

Law establishing the University of Trento

Extract from Law no. 590 of 14th August 1982 – Establishment of new universities

(published in the Ordinary supplement of the Italian Official Gazette no. 231 of 23rd August 1982 and subsequently amended)

Important notice: This document in English is a translation of the original law written in Italian and is furnished for information purposes only. In all matters of interpretation, the original Italian version is the sole version to have legal value.

TITLE 1 – UNIVERSITY PLANNING

Article 1

Four-year university development plan and establishment of new universities

[The four-year university development plan, as per Article 2 of the Decree of the President of the Republic no. 382 of 11th July 1980 is approved by the Council of Ministers acting on the proposal of the Minister of Education and taking into account the views of the relevant permanent Committees of the Senate and the Chamber of Deputies of the Republic of Italy.

The establishment of new state universities and new faculties and degree courses at locations differing from existing state universities can only be accomplished by law. To this end the Minister of Education, taking into account the opinion of the National University Committee and the regions concerned, presents the draft law for establishing universities before Parliament as a rule at least eight months before the beginning of the four-year period in which the new universities are due to become operative.

The proposals to establish new universities shall be directed at assuring a balanced development of universities, thus priority is given to establishing universities in areas in Italy where they are lacking or where overcrowded universities need dividing up. As a rule no university can have more than 40,000 students.

The establishment of new faculties or degree courses at state or private universities which are authorised to issue legally valid academic qualifications is proposed by the university concerned and is carried out by administrative procedure in compliance with the four-year plan as per the first paragraph.

The authorisation of private universities to issue legally valid academic qualifications can only be accomplished by law. This authorisation carries the obligation for private universities to adapt their internal regulations to the principles that govern state university regulations.

In the framework of the first four-year development plan as per the first paragraph, priority will be given to the need to better organise the geographical location of universities in the regions of Piedmont, Campania, Emilia Romagna and Puglia] (1).

(1) Article abrogated by Article 4 of the Decree of the President of the Republic no. 25 of 27th January 1998.

Article 2

Technical and Administrative Committee and Regulatory Committees

[In the new universities established as per the preceding article, pending the establishment of the Board of Governors, its duties are the responsibility of a technical and administrative Committee comprising:

- a) a full professor designated from among the members of each of the regulatory committees established at the university;
- b) a representative of the Region;
- c) a representative of the Municipality in which the University is located;
- d) a representative of the Ministry of Education;
- e) a representative of the National Research Committee;
- f) the Superintendent for public works of the Region;
- g) the Superintendent of the revenue office of the Province in which the University is located.

The Technical and Administrative Committee elects its President selected from among the professors as per letter a) of the preceding paragraph.

The President also carries out the role of Rector until the election of the latter, which must come about within the first two months of the second year of the working life of the new university.

The Technical and Administrative Committee expires with the election of the Board of Governors, which must be established by the same deadline as for the election of the Rector.

In the event of the establishment of a new faculty as per Article 1 above, the duties that the legal and regulatory provisions devolve to the Faculty Council are carried out by a special Regulatory Committee,

comprising two full professors who can be tenured or *fuori ruolo* (tenured but temporarily working elsewhere) for the subjects specified in the relative Faculty Regulations, or in the same subjects or similar subjects at other faculties indicated by the National University Committee; these two professors are elected by the full professors of the corresponding subjects at state universities or legally recognised universities and by a member designated by the Minister of Education.

Full and extraordinary professors who, in accordance with the provisions in force, start work for the said faculty are attached to the said committee. Associate professors, as they are appointed, shall also be attached to the Regulatory Committee, taking into account that certain roles are due to full and extraordinary professors only. This Committee ceases to function when at least three extraordinary or full professors are assigned to the faculty.

In any event this Committee cannot exist for longer than two years and if, when the two years are over, at least three extraordinary or full professors have not been assigned to the faculty then a new committee shall be established following the same procedure as indicated in the fifth paragraph above.

