA level selection. Significant autonomy for MA level selection.	The selection of students at Bachelor level is carried out independently by the university in a minority of the surveyed countries (about a third), but it is common practice at Master level (two-thirds of cases).
Introduction of degree programmes	Prior accreditation needed	Barrier to autonomy / Reform needed	The introduction of new degree programmes usually requires some form of approval from a public authority. In approximately a quarter of the surveyed countries, universities

<sup>3</sup> Green: autonomy enabler; yellow: significant constraints; red: important lack of autonomy



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		The model cumulates institutional and programme accreditation.	are able to open Bachelor's or Master's degree programmes without prior accreditation. It is only slightly more common at doctoral degree level. In most of the remaining systems, universities require prior accreditation for programmes to be introduced or publicly funded. The practice of institutional external quality assurance is nevertheless expanding (no longer requiring programme accreditation). Several systems maintain pre-determined academic profiles for their institutions, in the framework of which universities may introduce programmes without requiring accreditation (Estonia, Finland, and Iceland).
Termination of degree programmes	By university with consent of the Government	Limited autonomy	Universities in most countries have full authority to close programmes. Only in a small number of systems do they need to negotiate this with a public authority. There may nevertheless be requirements to provide students with adequate alternatives to continue their studies in the same academic field, whether in the institution or not.
Language of instruction	No significant restriction for universities to decide on the language of instruction	Autonomy enabler  Decided at accreditation stage  However not applied: opportunity to address	In more than two-thirds of the countries studied, universities can choose the language of instruction. In the remaining countries, there are varying restrictions which are seen as a competitive disadvantage when trying to attract international students and staff. Only 2 systems (LV, HR) do not provide public funds for programmes taught in other languages.
Selection of QA mechanisms	Mandatory accreditation + institutional programme accreditation	Barrier to autonomy / reform needed  Institutional accreditation should eventually lead to a	It is rare for universities to be able to select quality assurance mechanisms freely and according to their needs. This is the case only in the three German states included in the Scorecard update, as the law now allows universities to apply for

		lesser need for programme accreditation.	institutional accreditation (referred to as ‘system accreditation’ in Germany). Institutions that successfully undergo system accreditation are able to accredit their own study programmes, although they may also retain programme accreditation. There are however developments in a series of systems towards institutional external quality assurance, moving away from accreditation on a programme basis.
Selection of QA providers	Mandatory institutional and programme accreditation by national agency	Barrier to autonomy / reform needed (EQAR registration can be a selection criterion for QA agency)	Just over a quarter of systems make it possible for universities to select quality assurance providers. They may also select an agency from another country. In Germany, universities may select agencies that have been accredited by the German Accreditation Council. In all other systems, universities are not able to choose the quality assurance agency. However, in a number of them, institutions may seek complementary, external quality assessments in addition to the mandatory accreditation/evaluation carried out by the national agency.
Design of programme content	No specific involvement of public authorities outside of regulated professions / only general rules regarding transversal content in curriculum	Autonomy enabler	In a large majority of systems, universities are free to determine the content of degrees other than for the regulated professions, such as medicine. Exceptions include Latvia and Lithuania, where authorities continue to prescribe some content. Universities perceive this as a considerable hindrance to diversification, innovation and competitiveness.

## 4. Staffing autonomy

### 1- Status of staff

According to the current Law on Higher Education only full professors among academic staff have the work contract for an indefinite period. Non-academic staff is employed according to the Labour Law and they mainly have work contract for an indefinite period.

The recruitment procedure is set in law for senior academic positions but does not involve public authorities. The University conducts recruitment of administrative staff and other non-senior academic staff independently, according to the Labour Law.

Salaries are set based on the Law on salaries of public servants, collective agreement with the government, the university and the trade union.

The Collective Agreement for the University of Montenegro covers breach of labour obligation and the conditions for responsibilities. The procedure of determining responsibility for breach of labour obligation and the procedure of termination of labour contract by the employer are conducted according to the General regulations of the Labour Law.

The criteria for promotion into academic titles are prescribed by the Higher Education Council. Promotion of administrative staff is regulated by the general regulation in the area of labour relations.

