



LAW no.127 of 31 October 1985 (published on 15 November 1985)

## **Framework Law on university education and on higher education institutions**

### **We the Captains Regent of the Most Serene Republic of San Marino**

*Hereby promulgate and order the publication of the following Law, approved by the Great and General Council during its sitting of 31 October 1985.*

## **TITLE I**

### **ESTABLISHMENT OF THE UNIVERSITY - PURPOSES**

#### **Art. 1**

(Establishment)

To implement the principles set forth in Article 6 of Law No. 59 of 8 July 1974, the University of the Republic of San Marino shall be established.

It shall be constituted as a higher education system, to which research and higher education institutions operating in the territory belong.

The University of the Republic of San Marino shall be a public entity having administrative and management independence.

The Ministry of Education shall carry out supervision of the University.

#### **Art. 2**

(Purposes)

The University shall generate progress in sciences and develop culture, by promoting research and study at the highest level.

In particular, it shall:

- a) organise teaching and research activities also in relation to social, professional and productive activities;
- b) promote the dissemination of scientific culture;
- c) provides scientific and technical consultancy at the highest level of qualification;
- d) participate in international cultural and scientific cooperation.

## **TITLE II**

### **UNIVERSITY BODIES**

#### **Art. 3**

(Bodies)

The bodies of the University of the Republic of San Marino shall be the following:

- a) the University Scientific Committee (CUS);
- b) the Rector;
- c) the Board of Directors of the University (CAU);
- d) the Board of Auditors;
- e) the Academic Council;
- f) the Departments.

## **CHAPTER I**

### **UNIVERSITY SCIENTIFIC COMMITTEE**

#### **Art. 4**

(Composition and functions)

The University Scientific Committee (CUS) shall be composed of three members appointed by the Great and General Council by a qualified majority of 2/3 on the first ballot and by a simple majority on subsequent ballots, from among personalities of proven competence and recognised experience from cultural milieux.

I Members shall hold office for 6 years and may be reappointed or replaced in whole or in part.

II The CUS shall guarantee the highest scientific level for teaching and research activities and their compliance with the State institutional requirements and with the laws determining their characteristics.

In particular, it shall be responsible for:

- 1) collaborating with the bodies in charge of Public Education and with the other bodies of the University in determining the guidelines and general programmes for the implementation of the University's purposes;
- 2) issuing opinions on the establishment of the departments and curricula referred to in this law.

## **CHAPTER II**

### **THE RECTOR**

#### **Art. 5**

(Appointment and competences)

The Rector of the University of the Republic of San Marino shall be appointed by the Great and General Council, from among personalities of proven competence and recognised experience from cultural milieux, for a three-year term and may be reappointed.

The Rector shall be responsible for:

- acting as legal representative of the University;
- coordinating the activities of the Board of Directors, the Departments and the Academic Council;
- supervising the teaching, scientific and research activities of the University;
- implementing the decisions of the Board of Directors and the other bodies of the University.

Moreover, the Rector shall:

- have competence in disciplinary matters;
- appoint the examination bodies.

The Rector may delegate one or more professors of the University to carry out some of the tasks falling within his remit, determining their powers precisely.

## **CHAPTER III**

### **THE BOARD OF DIRECTORS**

#### **Art. 6**

(Composition)

The Board of Directors of the University (CAU) shall be composed of:

- a) the Rector, presiding over it;
- b) the Administrative Secretary appointed by the Congress of State for the duration of a legislature, acting as secretary of the CAU;
- c) a delegate of the Ministry of Public Education;
- d) two members appointed by the Congress of State, from among public administration officials with management skills, or from among freelancers with technical-administrative skills.

## **Art. 7**

(Functions)

The Board of Directors of the University (CAU) shall perform governance functions and be responsible for the economic and asset management of the University.

In particular, it shall:

- a) administer the University's budget by approving its expenditure forecasts and final accounts within the limits of the budget resources provided for by law;
- b) conclude agreements and contracts with internal and external public Entities that contribute to the University's funds and assets;
- c) conclude agreements and contracts for teaching staff, setting the amounts of the remuneration according to fairness and professionalism criteria;
- d) conclude employment contracts with technical administrative staff and auxiliary staff;
- e) adopt rules of procedure for its functioning, which shall also provide for the payment of attendance fees to members;
- f) allocate funds to Departments on the basis of annual and multiannual work programmes.

The meetings of the CAU shall be valid if the majority of its members are present.