In the faculties in which a Faculty Council has been established, if the number of extraordinary and full professors falls below three, then in order to make up the number elections shall be held to elect as many extraordinary and full professors as are necessary to reach this number, for the sole purpose of enabling the duties reserved to extraordinary and full professors to be carried out. The election is held among the extraordinary and full professors, who can be tenured or *fuori ruolo*, who teach the subjects specified in the teaching regulations of the relevant faculties; at this election participate full professors and extraordinary professors, who can be tenured or *fuori ruolo*, of all the corresponding faculties of state universities or universities authorised to issue legally valid academic qualifications] (2).

(2) Article abrogated by Article 4 of the Decree of the President of the Republic no. 25 of 27th January 1998.

Article 3

Regional Coordination Committees

[In the regions where there is more than one university a committee is established, comprising the Rectors of each university and the deans of the relative faculties, with the task of coordinating the work of the university in the field of the right to study and of the use and development of university facilities in the region] (3).

(3) Article abrogated by Article 4 of the Decree of the President of the Republic no. 25 of 27th January 1998.

Article 4

Extension of the deadlines as per Article 122 of the Decree of the President of the Republic no. 382 of 11th July 1980

The deadline for the presentation of the draft law for private universities as per the first paragraph of Article 122 of the Decree of the President of the Republic no. 382 of 11th July 1980 is extended until 31st October 1983.

Additional funding for private universities in justification of the greater burden borne for staffing as a result of the application of the Decree of the President of the Republic no. 382 of 11th July 1980 is permitted in accordance with the procedures specified in Article 122 of the same Decree no. 382 up until the 1985-1986 academic year.

The funding of the financial burden deriving from the preceding paragraph is covered by the allocation as per chapter 4101 of the expenditure forecast of the Ministry of Education.

(Omissis)

TITLE III – THE STATE UNIVERSITY OF TRENTO

Article 40

Establishment

As from the 1982-1983 academic year the University of Trento is established (4).

It is included among those universities specified in Article 1 (1) of the Consolidated Act of the laws regarding higher education approved by Royal Decree no. 1592 of 31st August 1933 and subsequent amendments.

In order to satisfy the special situation of autonomy in the Autonomous Province of Trento, the University of Trento is provided with a special Charter of Autonomy proposed by the Board of Governors of the University, whose number is integrated for this purpose by five representatives elected from among the tenured professors and by one member of the non-academic staff. The proposal is put forward after the faculties and the Academic Senate have been consulted and is approved following the procedures specified for the charters of the remaining state universities and after consultation with the Autonomous Province of Trento, which is obliged to give an opinion within thirty days of the request being made. The representative of the students at the Board of Governors is entitled to vote for the purposes as per this paragraph.

Modifications concerning the establishment of new faculties or degree courses or the closure or the modification of existing ones are approved following the same procedure.

Starting at the same time as specified in the first paragraph, the *libero Istituto superiore di scienze sociali di Trento* (Free Higher Education Institute for the Social Sciences of Trento), authorised by Law no. 432 of 8th June 1966 and later becoming the *libera Università degli Studi di Trento* (Free University of Trento) by Decree of the President of the Republic no. 974 of 31st October 1972, is closed, in accordance with the decision of its Board of Governors on 25th March 1975.

(4) By Decree of the President of the Republic no. 487 of 26th April 1984 (Ordinary Supplement of the Italian Official Gazette no. 230 of 22nd August 1984) and, finally, by Rector's Decree of 30th April 2004 (Official Gazette no. 111 of 13th May 2004) and by Rector's Decree of 14th July 2008 (Official Gazette no. 198 of 25th August 2008) the Charter of the State University of Trento has been approved.

Article 41 Charter

For the purposes indicated in the preceding article and in order to make possible the continuity and development of current activities at the Free University, the Charter of the University of Trento must:

- a) maintain as governing bodies of the University the academic authorities established by the Charter of the Free University as it stands following the last modification made by Decree of the President of the Republic no. 1042 of 21st October 1981, in any event ensuring that the Board of Governors, the Academic Senate and the Faculty Councils have the powers due to them according to the laws in force for all the remaining state universities;
- b) include the different powers of the Rector, who in any event is due all the powers specified by the university regulations, except that of convening and presiding over the Board of Governors, and of the President of the Board of Governors, elected by the Board from among the members who are not employees of the University, whether teaching staff or non-academic staff;
- c) specify the composition of the collegiate bodies; in any event the Board of Governors must comprise the following people: representatives of the Autonomous Province of Trento, of the Trentino Institute for Culture and/or any other cultural institutions, two representatives of the Government as per Article 10 of the Consolidated Act of the laws regarding higher education, approved by Royal Decree no. 1592 on 31st August 1933, one member designated by the Autonomous Region of Trentino-South Tyrol, and representatives of the trade unions and employers' associations. However, the non-academic members must be not higher in number overall than the academic members;
- d) specify the norms required to develop forms of collaboration with other universities, higher education institutes and research bodies, particularly in Europe, including the exchange of professors and researchers, and define the incentives as well as the organisation of courses by professors who are invited to give lectures or by professors who are welcomed as visiting professors in accordance with the provisions in force;
- e) provide opportunities for specialisation, professional training and life-long learning;
- f) specify the residential character of the University in that staff should be resident in the Province of Trento; the norms required to annually establish the planned number of new students in relation to the availability of buildings, teaching facilities on site and the demand for graduates.

Article 42 Faculties and Degree Courses

Taking into account the provisions of Article 1, the University of Trento comprises the following faculties and their degree courses:

- a) Sociology, with the degree course in Sociology;
- b) Mathematics, Physics and Natural Sciences, with the degree courses in Mathematics, Physics and Biological Sciences;
- c) Engineering, with the degree courses in Civil Engineering, Forestry Engineering and Materials Engineering;
- d) Economics, with the degree courses in Political Economy, Economics and Business and the Diploma in Statistics;
- e) Humanities, with the degree courses in Literature and in Modern Foreign Languages and Literature;
- f) Law, with the degree course in Law.

Starting from the academic year in which the Faculty of Engineering opens, the two-year introductory courses to Engineering, held at the Faculty of Mathematics, Physics and Natural Sciences, as per Decree of the President of the Republic no. 974 of 31st October 1972, cease to be held at the Faculty of Mathematics, Physics and Natural Sciences and become normal courses at the Faculty of Engineering.

The three-year courses will be gradually established, starting from the year in which the Faculty of Engineering opens.

Tenured professors and researchers teaching on the two-year introductory courses to Engineering are transferred to the Faculty of Engineering.

The start date for the degree courses in the faculties which, as this law comes into force, have not yet been established by the Free University on the basis of its own Charter will be progressively established by decree of the Minister of Education, acting on the proposal of the Board of Governors of the University of Trento.

In the following academic years the next years of the degree courses shall be progressively activated.

Following the same procedure new degree courses in the existing faculties shall be activated.

The degrees in Forestry Engineering and Materials Engineering are included in the list of degrees and diplomas as per Table 1 in the Annex to Royal Decree no. 1652 of 30th September 1938 and subsequent amendments and integrations.

Table 2 in the Annex to said Royal Decree no. 1652 of 30th September 1938 is integrated in the sense that the Faculty of Engineering issues degrees in Forestry Engineering and Materials Engineering as well.

The degree in Forestry Engineering and the degree in Materials Engineering qualify students to sit the State Examination to become an engineer.

Article 43 Internal Assets Regulation

The movable and immovable assets of the Free University of Trento are devolved to the State University.

Within six months of the coming into force of this law an inventory of the assets of the new University shall be drawn up.

All legal relationships of the Free University are transferred to the state University.

The free use by the Free University of the immovable assets belonging to the Autonomous Province of Trento can be maintained in favour of the state University, subject to the drawing up of an agreement in which the reciprocal rights and duties are determined.

The approval of the internal regulation, as specified by Article 44 of the Consolidated Act of the laws regarding higher education, approved by Royal Decree no. 1592 on 31st August 1933, is delegated, as per Article 16 (3) of the Collected Laws regarding the special statute for Trentino-South Tyrol, approved by Decree of the President of the Republic no. 670 of 31st August 1972, to the Autonomous Province of Trento which carries out the said approval in observance of the terms and conditions established for the powers of the Executive Body of the Provincial Government as per Article 54 (5) of the said Consolidated Act (5).

