

Navigating the Evolving Landscape of Higher Education: A Critical Examination of Governance and Policy

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Abstract

The contemporary university has evolved into a multifaceted institution, serving not only as a hub for research, professional training, and knowledge dissemination, but also as a pivotal component of economic machinery and societal advancement, especially within the context of globalization and intense competition. These institutions are now expected to significantly contribute to the socio-economic development of their surroundings, striving for excellence and competing within an increasingly interconnected global framework. To meet these heightened expectations, universities have undergone profound transformations over recent decades. This period of change is particularly notable within the Spanish context, mirroring the broader societal shifts since the onset of the democratic transition in 1975 through to the present day in 2024. This era has necessitated substantial reforms in university governance, equipping these institutions with the requisite tools to navigate and address emerging challenges effectively. A pivotal moment in this transformative journey was the enactment of the University Reform Law of 1983. Grounded in constitutional principles, this law marked a significant milestone in updating and revitalizing university education in Spain. After this, the Organic Law on Universities of 2001 further aligned the Spanish university framework with the broader European educational landscape, reinforcing the integration and competitiveness of Spanish institutions on a continental scale. However, to comprehensively grasp the magnitude and implications of these changes, it is essential to extend our analysis beyond the immediate past and explore the historical trajectory of Spanish universities over previous centuries. By examining this extensive historical context, we can better understand the foundational elements that have shaped the current state of higher education. This article aims to meticulously analyze the evolution of the Spanish university system, delineating the chronological progress, identifying persistent challenges, and engaging in a critical discourse on potential solutions. Through this examination, the article seeks to provide a nuanced understanding of the interplay between historical legacies and contemporary reforms, offering insights that are essential for shaping the future trajectory of higher education in Spain.

Keywords: university senate, governing council, social council, faculty, governance policies, socioeconomic development.

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1. Legislative arrangements in the Spanish education system over the last 170 years

1.1. Historical Context and Early Developments

University governance is a dynamic and continuously evolving concept, adapting to varying landscapes, perspectives, and political regimes. In 2024, the principles of governance and new public management are central to the European agenda, aiming to modernize universities and make them more responsive to the socio-economic demands of the knowledge society (Kehm & Barbara, 2012). To comprehend the current state of university governance, it is imperative to delve into its historical evolution, address contemporary challenges, and propose innovative governance models that surmount past obstacles. The first legislative framework affecting Spanish universities was the Law of Public Instruction of 1857, commonly known as the Moyano Law (Moyano, 1857), named after its proponent Claudio Moyano. This law formalized the educational structures of the early 19th century and provided a robust, state-centric framework that governed Spanish universities until the University Reform Law of 1983 (URL, 1983). The Moyano Law entrenched centralization and state control over universities, aiming to combat the high illiteracy rates of the time, which stood at 75%.

The Moyano Law was a consolidation of earlier educational plans and regulations, including the Regulation of Public Instruction of 1821, the Plan of the Duke of Ribas of 1836, and the Pidal Plan of 1845 (Berengueras et al., 2015). This law marked a significant step in structuring the Spanish education system, emphasizing a centralized approach that placed universities under stringent state control. The law's objectives were multifaceted, aiming to standardize education, reduce illiteracy, and create a cohesive national education system. During the 19th century, despite attempts at liberal reforms, the conservative university cloisters resisted significant changes. The governance model imposed by the Moyano law and earlier regulations reflected the societal structure of the time, which was characterized by rigid class divisions and centralized authority. The law entrusted the implementation of university governance to traditional academic bodies that were often resistant to innovation and liberal ideas. This conservative resistance stifled the innovative spirit of the period's liberals and maintained a status quo that prioritized state control and religious influence over academic freedom and modernization. It was not until the 20th century that the necessity for a more diversified and research-oriented university system became undeniable. The early 20th century was marked by growing recognition of the need for universities to adapt to modern societal and economic demands. This period saw increased calls for reforms to create a university system that was less

uniform and more responsive to the needs of a rapidly changing society. The demands for a multifaceted university system were reflected in public demonstrations and political agitation during the late 19th and early 20th centuries, signalling a growing discontent with the existing governance structures.