A majority vote of the members shall be required for decisions to be valid.

The meetings of the CAU and the decisions adopted therein shall be recorded in minutes kept by the Secretary and under the responsibility of the President. The minutes shall be published, for those parts that do not concern private interests, on the notice boards of the University, the Government Building and the Township Councils and in the Official Bulletin.

Decisions of the CAU shall be immediately enforceable.

## **CHAPTER IV**

### **THE BOARD OF AUDITORS**

## **Art. 8**

(Composition)

The Board of Auditors shall be composed of three members whose term of office is three years.

The Board of Auditors shall safeguard the State in acts involving expenditure and their compliance with the University's purposes.

The Great and General Council shall appoint, by a qualified majority of 2/3 for the first ballot and by a simple majority for subsequent ballots, the Auditors from among personalities of proven administrative and managerial competence and experience and the President from among them.

Members of the Congress of State may not be appointed Auditors.

Auditors shall receive an attendance fee for the performance of their duties, the amount of which is determined by the CAU.

## **Art. 9**

(Functions)

The Board of Auditors shall perform the following functions:

- 1) controlling the correctness of the administrative and financial management of the University;
- 2) checking the financial management and that the balance sheet complies with accounting records;
- 3) carrying out six-monthly audits on the financial performance of the University, drawing up minutes of such audits.

The Auditors shall be entitled to examine all accounting, administrative and financial documents relating to the University's activities and to receive copies of the minutes of the meetings of the CAU.

Extraordinary audits of the administrative management shall be carried out at the request of at least three members of the Board of Directors or a majority of the Auditors.

## **CHAPTER V**

THE ACADEMIC COUNCIL

## **Art. 10**

(Composition and functions)

The Academic Council shall be composed of:

- the Rector, presiding over it;
- Directors of Departments;
- Deans of master's degree courses and Deans of bachelor's, specialization and PhD degree courses.

The Academic Council shall define and lay down the organisational guidelines of scientific activity and the University's action programmes.

### **TITLE III**

#### **ORGANISATION**

#### **CHAPTER I**

#### **DEPARTEMENTS**

#### **Art. 11**

(Establishment)

The University of the Republic of San Marino shall consist of Departments; each Department shall incorporate one or more areas of research.

I Departments shall be independent in managing the funds allocated to them and the work programmes decided by the bodies of the Departments.

II A Regency Decree shall establish Departments on the proposal of the Rector, after consultation with the CUS.

The Regency Decree shall establish its purposes and operating procedures.

#### **Art. 12**

(Bodies of the Department)

The following shall be bodies of the Department:

- a) the Director of Department;
- b) the Department Council.

The Director of Department shall be elected from among the professors and researchers of the Department and shall be appointed by decision of the Rector.

The Director of Department shall hold office for three academic years and may be re-appointed.

The Department Council shall be composed of the professors and researchers working in the Department.

It shall also include representatives of the matriculated students and non-teaching technical staff in the manner defined by specific internal regulations.

### **Art. 13**

(Functions of the Director of Department)

The Director of Department shall:

- 1) preside over the Department Council and implement its decisions by ensuring compliance with laws and regulations;
- 2) liaise with the bodies of the university, schools and institutions belonging to the Department, as well as with research institutions with which cooperation relationships are established;
- 3) propose the annual plan of the Department's teaching and research activities and prepare the necessary organisational tools;
- 4) prepare annual requests for funding and staff assignment for the implementation of development enhancement programmes of research and teaching activities;
- 5) supervise the purchase of equipment, working tools and materials necessary for the Department's activities;
- 6) prepare a detailed annual report on the results of the research and teaching activities carried out in the Department.

### **Art. 14**

(Functions of the Department Council)

The Department Council shall:

- prepare the programme of teaching and research activities;
- lay down general criteria for the use of funds, staff, equipment;
- decide on the curricula to be developed, their duration, academic level and final professional qualification;
- establish the procedures for the admission of students to the Department and the number to be admitted;
- approve research plans submitted by professors and researchers individually or collectively;
- collaborate with State bodies to identify, elaborate and implement research projects and teaching activities aimed at the economic, social and cultural development of the Republic, by maintaining a

presence in the international scientific community, as well as activities to meet training and retraining needs, even if not targeted to the achievement of the qualifications referred to in this law, as well as to the training of new professional profiles and lifelong learning activities.