(5) Paragraph modified by the sole article of Law no. 194 of 10th May 1983 (Official Gazette no. 136 of 19th May 1983).

Article 44 Funding

In order to fund the running costs a sum of money to be registered under the appropriate chapter of the State budget is devolved each year to the University of Trento.

The allocation shall be established each year between the Government, the President of the Executive Body of the Provincial Government, the President of the Board of Governors and the Rector of the University in line with the determination of the funding due to the Autonomous Province of Trento as per Article 78 of the Collected Laws regarding the special statute for Trentino-South Tyrol, approved by Decree of the President of the Republic no. 670 of 31st August 1972. In determining the allocation, the general expenditure borne by the state for the funding of the other state universities shall be taken into account on the basis of the parameters of population and geographical location and in relation to the number of faculties and degree courses (6).

The Treasury Minister is authorised to provide funds by his or her own decree if it is necessary to integrate the allocation as per the first paragraph of this article, in relation to the sum determined as per the preceding paragraph.

Should the allocation as per the second paragraph of this article not be determined before the relevant financial year, the funding as per the preceding paragraph shall be paid at 90% of the previous year's allocation.

Accounting checks are carried out by a Board of Auditors appointed by a decree of the Minister of Education and comprising three members, one of which is designated by the Treasury Minister and becomes the President, while the other two are designated by the Minister of Education and the Autonomous Province of Trento.

(6) Paragraph modified by the sole article of Law no. 194 of 10th May 1983 (Official Gazette no. 136 of 19th May 1983) and by Article 17 (129) of law no. 127 of 15th May 1997.

Article 45 Teaching staff and non-academic staff

When this law is first applied, the posts of extraordinary and full professor for each faculty, and the posts for permanent non-academic staff are assigned to the University of Trento as per the attached tables Q and R. The posts for extraordinary and full professors are taken from staffing levels established as per Article 3 (1) of the Decree of the President of the Republic no. 382 of 11th July 1980.

The number of posts for associate professors and researchers shall correspond to any classifications as per the Decree of the President of the Republic no. 382 of 11th July 1980, plus a number of posts to be taken from the quota which the above-mentioned Decree of the President of the Republic assigns to free selection procedures decided in compliance with the objectives identified overall for each type of faculty as well as with the particular requirements arising from the establishment of the new Universities.

The Board of Governors is responsible, on the basis of the requests of the Faculty Councils or the Regulatory Committees and having consulted the Academic Senate, for sharing out among the faculties posts which shall be assigned in the future to the University of Trento. The Board of Governors is also responsible for the requests from the faculties for the establishment of new posts, subject to the prior opinion of the Academic Senate, passing these requests to the Ministry of Education with its observations.

National teaching staff levels are increased to the numbers given in the attached table R.

By his or her own decree the Minister of Education shall determine the number of posts, in agreement with the Treasury Minister, taking into account the increases specified in the previous paragraph.

Article 46 **Classification**

Tenured university professors, assistants and researchers, as per the Decree of the President of the Republic no. 382 of 11th July 1980, working at the Free University of Trento are classified according to the corresponding state grades while remaining assigned to the subject or group of subjects that they teach and to the faculties where they work.

Permanent non-academic staff, working at the Free University of Trento on 1st November 1981 or employed following a public selection procedure advertised by 28th February 1982, are classified, upon an application to be made within two months of this law coming into force or from the date of employment and even if there is a surplus, in the corresponding roles as permanent staff in state universities while maintaining, at a personal level and reviewable with future economic and career progressions, the higher level of pay if applicable.

The classifications as per the preceding paragraph correspond in terms of qualifications and pay to the post currently held, in compliance with the Decree of the President of the Council of Ministers of 24th September 1981, which defines the levels of qualifications and the professional profile of non-academic university staff. For permanent staff classified as per this article, the previous period of employment at the Higher Education Institute for the Social Sciences, which then became the Free University of Trento, is recognised for the purposes of legal and economic career progression, pension and social security contributions, and severance pay following the legal provisions in force.

Article 47 **University buildings**

All building work for the University of Trento is carried out with respect for the general norms on the planning and funding of university buildings established by national law.