For other categories of academic staff, the situation is the following:

- Associate professors and assistant professors have work contracts for a period of five years. The procedure of election into a higher title begins half a year before expiry of those contracts. If a person does not meet the conditions for election/re-election, the employment may be terminated. The conditions for election are structured in three areas: scientific, teaching/pedagogical and professional, with only the scientific one being of conditional character. For election into a title of assistant professor the eliminatory condition is 8 points for scientific papers published in categories Q1–Q4 from Scimago list. There is identical condition in this regard for the title of associate professor, while 16 points are needed for full professor title. This condition is added other requirements in the area of science, teaching and profession.
- Teaching associates with a PhD have work contracts for five year period, with the current Law leaving a “gap” for situations happening after expiry of those five years. There were different practices in the previous period, so that these Articles of the Law were subject of various interpretations.
- Teaching associates with the status of PhD student have the right to work contract which can last a maximum of seven years, with the first contract lasting three years, and the remaining (out of the total of seven) can have different durations. A big flaw of the current law, in the opinion of a part of the academic community, is the fact that there is no explicit possibility of prolonging the contract in case when there are justified reasons preventing a candidate to complete doctoral studies.

- Teaching associates with the status of master students have work contracts lasting one year, and they can have a maximum of four such contracts (a total of maximum four years).

#### SELF-ASSESSMENT

Public university do not have sufficient autonomy in staffing matters. There is current discussion around lack of stability of academic careers with no tenure track/long-term contracts possible beneath full professor status, and that discussion is connected with the Law on Higher Education. Also, when it comes to criteria for academic promotion and tenure, public university do not have autonomy.

According to academic staff (judging by the number of received objections to the Law on Higher Education), it is necessary to ensure a higher level of employment stability. Here it is important to mention that all the calls for employment are public, so that candidates frequently have to go through the same procedure of open call for a position, which frequently poses a serious pressure on employees. The new Law on Higher Education should ensure higher degree of employment stability for categories with elective titles (assistant professor and associate professor), and stabilize to the maximum possible degree employment, so that situations in which the contracts would be prolonged are explicitly described, in accordance with the real and justified circumstances that can be documented. The new model that should be developed is a dynamic academic trajectory which would protect the interest of academic staff, but also the interests of the University. This implies periodic evaluation of employees' advancement in scientific, teaching and professional sense, and their obligation to develop their careers in line with the Criteria for Election into Academic and Scientific Titles.