The establishment of the Board for the Expansion of Scientific Studies and Research (Junta para la Ampliación de Estudios e Investigaciones Científicas, JAEIC) in 1907, led by Santiago Ramón y Cajal, marked a significant stride towards promoting scientific research and education. The JAEIC was equivalent to today's Spanish National Research Council (Consejo Superior de Investigaciones Científicas, CSIC). The JAEIC was an initiative aimed at fostering scientific advancement and higher education in Spain. Its creation was driven by the recognition that Spain needed to break free from its scientific and cultural isolation and integrate with the broader European intellectual community. The JAEIC sought to create an environment conducive to scientific inquiry and educational excellence, promoting research and supporting scholars in their academic pursuits. JAEIC was the fruit and continuation of the values of the "Free Institution of Education", a private, secular educational institution (1876-1939), which fought to be independent of the Church and the State at a time in history strongly dominated by Catholic morality, and whose aim was to put an end to the scientific and cultural isolation in which Spain was immersed. Despite its promising start and the notable achievements under Cajal's leadership, the JAEIC was dismantled in 1939, following the Spanish Civil War.

The Spanish Civil War and Franco's regime profoundly impacted university governance, leading to the Law of Organization of the Spanish University of 1943 (BOE, 1943), which emphasized a unified, imperial, and Catholic university model. This law represented a return to a highly centralized and ideologically driven model of university governance, reflecting the authoritarian and conservative values of Franco's regime. The law enforced strict state control over universities, aligning academic curricula and institutional governance with the regime's nationalistic and religious ideologies. The focus was on creating a homogeneous university system that adhered to the principles of Franco's Spain, with little room for academic autonomy or dissent.

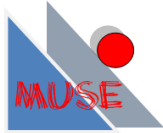
Subsequent laws in 1965 and 1970 further entrenched state control and religious influence. The 1965 Law on the Structure of University Faculties and their Teaching Staff and the 1970 General Education Law (GEL, 1970) (Ley General de Educación y Financiamiento de la Reforma Educativa,

LGE) reinforced the centralization and ideological alignment of universities with the regime's values. These laws perpetuated the model of a highly controlled and uniform university system, limiting academic freedom and maintaining a strong state and religious influence over educational institutions.

1.2. Democratic Transition and Modern Reforms

The democratic transition in the late 20th century saw significant reforms with the University Reform Law (URL, 1983) (Ley de Reforma Universitaria, LRU) of 1983, which decentralized university governance, promoted autonomy, and democratized decision-making processes. This law aligned the Spanish university system with the 1978 Constitution, distributing educational competences among the State, Autonomous Communities, and universities themselves. The URL marked a transformative period in Spanish higher education, laying the foundation for a modern, autonomous, and democratic university system. It introduced structural changes that aimed to decentralize governance, enhance academic freedom, and promote participation from various university stakeholders, including faculty, students, and administrative staff. Spain's entry into the European Economic Community in 1986 and the subsequent creation of the European Union in 1993 necessitated further alignment with European standards. The integration into the European framework brought new challenges and opportunities for the Spanish university system, emphasizing the need for harmonization with European educational policies and practices. This integration facilitated the exchange of ideas, students, and academic staff, fostering a more interconnected and competitive European Higher Education Area (EHEA).

The Organic Law on Universities (OLU, 2001) (Ley Orgánica de Universidades, LOU) of 2001 and its 2007 amendment (OLR, 2007) facilitated Spain's integration into the EHEA. This is because the OLR (2007) culminated the adaptation of Spanish higher education to the Bologna Process, which was a convergence process to facilitate the exchange of European graduates and adapt the content of university studies to the demands of the market (Gornitzka, 2010; Martín-Alonso & Pañagua, 2022). It was the basis for the creation of the EHEA (Rubio et al., 2023). Furthermore, the system of access to university teaching staff was improved. This emphasized the quality assurance and institutional accountability through the establishment of the National Agency for Quality Assessment and Accreditation (ANECA).