The annual state funds for the building work as per the preceding paragraph are assigned, after the approval of the State budget and in relation to the state funding planned for university building work, to the Autonomous Province of Trento.

The Autonomous Province of Trento pays out the funds in accordance, where compatible, with state procedures for paying out funds for university building work, if necessary also making funds available from its own accounts in advance or to make up expenditure.

Pursuant to Article 17 of the Collected Laws concerning the special statute for Trentino-South Tyrol, approved by Decree of the President of the Republic no. 670 of 31st August 1972, the Autonomous Province of Trento is given the authority to enact legislation in the field of university building work, including the choice of area and the purchase, including compulsory purchase, of any property required.

Following the enactment of the said norms, the Province shall be responsible for the relevant administration work.

Article 48 **International scientific collaboration**

For the purposes of the provisions of letter d) of the preceding Article 41, the University of Trento works with the universities and higher education institutes of other countries for the requirements of scientific research and teaching, keeping, within the member states, to the directives of the European Economic Community

and to the relevant implementative provisions and, outside the member states, to international cultural agreements in force of which the Republic of Italy is a part.

The University of Trento encourages students to attend courses at other universities and higher education institutes in other countries, recognising the validity of the courses followed or of part of the degree course programmes offered at the said universities and higher education institutes.

Article 49 Agreements

The agreements drawn up by the Free University of Trento before the coming into force of this law and which have not expired are considered to be transferred to the University established by this law and shall be adjusted to suit the new situation of the University within one year of the coming into force of this law.

Agreements for which the norms on university regulations in force require approval by a decree of the President of the Republic or by ministerial decree are approved by the Autonomous Province of Trento, by proxy, as per Article 16 (3) of the Collected Laws concerning the special statute for Trentino-South Tyrol, approved by Decree of the President of the Republic no. 670 of 31st August 1972. If drawn up with the Province, the agreements are efficacious from the date in which the provision of the Province becomes executive.

Article 50 Extension of the mandate of the Board of Governors

Until the new Charter of the University of Trento is approved in compliance with the provisions of this law, the duration of the mandate of the Board of Governors and of the other academic authorities incumbent on the date of the coming into force of this law is extended.

These authorities work in compliance with the provisions of this law as well as with the Charter of the Free University of Trento, approved by Decree of the President of the Republic no. 974 of 31st October 1972 and following amendments, where compatible.

If, 18 months after the coming into force of this law, the University has not given the Minister of Education the text of the new Charter as approved by the academic authorities in accordance with their relative powers, the Board of Governors shall be dissolved by decree of the President of the Republic, acting on the proposal of the Minister of Education, and the temporary administration of the University shall be given to a Government Commissioner, appointed by the same decree, with the task of drawing up the Charter and organising all the other deeds required for the implementation of the provisions of this law, including the establishment of the new Board of Governors.

TITLE IV – COMMON, FINANCIAL AND FINAL REGULATIONS

Article 51 Faculty Councils and Regulatory Committees

In the universities as per Titles II and III, if the number of tenured professors both extraordinary and full in each Faculty Council, including transfers organised as per the preceding articles, falls below three, then in order to make up the number elections shall be held to elect as many extraordinary and full professors as are necessary to reach this number, for the sole purpose of enabling the duties reserved to extraordinary and full professors to be carried out. The election is held among the extraordinary and full professors, who can be tenured or *fuori ruolo*, who teach the subjects specified in the teaching regulations of the relevant faculties; at this election participate full professors and extraordinary professors, who can be tenured or *fuori ruolo*, of all the corresponding faculties of state universities or universities authorised to issue legally valid academic qualifications.

For the hypothesis specified in the preceding paragraph the new elections for the faculty bodies are held as soon as at least three tenured full or extraordinary professors are part of the faculty itself.

In the event that the Faculty Council is not established as per the preceding paragraphs, a Regulatory Committee shall be appointed according to the norms and procedures as per Article 2 of this law.

Decrees of the Minister of Education shall declare the norms for the elections, which shall be called within 60 days of the establishment of the University as per the first paragraph, and professors shall be appointed to integrate the Faculty Councils or to comprise the Regulatory Committees.