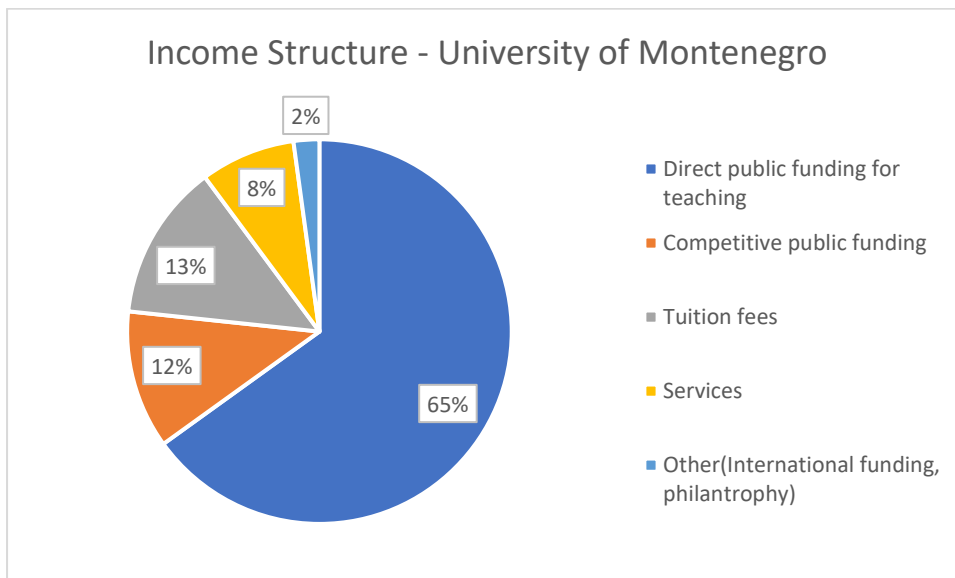
Assessment per category<sup>4</sup>

Autonomy indicator	Situation for public universities	Assessment	Commonly found situation in European universities (in higher education systems analysed in the EUA Autonomy Scorecard)
<b>Academic staff recruitment</b>	Internal matter	Autonomy enabler	Significant differences in recruitment procedures across Europe, ranging from a large degree of independence in the recruitment of staff to formalised procedures that necessitate the approval of an external authority, in connection to civil servant status of staff in some systems.
<b>Administrative staff recruitment</b>			Overall in Europe, the recruitment of senior academic staff continues to be a more regulated staff category than senior administrative staff.
<b>Academic staff salaries</b>	Fixed in collective agreement	Connected to public servant law, limited autonomy for university	Universities in Europe are generally not entirely free to set the salaries of their senior academic or administrative staff members. In over half of the systems, salaries are set or framed (via salary bands) by an external authority. These tend to correspond to countries where most senior university staff has civil servant status. Salaries of senior administrative staff are slightly less often regulated than for senior academic staff.
<b>Administrative staff salaries</b>			
<b>Academic staff dismissal</b>	Fixed in collective agreement	Autonomy enabler	Less than a third of analysed systems do not include specific regulations for university staff dismissals, with again a slight difference between senior academic staff and senior administrative staff, the latter being less often subject to special rules.
<b>Administrative staff dismissal</b>			
<b>Academic staff promotion</b>	Criteria for promotion of academic staff are prescribed by the Higher Education Council.	The challenge for the University is to set up a career path for junior academic staff.	Universities can decide on promotion procedures for academic staff in less than half of the systems considered, and only barely more in the case of administrative staff. In most other countries, promotions are only possible when positions at a higher level exist, since there is still frequently a form of control over the overall number of publicly-funded posts by the state.
<b>Administrative staff promotion</b>	No specific regulation for administrative staff.		

<sup>4</sup> Green: autonomy enabler; yellow: significant constraints; red: important lack of autonomy

## Income structure of the university

The University of Montenegro is funded to the largest extent from the budget of Montenegro, but it also has income from tuition fees, commercial contracts, international and national projects and donations.





## Section 2: Challenges and opportunities

### 1. Organisational autonomy: Challenges / Areas for reform

Challenge	System-level	Institution-level	Indicate feasibility level <sup>5</sup> and timeframe
	Action proposed	Action proposed	
Lack of check and balances in governance structure	Rewrite the Law on Higher Education	Write the official letter to the Ministry with an aim to describe this problem from the point of view of the university autonomy (give the proposal of legal solutions)	National level, started in 2021, New round of discussions, started in March 2023 Time frame (TF) - 2
Selection of rector	Rewrite the Law on Higher Education	Write the official letter to the Ministry, give the proposal of legal solutions.	National level, started in 2021, restarted in March 2023 TF 2
Selection of external members in governing bodies	Rewrite the Law on Higher Education	Write the official letter to the Ministry, give the proposal of legal solutions.	National level, started in 2021, restarted in March 2023 TF 2

#### Autonomy cluster – EUA analysis

*EUA's analysis shows that organisational autonomy of public universities in Montenegro is relatively low, when assessing the different indicators under this dimension. Montenegro, with a theoretical score of 56%, belongs to the "medium low" cluster (scores ranking between 41% and 60%). This is primarily due to the involvement of public authorities in governance, through the appointment of external members to the board, and the strong regulation of academic structures of the institutions. The mode of selection of the rector may also be seen as quite restrictive. In addition to the necessary review of the governance procedures, the reform must clarify the balance of roles in university governance.*

*Opportunities to explore in the area of organisational autonomy include the creation of legal entities, which despite being authorised has not been used by universities. It may therefore be necessary to investigate the reasons for this lack of interest, and see if it may be helpful to incentivise this practice.*

<sup>5</sup> According to the following logic : 1 – short term ; 2 – medium term ; 3 – long term

## 2. Financial autonomy: Challenges / Areas for reform

Challenge	System-level	Institution-level	Indicate feasibility level <sup>6</sup> and timeframe
	Action proposed	Action proposed	
Level of funding	Enable tuition fees for self-financing students at bachelor and master's level	With the limitations of current Law on Higher Education, it is not possible to take actions in that direction	The internal acts of the University are harmonized with the current Law on Higher Education, for this reason it is impossible to carry out activities until the current law is amended.
Infrastructure maintenance	Propose additional funding for infrastructure maintenance – funding that will be separated from the block-grant received yearly	Building maintenance and other material costs that cannot be financed from the allocated grant are financed from the following sources: own income, donations, income from the market, school fees.	Feasible, already implemented in every financial cycle.