The OLU aimed to enhance the quality and excellence of university education in Spain by introducing mechanisms for independent evaluation and accreditation. ANECA was tasked with evaluating university programs, services, and faculty performance, ensuring that Spanish universities met high standards of academic quality and accountability. The OLU also promoted greater autonomy for universities, allowing them to develop their governance structures and educational programs in line with European standards. The 2001 reform introduced significant changes in university governance, including the election of rectors through direct weighted universal suffrage. This reform aimed to democratize the selection process for university leadership, giving a voice to the entire university community, including teaching staff, students, and administrative personnel. However, the 2007 reform modified this process, reintroducing the option for universities to elect rectors indirectly through the University Senate, allowing institutions to choose the method that best suited their governance needs. The latest legislative development, the Organic Law of the University System (OLUS, 2023) (Ley Orgánica del Sistema Universitario, LOSU) of 2023, introduces a novel governance model aimed at enhancing democratic participation, equality, and interaction with the business sector. This law equips the Spanish university system with the tools to navigate the socio-economic challenges of the 21st century effectively. The OLUS aims to create a more inclusive and responsive university governance structure, reflecting the diverse interests and perspectives of the university community. It promotes greater interaction between universities and external stakeholders, including businesses and industry, to ensure that academic programs are aligned with societal and economic needs. The OLUS also emphasizes the importance of equality and equity within the university system, implementing measures to promote diversity and inclusion in governance and academic activities. It seeks to create an environment where all members of the university community, regardless of their background or status, have equal opportunities to participate and contribute to the institution's development.

This article provides a comprehensive analysis of the trajectory of Spanish university governance over the past 170 years, highlighting significant milestones, persistent challenges, and future prospects. By examining the historical context and legislative developments that have shaped the Spanish university system, this study aims to offer insights into the evolution of university governance and the ongoing efforts to create a more autonomous, democratic, and responsive higher education system. The analysis underscores the importance of continuous reform and adaptation in

university governance to meet the evolving needs of society and the economy in an increasingly globalized world.

2. The governance of the University in the Moyano Law of 1857

One of the distinctive features of the Moyano Law of 1857 was its pronounced centralist conception of the education system, particularly regarding universities, reflecting the historical context in which it was enacted (Montero-Alcaide, 2005). At that time, the absence of a dedicated Ministry of Education meant that the Minister of Public Works was the highest central authority in education, while Rectors served as the highest local authorities. The law's Article 1, point 10, clearly states: "The highest head of public instruction in all branches, within the civil order, is the Minister of Public Works. Its central administration is the responsibility of the General Management of Public Instruction, and its local administration is entrusted to the Rectors of the universities, heads of their respective university districts." This centralization underscored the era's emphasis on uniformity and state control over educational institutions.

Spain's university system was organized into ten institutions: one central university in Madrid and nine district universities in Barcelona, Granada, Oviedo, Salamanca, Santiago, Seville, Valencia, Valladolid, and Zaragoza. Each district was overseen by a Rector, an appointment made by the King, illustrating the significant influence of the monarchy in educational governance. The qualifications for a Rector were stringent, requiring candidates to be high-ranking officials such as Ministers, General Managers of Public Instruction, Councillors, Royal Councillors, Supreme Court Magistrates, Regents of Territorial Courts, Presidents of Chambers, or professors with at least ten years of seniority. The Rector held comprehensive authority over all public instruction establishments within their district, ensuring that the educational policies and directives issued by the central government were implemented locally. Under the Rector's administration, a General Secretary, appointed by the government, assisted in the district's governance. Additionally, each provincial capital had a Board of Public Instruction, while each municipal district had a Board of Primary Education, indicating a hierarchical and systematic approach to educational governance.