For any replacement of elected members, the first professors among the non-elected professors shall be appointed.

Professors as per the preceding first paragraph, in other words the members of the Regulatory Committees, cease their role when at least three tenured extraordinary or full professors are appointed to the faculty. In any event they cannot remain in their post for more than two years and may not be confirmed.

If, when the two years have passed, three tenured extraordinary or full professors have not been assigned to the faculties, the Minister of Education shall call elections for other professors or for a new committee.

According to the laws in force, until the Deans of the Faculties are elected, the Presidents of the Regulatory Committees shall carry out the role of Dean. In collegiate meetings they are responsible for the coordination of the decisions and the proposals concerning the university's organisation of teaching and the university's gradual coming into existence.

The Degree Course Councils, where established, remain incumbent for the roles assigned to them by the legal provisions in force.

Article 52

Lecturers, contract professors and research fellows

Lecturers who hold a teaching post for a course already in existence at a faculty of the University or higher education institute as per the preceding Titles II and III have the right to keep the teaching post for the corresponding course at the same faculty in the new state University, as per Article 113 (1) and (2) of the Decree of the President of the Republic no. 382 of 11th July 1980.

All those who are in the position as per Article 58 (1) and (2) of the Decree of the President of the Republic no. 382 of 11th July 1980 and who are working on 31st October 1982 at the Universities or higher education institute as per the preceding Titles II and III continue the same work at the corresponding state University.

Article 52-bis

Classification of managerial personnel

Permanent non-academic staff working at the universities and higher education institute as per Articles 5 and 40 on 1st November 1981 and holding managerial qualifications are classified for legal and economic purposes from 1st November 1982 in the corresponding managerial grades for permanent staff at state universities as per the Decree of the President of the Republic no. 748 of 30th June 1972, while maintaining at a personal level and reviewable with future economic and career progressions, the higher level of pay if applicable at the date of classification.

For permanent staff classified as per the preceding paragraph, the previous period of employment at the universities and higher education institute as per Articles 5 and 40 is recognised for the purposes of legal and economic career progression, pension and social security contributions, and severance pay following the legal provisions in force (7).

(7) Article added by the sole article of Law no. 194 of 10th May 1983 (Official Gazette no. 136 of 19th May 1983).

Article 53

Transitory norm regarding classifications

Researchers who, before the date of the coming into force of this law, have successfully completed selection procedures held at the universities or higher education institute as per Article 5 (3), Article 13 (2), Article 18 (2), Article 32 (2) and Article 40 (last paragraph) are classified in the positions in the corresponding state universities established according to this law (9).

Upon application, tenured professors are also classified in the above mentioned positions in the corresponding universities if they were offered the post at a faculty of the universities or higher education institute as per Article 5 (3), Article 13 (2), Article 18 (2), Article 32 (2) and Article 40 (last paragraph) before the coming into force of this law (10).

(9) Paragraph modified by the sole article of Law no. 194 of 10th May 1983 (Official Gazette no. 136 of 19th May 1983).

(10) Paragraph modified by the sole article of Law no. 194 of 10th May 1983 (Official Gazette no. 136 of 19th May 1983).

Article 54

Transitory two-year plan

The state universities in this law are considered established as part of the first transitory two-year plan as per Article 2, last paragraph of law no. 382 of the Decree of the President of the Republic of 11th July 1980.

Article 55

Faculties with agreements

State university faculties which operate in whole or in part following an agreement approved by law or by decree of the President of the Republic are state faculties to all intents and purposes and are considered continuous irrespective of the state of these agreements.

As from the date of the coming into force of this law, the establishment at state universities of new faculties which have agreements in whole or in part is not permitted.

(Omissis)

Article 57

Financial cover

Costs arising from the application of this law, estimated for the two-month period of November-December 1982 at 13 thousand million Lire overall, are to be covered by the funding allocated as per chapter 6856 of the expenditure forecast of the Treasury Ministry for the 1982 financial year, expressly under the heading "Establishment of new state universities".

The Treasury Minister is authorised to make any necessary changes to the budget by decree.

Article 58

Reference to law

For anything not specified in this law the norms in force for university regulations are applied.

The tables are omitted.