### Autonomy cluster – EUA analysis

*The level of financial autonomy of public universities in Montenegro is comparatively low. With a theoretical score of 31%, Montenegro belongs to the “low cluster” (grouping systems with scores up to 40%). This is due to limited financial management capacity, although opportunities exist (possibility to borrow funds and to sell buildings with authorisation of public authorities). The absence of tuition fees for the main student population, except for doctoral candidates and students repeating a year, also significantly constrains the financial autonomy of universities. Although the policy on tuition fees reflects a societal choice, it is important to consider this in the wider context of the significant underfunding situation that affects universities in Montenegro. The funding model and current levels of public funding in the country do not enable universities to ensure their financial sustainability. It is a recommended good practice to ensure that block grant funding is sufficient to cover a reasonable degree of scientific activity at the institution, in addition to competitive funding.*

*Opportunities to explore in the area of financial autonomy include the possibility to optimise university real estate in cooperation with public authorities via selling and borrowing.*

<sup>6</sup> According to the following logic : 1 – short term ; 2 – medium term ; 3 – long term

### 3. Academic autonomy: Challenges / Areas for reform

Challenge	System-level	Institution-level	Indicate feasibility level <sup>7</sup> and timeframe
	Action proposed	Action proposed	
Heavy accreditation model	Through the representatives of the University in the Working Group for the drafting of the new Law on Higher Education, influence the members who define the competences and rules of work of the Agency for Control and Quality Assurance of Higher Education. Propose that the accreditation of the institution implies the accreditation of the program, i. e. that the accredited institution can open new programs.	Within the institution, it is necessary to have permanent working bodies that respond effectively to the accreditation needs, e.g. opening of new programs.	We believe that the Working Group for the Law on Higher Education may accept the proposal on “easier” accreditation model.  TF 3
Student admission models	At the system level it is necessary to give more autonomy to the university in student admission model. Propose institutional autonomy - the rules on student admission should be internal.	Prepare proposal of student admission model for the University of Montenegro.	Till the end of 2023.  TF 2

#### Autonomy cluster – EUA analysis

*The level of academic autonomy of public universities in Montenegro can be considered as “medium low”. With a theoretical score of 43%, Montenegro belongs to the “medium low” cluster (scores between 41% and 60%). This is due to heavy accreditation models (combining programme and institutional level accreditation) and the fact that student admission is largely out of the hands of universities, an aspect that should be considered as part of the upcoming reform.*

*Opportunities to explore in the area of academic autonomy relate to the choice of language of instruction, where institutions have little constraints, as well as curriculum design. With regard to quality assurance and the choice of the quality assurance agency, greater recognition could be granted to evaluation carried out by EQAR-registered quality assurance providers.*

<sup>7</sup> According to the following logic : 1 – short term ; 2 – medium term ; 3 – long term

#### 4. Staffing autonomy: Challenges / Areas for reform

Challenge	System-level	Institution-level	Indicate feasibility level <sup>8</sup> and timeframe
	Action proposed	Action proposed	
Career paths	Provide greater job stability to academic staff, e.g. for docents and associate professors – the procedure of promotion into the following title should be internal, without a public competition. Then, extend the basic duration of the contract for teaching assistants for master's students (under current conditions, the contracts last one year, therefore, shorter than the studies themselves).	Make proposals of amendments to the Law,	

#### Autonomy cluster – EUA analysis

*The level of staffing autonomy of public universities in Montenegro can be considered as “medium high”. With a theoretical score of 75%, Montenegro belongs to the “medium high” cluster (scores between 61% and 80%). This is due to the autonomy in the recruitment of senior staff and limited constraints on other staffing aspects. However, staff status is heavily stratified and does not allow for the development of proper career paths.*

<sup>8</sup> According to the following logic : 1 – short term ; 2 – medium term ; 3 – long term

## Section 3: Conclusions and recommendations

### Conclusions

Considering organisational autonomy in Montenegrin higher education, there are three main challenges: lack of check and balances in the governance structure, election of the rector, and appointment of external members in the governing bodies. All the main challenges are interconnected: In the current circumstances, the election of the rector through the Governing Board, in which one third is made up of representatives of the Government, is a serious obstacle to autonomy.