University Councils in district capitals provided advisory support to Rectors on significant matters. These councils comprised the Rector, who served as the President, Deans of Faculties,

Directors of Higher Schools, and Directors of Professional Schools and Institutes, with the District Secretary acting as the Council Secretary. This multi-level and structured governance fostered a collaborative model within the universities, integrating various educational leaders in decision-making processes (Garcia-Juanatey et al., 2024).

Each faculty within the university system, including Pharmacy, Medicine, Theology, Law (encompassing law, canons, and administration), Sciences (covering exact, physical, and natural sciences), and Philosophy and Letters (language, literature, history, and philosophy), was led by a Head appointed by the government from among the faculty's professors, based on seniority and the Rector's recommendation. This ensured that leadership roles were occupied by experienced and respected academicians, maintaining academic integrity and continuity. Furthermore, each College, Professional School, or Institute was overseen by a Head, also appointed by the government, typically from among the establishment's professors. Deans and Heads governed their respective faculties or establishments under the Rector's directives, ensuring a cohesive and centrally aligned administration.

The administrative structure also included secretaries for Faculties, Institutes, and Professional Schools, appointed by the Rector based on the Dean or Head's proposal. These secretaries, drawn from the professoriate, played a crucial role in the administrative functions and record-keeping of their respective entities. In addition to these administrative bodies, each university featured a Senate, comprising ordinary and extraordinary members. The ordinary Senate consisted of the university's professors, while the extraordinary Senate included directors and professors from all public educational establishments in the town and resident doctors. The extraordinary Senate convened only for public and solemn occasions, reflecting its ceremonial significance. The Rector presided over both the ordinary and extraordinary Senates, as well as the regular and special assemblies of the professors.

The Board of Professors for each Faculty, College, Professional School, and Institute included all the professors from these establishments, with the Deans and Directors presiding over these boards. Regulations stipulated the circumstances and procedures for convening Senates and Boards of Professors, as well as the matters to be addressed, ensuring a structured and formal approach to academic governance (see Moyano Law, 1857).

In summary, the Moyano Law established a highly centralized and hierarchical governance model for the Spanish university system, reflecting the socio-political dynamics of mid-19th century Spain. The law's provisions underscored the importance of centralized control and uniformity in educational administration, while also creating structured and collaborative governance mechanisms at the local level. This governance framework aimed to ensure that educational institutions adhered to the state's directives and maintained academic standards, laying the foundation for the future development of Spain's higher education system.

3. The new university legislation in 1943

Under Franco's regime in 1939, the governance system of Spanish universities not only maintained the centralist principles established by the Moyano Law of 1857 but also intensified them significantly. The 1943 University Law reinforced the centralized control over higher education, a reflection of the authoritarian nature of Franco's dictatorship. This law formalized the existence of twelve universities in Spain, an increase of two since the mid-19th century. The universities were located in Barcelona, Granada, La Laguna, Madrid, Murcia, Oviedo, Salamanca, Santiago de Compostela, Seville, Valencia, Valladolid, and Zaragoza. The faculties within these universities were defined as follows: a) Faculty of Philosophy and Humanities, b) Faculty of Science, c) Faculty of Law, d) Faculty of Medicine, e) Faculty of Pharmacy, f) Faculty of Political and Economic Sciences, and g) Faculty of Veterinary Medicine.

The law entrenched a highly centralized university structure. Notably, until 1954, doctoral degrees could only be awarded in Madrid, underscoring the concentration of academic authority. Governance was heavily centralized in the office of the Rector, who was the highest authority within each university. Rectors were appointed directly by the government, ensuring loyalty to the regime. Candidates for the position of Rector had to be full university professors and members of the "Falange Española Tradicionalista y de las J.O.N.S." (Traditionalist Spanish Falange and the J.O.N.S.), the sole legal party during Franco's rule. The law also integrated the Church deeply into university life by incorporating religious education into the curriculum. Additionally, the military was tasked with overseeing compulsory physical education, and the Falange controlled the compulsory affiliations of students and professors to national-syndicalist organizations: the Spanish

University Union (SEU) for students and the Spanish Service of University Professors (SEPU) for faculty.