## **Art. 15**

(Master's degree, bachelor's, specialization and PhD degree courses)

I A Regency Decree shall establish master's degree courses of the University of the Republic of San Marino, as well as bachelor's, specialization and PhD degree courses on the Rector's proposal after consultation with the CUS.

II The Regency Decree shall establish their purposes, operating procedures and subjects.

Deans of master's degree courses and Deans of bachelor's, specialization and PhD degree courses shall be appointed by the course council for a term of three years and may be reappointed.

## **CHAPTER II**

### **SCHOOLS - INSTITUTES - ACADEMIES - FOUNDATIONS**

## **Art. 16**

(Establishment and functions)

The following shall cooperate with the Departments concerned in carrying out teaching activities:

- a) Conventional schools: they establish courses in the territory with a duration of at least four years to achieve a degree. Students with a high school diploma or who have successfully passed supplementary examinations in accordance with the procedures laid down by the Department Council shall be admitted to conventional schools;
- b) PhD and specialisation schools: they establish post-graduate programmes in the territory to achieve a PhD or a specialisation degree;
- c) Institutes: they carry out scientific research activities in a specific field or several related fields in the territory, providing consultancy and technical collaboration to the public and private structures concerned. They arrange further-training and specialisation seminars and courses for training and retraining;
- d) Academies: they promote literary, scientific and artistic studies in the territory in various forms. They may establish schools of higher education providing courses of at least four years and further education and specialisation schools;
- e) Foundations: they promote educational and research activities in the territory in various forms. They may establish schools of higher education providing courses of a different duration as well as conventional schools and PhD and specialisation schools;

Conventional schools, PhD programmes and specialisation schools, institutes, as well as schools and courses established by the academies and foundations referred to in this law, shall be established by Regency Decree, upon the proposal of the Rector, who shall assign one or more competent



Departments to follow their implementation.

The Regency Decree shall establish their purposes and operating procedures.

### **CHAPTER III**

#### **PRIVATE INITIATIVES**

##### **Art. 17**

(Implementation modalities)

To ensure the widest possible exercise of freedom of research, the State shall welcome initiatives of institutions in the territory promoted by private entities, having purposes in line with those defined by this law.

The Congress of State, at the request of the interested parties, who shall specify their initiatives, as well as the characteristics of the staff employed by them, and after having heard the opinion of the CUS, shall issue a special authorisation to create a company on the basis of the legislation in force, the duration of which shall be set out in a special agreement.

Activities shall be carried out under the responsibility of the management bodies envisaged for each initiative.

The authorisation may be revoked at any time if there are justified and objective reasons for non-compliance with the stated aims and programmes based on which the authorisation was granted.

When the activities referred to in this Article are intended for the award of qualifications, the Rector of the University shall assign a competent Department to monitor their implementation and arrange for the final evaluation.

### **TITLE IV**

#### **QUALIFICATIONS**

##### **Art. 18**

(Distance learning)

The degree courses, schools, institutes, academies and Departments referred to in this law may establish distance-learning courses to achieve the degrees referred to in the following articles. They shall also provide for appropriate extensions of the statutory duration of the courses, the modalities of teaching support to students, as well as special modalities for the participation in practice exercises and intensive courses and seminars to be conducted on site.

##### **Art. 19**

(Qualifications)

The academic qualifications to be achieved at the University of the Republic of San Marino shall be the following:

- 1) Bachelor's degree: to be achieved after two or three years after upper secondary school at the

institutions referred to in this law;

2) Master's degree: to be achieved after four-six years after upper secondary school at the institutions referred to in this law;

3) Specialisation: to be achieved after 1-2 years of postgraduate studies, with mainly professional purposes, at the Departments referred to in this law;

4) PhD: to be achieved after at least 3 years of postgraduate studies, with the aim of starting a research professional career, at the Departments referred to in this law.

The qualifications awarded under this law shall have legal value.

## **Art. 20**

(Modalities of achieving qualifications)

Students wishing to achieve the qualifications referred to in the previous article shall:

- have obtained prior approval of the study plan from the Department Council to which the course refers;
- have successfully passed all the practical tests and examinations set out in the study plan and in the manner provided for by the specific courses;
- have successfully passed the final test consisting of:
  - an interview with the course professors;
  - the disputation of a degree thesis on a subject chosen by the student and agreed upon with the professors, in accordance with the procedures laid down by the academic bodies, which represents the examination for the degree or specialisation or PhD.

The Rector shall appoint examination bodies, which shall consist of:

- 6 members for bachelor's degree courses,
- 11 members for master's degree and specialisation courses,
- 6 members for PhDs, belonging to the academic staff referred to in this law.