Financial autonomy is extremely low for almost each indicator for public universities. We underlined two main challenges: level of funding and Infrastructure maintenance. The public University is not allowed to have self-financing students at two first study cycles, which additionally complicates the situation, and organizational units are located in all regions of the country, meaning that there are university's buildings in eight cities in Montenegro.

Two main challenges with regard to academic autonomy are: heavy accreditation model, and student admission model. Each of them is a barrier to higher education quality because the University is burdened with administrative tasks, it is not possible to introduce new study programmes if there is a need for them, and admission of students does not allow for differentiation for study programmes.

Finally, the area of staffing autonomy, according the analysis, is better evaluated then the three areas mentioned before, but in practical terms, there are also a number of challenges with this issue. The one that was underlined is: career paths.

### Recommendations

Issues that belong to all four areas of autonomy that are the subject of this report are initially the subject of the Law on Higher Education of Montenegro. The report shows that many indicators of autonomy are low or medium low, which is mainly the consequence of restrictive legal solutions. Based on the Law, the university is obliged to make by-laws, starting with the Statute and study rules. If there is a change in the Law (which happens at the level of the system), the University would create new by-laws, which would move the action to the institutional level.

The University's key partner in relation to all the mentioned issues is the Ministry of Education, which is also a partner in this project. In the next stages of the project, it is necessary to establish a continuous dialogue with representatives of the Ministry on all issues that are the subject of the Law on Higher Education. Therefore, our key recommendation is: **strengthen the partnership between the university and the Ministry of Education, especially in connection with the drafting of the Law on Higher Education, using the tasks of the STAND project (organize meetings and round tables).**



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

Based on the previous analysis, it is important to address following issues. Below are issues with high priority.

Organisational autonomy:

External members in governing bodies are selected by public authorities (limit to autonomy). This should be discussed with and within the Working Group for Law on HE.

Financial autonomy:

Tuition fees to BA and MA students (domestic and foreign) – There are no university fees for BA and MA students. This should be addressed to the Working Group.

Academic autonomy:

For introduction of degree programmes prior accreditation is needed. The model (prescribed by the Law) cumulates institutional and programme accreditation. This should be addressed because reform is necessary.

Selection of QA mechanisms and QA providers is barrier to autonomy. Mandatory institutional and programme accreditation by national agency is prescribed by the Law on Higher Education. Institutional accreditation should eventually lead to a lesser need for programme accreditation.

**Ministry of Education and HEIs in Montenegro should work together, participating and influencing in the harmonization of the overall legal framework and Law on Higher Education:**

- Develop a strategic policy dialogue and participation in the process of the development and harmonization of the legal framework that would ensure a harmony between them and avoid collision;
- Set the clear rules and procedures for tuition fees (proposal vs. decision and decision on number of students);
- In the Law on Higher Education, provide amendment for self-financing students at a public university (UoM);
- Address the inability to keep surplus as a prerequisite for better planning and performance;
- Promote the link and partnership between the academia and labour market - industry and businesses.

**Specific actions on a system or institutional level:**



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

#### **i. Actions and objectives on a system-wide level**

- Developing the funding formula which ensures performance and needed accountability of the institutions and further promotes the competitiveness in the sector of HE;
- Simplifying the validation process/procedure in case of the accreditation;
- Developing new Law on Higher Education which will address all the mentioned issues regarding autonomy of HEIs.

#### **ii. Actions and objectives at an institutional level**

- Strengthening the capacities for management and accountability - performance indicators responsibility addressed and application of the best practices that promote better performance and finance management;
- Income generation-proper organization and capacities for absorbing the funds from available funds;
- Strengthening the administrative staff role and capacities especially in the organizational units as well as in the legal entities;
- Promotion of other forms of ensuring the quality of the programs to be introduced-communication with labour market needs, professional bodies (chambers) etc...in order to meet their requirements;
- Initiating the statute revision based on previous analysis on the needs (including the issues raised in the framework of the STAND activities).