The Rector, as the sole governing authority, had two advisory bodies: a) The Governing Board, and b) The University District Council. These structures mirrored those established by the Moyano Law, emphasizing continuity in centralized governance. Other university authorities and collective bodies were limited to advisory roles, without direct executive power. The Rector's extensive authority encompassed virtually all aspects of university life, including academic and administrative matters. The only corporate representative body within the university was the University Senate, presided over by the Rector and including the General Secretary of the university as the Secretary. All professors and lecturers, along with immediate authorities of various university bodies and services, were required to attend Senate meetings, convened at the Rector's discretion. Despite the tight grip on academic life, student unrest began to emerge in the mid-20th century. By 1956, students staged the first demonstrations since the end of the Civil War, protesting against the oppressive SEU. This marked the beginning of a series of student movements seeking greater freedoms and reforms. By 1962, the socio-economic landscape of Spain had changed considerably since the Civil War. Economic development and social changes necessitated a comprehensive reform of the university system. The demands included new categories of teaching staff, more effective academic organization, and better alignment with students' needs. The call for universities to become "autonomous organizations" grew louder. In response, the University Education Law was introduced in 1965, marking a significant shift in higher education governance. This law aimed to modernize the university system, incorporating principles of academic autonomy and better adaptation to contemporary educational needs. These principles were further embedded in the General Education Law of 1970, which represented the culmination of reformist efforts within the Ministry of Education. This law sought to create a more dynamic and responsive university system, reflecting the evolving socio-economic context of Spain during the later years of Franco's regime.

In conclusion, the governance of Spanish universities under Franco's regime was characterized by an intensification of centralist principles, reflecting the broader authoritarian nature of the dictatorship. Despite strict control, student movements and broader socio-economic changes eventually prompted significant reforms in the university system, laying the groundwork for the modern Spanish higher education framework.

4. University governance with the 1970 Law

The enactment of the General Education Law of 1970 (GEL, 1970) marked a significant transformation in the Spanish educational system, updating the long-standing legal framework established by the Moyano Law of 1857 (Moyano, 1857). This seminal piece of legislation, which had governed Spanish education for over a century, underwent substantial modifications to align with contemporary needs and to integrate more progressive educational reforms. The GEL represented a culmination of prior, modest reform efforts, providing a comprehensive overhaul of the education system. Out of its 146 sections, 44 specifically addressed university governance, underscoring the law's focus on higher education. Key components of the GEL included the governance structure of universities and the delineation of responsibilities among various authorities. Central to the new model was the Ministry of Education's role in coordinating and controlling the outcomes of the entire university system. This oversight was conducted with the guidance of the National Board, which comprised members from both the academic community and broader society, including university rectors and representatives from university boards. This inclusive approach aimed to ensure that university governance was both reflective of and responsive to societal needs.

University management was vested in the rectors and university managers. Rectors were members of their university's academic senate and held significant influence over university affairs. The Ministry of Finance retained control over university budgets, ensuring fiscal responsibility and alignment with national financial policies. Faculty appointments, conducted through competitive examinations, remained the purview of the Ministry of Education, maintaining a standardized and merit-based hiring process.

The GEL introduced several academic bodies for the governance and representation of universities. These were divided into collegial and individual entities:

Collegial Bodies:

- a) The board of trustees: this body included various commissions corresponding to different university centers.
- b) The university senate: this supreme corporate body of the university represented both teachers and students and was tasked with advising the Rector.

- c) The governing board: this board's primary function was to assist the Rector in managing university affairs.