Each member shall give his/her assessment by awarding between 1 and 10 points. On the opinion of the examination body, honours may be awarded and, with regard to specialisation and PhD examinations only, the degree thesis disputed by students may be published.

The commission appointed for this purpose by the Rector shall assess internal course examinations and score these on a scale up to 60 for bachelor's courses, and up to 110 for masters, specialisation degree, and PhD courses.

The Department Council shall establish by its own decision the amount of course attendance hours required to register for examinations and practical tests.

## **TITLE V**

STAFF

## **Art. 21**

(Professors and researchers)

Professors and researchers of the University of the Republic of San Marino who are qualified to teach shall be employed on a temporary basis by means of a specific work contract stipulated pursuant to this law and signed by the Rector.

For the duration of their assignment, professors and researchers shall comply with all the terms of the contract they have signed, as well as with the laws in force in the Republic.

Failure to fulfil the signed obligations shall entail the immediate revocation of the contract.

Employees of the Public Administration, Autonomous State Corporations and Entities entrusted with teaching, research and laboratory activities at the University of San Marino shall be seconded from their job for the duration of the assignment, by administrative act of the Head of Personnel.

## **Art. 22**

(University Secretariat)

The University shall be served by a secretariat. The staff required and the relative employment relationships shall be determined by the CAU. The secretariat shall perform executive functions under the direct responsibility of the Rector and the administrative secretary.

## **TITLE VI**

### **ASSETS - FINANCIAL MANAGEMENT**

## **Art. 23**

### **ASSETS**

The University's assets shall consist of:

- a) financial contributions from the State;
- b) movable and immovable property acquired in any capacity;
- c) revenues and income from activities and services provided;
- d) revenues from agreements, contributions and donations. The State contribution shall be included in the relevant State budget item under the chapter of the Ministry for Public Education and Culture.

## **Art. 24**

(Financial year)

The financial year of the University shall run from 1 January to 31 December of each year.

The Board of Directors shall decide on the budget by June of each year.

In the budget, revenues and expenditures shall be kept separate according to their source and purpose.

Each type of revenue or expenditure shall correspond to a specific budget chapter.

A reserve fund shall be set aside in the budget to provide for unforeseen needs that may arise after the budget is approved.

In the decision approving the budget, the Board of Directors, by means of an explanatory report, shall state the reasons why increases or decreases in individual items, both revenue and expenditure, have been decided compared to the budget of the previous year.

The budget and the explanatory report shall be transmitted to the Great and General Council by 31 October of each year.

To enable the University to carry out the activities and services necessary to pursue its institutional objectives, the State shall pay its contribution into a special current account in the name of the University.

The Administrative Secretary of the University shall keep:

- the logbook;
- the creditors and debtors' ledger;
- ledgers for each revenue and expenditure item;
- receipt journals of payments.

For the purposes of the procedures relating to the presentation of financial statements, the provisions on the State general accounting system, as set out in Law No. 70 of 9 November 1979, shall apply.

## **Art. 25**

(Balance sheet)

The balance sheet shall be approved by 31 December of each year.

The balance sheet shall contain an exact and clear indication of the economic results of the overall management of the financial year to which it refer.

An explanatory report shall be attached to the balance sheet.

The balance sheet shall be drawn up by separating revenue and expenditure into chapters and items, as indicated in the budget.

The balance sheet and the Auditors' explanatory report shall be forwarded to the Great and General Council for approval.

## **Art. 26**

(Reputation)

It shall be forbidden for the University to acquire goods, funding, advantages or benefits in any form whatsoever that may distort its purposes, diminish its autonomy and ruin its cultural and scientific reputation.

## **Art. 27**

(Revocation of bodies)

If the bodies of the University are found not to meet the purposes set forth in this law, the Minister of Education shall revoke them and assign their functions to a special commissioner.

Bodies shall be reconstituted within a compulsory deadline of 3 months.

## **Art. 28**

(Entry into force)

This Law shall enter into force five days after its legal publication.

The Great and General Council shall appoint the members of the CUS, the Rector and the members of the Board of Auditors within two months following the entry into force of this law.

**Done at Our Residence, on 7 November 1985/1685 since the Foundation of the Republic.**

THE CAPTAINS REGENT Pier Paolo Gasperoni - Ubaldo Biordi THE MINISTER OF

INTERNAL AFFAIRS Alvaro Selva