Individual Authorities:

- a) The Rector and Vice-Rectors: The Rector, appointed by the Ministry of Education and Science from among the full professors of the university, was the chief academic authority. The appointment process involved consultation with the governing bodies and the Board of Trustees. The Rector was responsible for directing, coordinating, and supervising university life, supported by the Governing Board.
- b) The Manager: Appointed by the Minister of Education and Science, in agreement with the Rector and after consultation with the Board of Trustees, the Manager handled the economic-administrative management of the university and executed the Board of Trustees' agreements.

Each university was mandated to appoint a Manager to oversee its economic and administrative operations. The GEL allowed universities the flexibility to establish additional bodies as necessary to meet their specific governance needs.

Key Collegial Bodies and Their Functions:

- a) The university senate: as the highest corporate body of the university, the Senate included representation from both faculty and students. Its mission was to advise the Rector on significant matters.
- b) The governing board: this board assisted the Rector in administrative and academic decision-making processes.
- c) The board of trustees: serving as the intermediary between the university and society, this body consisted of fewer than twenty members, including representatives from local corporations, professional associations, and distinguished individuals. The Board of Trustees was tasked with articulating societal needs and aspirations, supporting the university's functions, and relaying community demands. This body, first introduced during the dictatorship of Primo de Rivera, had been neglected under the 1943 University Organization Law of the Franco regime but was reinstated by the GEL (Palomares-Ibañez, 2006).

The GEL also established the National Board of Universities, an advisory body to the Ministry of Education responsible for coordinating university activities. This board included rectors and presidents of the Boards of Trustees and was supported by a Council of Rectors, which functioned as a Permanent Commission. The Council received assistance from deans and school directors, ensuring comprehensive oversight and guidance. Additionally, each university was required to establish a Board of Trustees and commissions for its various centers, with functions and powers defined by the GEL and the respective university statutes. These provisions ensured that the governance framework was adaptable to the unique needs of each institution while maintaining overall coherence and alignment with national educational objectives.

In short, the General Education Law of 1970 represented a pivotal shift in the governance of Spanish universities, moving away from the rigid centralism of the Moyano Law towards a more modern, flexible, and inclusive system. This law laid the foundation for a more dynamic and responsive higher education framework, better suited to the evolving socio-economic landscape of Spain.

5. Evolution of university laws in Spain during democracy (1975-2024). Achievements and shortcomings

5.1. Introduction

Throughout the 20th century, the governance of Spanish public universities experienced substantial transformations, evolving from an era characterized by absolute government regulation and control to an era of educational freedom and university autonomy, as enshrined in the Spanish Constitution of 1978. This period witnessed a significant shift in the legislative framework governing higher education, reflecting broader societal changes and the democratization of Spain. During the democratic period, university education in Spain was shaped by four major laws, the most recent of which came into effect in 2023. As of 2024, its full impact is yet to be observed due to its phased implementation period of two years (Egido-Galvez, 2006).

The first of these legislative milestones was the General Education Law (GEL, 1970) of 1970, enacted prior to the approval of the Spanish Constitution. This law aimed to modernize the Spanish

educational system by structuring studies into three distinct cycles. The GEL remained in force until 1983, providing a transitional framework that bridged the gap between Francoist educational policies and the emergent democratic principles of the post-Franco era. The second significant legislative development was the University Reform Law (URL, 1983) of 1983. This law, grounded in the principles of the newly ratified Spanish Constitution, marked a radical departure from previous centralist and authoritarian governance models. It established the structural foundations of modern university centers and developed the constitutional mandate for university autonomy. The URL facilitated a comprehensive review of the traditional administrative legal system governing Spanish universities, promoting a more decentralized approach by redistributing powers related to university education among the State, the Autonomous Communities, and the universities themselves. This redistribution of powers aligned the organization of universities with the administrative structure of the State.

The URL laid the groundwork for a contemporary university model where governance was entrusted to the academic community itself. This democratization of decision-making processes allowed university departments to take on greater responsibility for organizing teaching and research activities. The principles enshrined in the URL were subsequently reflected in the new university statutes, which were approved in 1985 and underwent reform in 1991.

The third pivotal law was the Organic Law of Universities (OLU, 2001) of 2001, which repealed the URL and introduced significant modifications aimed at further modernizing the higher education system. The most extensive amendment to the OLU came in 2007, commonly referred to as the Organic Law of Modification of the Organic Law of Universities (OLR, 2007). The OLU and its amendments sought to update study plans to align them with contemporary academic and professional standards, as well as to integrate European educational frameworks, reflecting Spain's increasing engagement with the European Higher Education Area (EHEA).

The most recent legislative development in the governance of Spanish universities is the Organic Law of the University System (OLUS-LOSU, 2023) of 2023. This law, which repealed the OLU, is currently in the early stages of implementation, and its effects are expected to become more apparent over the coming years. The OLUS-LOSU aims to further modernize the Spanish university

system, fostering greater integration with international educational standards and promoting innovation in teaching and research practices.

Then, the governance of Spanish public universities has undergone a profound evolution over the past century, reflecting broader socio-political transformations and the shift towards democratization and decentralization. The legislative trajectory from the GEL of 1970 to the OLUS-LOSU of 2023 highlights the ongoing efforts to adapt and modernize the higher education system, ensuring that it remains responsive to the needs of society and aligned with global educational trends. These reforms have collectively contributed to the establishment of a more autonomous, democratic, and internationally integrated university system in Spain.

5.2. The URL and University Government in 1983

The University Reform Law (URL, 1983) of 1983 marked a pivotal moment in the governance of Spanish universities, aligning them with the principles established by the 1978 Constitution and aiming to modernize their administrative frameworks. The legislation was founded on the premise that universities serve as a public resource for the entire society, not merely as exclusive entities for the academic community. This approach necessitated the creation of new governance structures to incorporate diverse societal inputs, leading to the establishment of the Social Council. This body was unprecedented in Spanish higher education, designed to facilitate the involvement of various social forces in university governance. Internally, the URL introduced the Research Council and the Teaching Council to enhance the university's functioning in research and teaching quality (Llopis-Albert et al., 2023; 2024; Rubio et al., 2022), respectively. The Research Council was tasked with overseeing scientific production, managing research projects, and handling agreements, while the Teaching Council focused on teaching aspects and maintaining educational standards. The law also stipulated the composition of the University Senate, broadening its scope to include the entire university community, and laid down the foundation for the Social Council's composition to be detailed in the university statutes.

The governance, representation, and administration of the university were structured into collegiate and unipersonal bodies. The collegiate bodies comprised the University Senate, Social Council, Government Board, Research Council, and Teaching Council. The unipersonal bodies included the Rector, Vice-Rectors, Secretary General, and Manager. The Rector, as the highest

academic authority, held the delegated power of the University Senate and represented the university. The Rector appointed the Vice-Rectors, Manager, and Secretary General, and was responsible for implementing the decisions of the Senate, Social Council, and Governing Board. The election of the Rector by the University Senate underscored the democratic ethos of the URL, requiring the Rector to be an active university professor. The Manager was entrusted with the management of the university's administrative and economic services, while the Secretary General acted as the notary of the university's actions and agreements, maintaining records of meetings. The University Senate, as the supreme representative body of the university community, held significant functions including the election of the Rector, drafting internal regulations, and overseeing the Rector's management. For instance, by 1984, the University Senate of the Universitat Politècnica de València (UPV, 2011) included 801 members, composed of both ex officio and elected members, representing a cross-section of the university's constituencies.

The Social Council, comprising a president and members as determined by each Autonomous Community, included ex officio members such as the Rector, Manager, and Secretary General. In the Valencian Community, the Social Council consisted of fourteen members, including representatives from the Government Council, Ministry, city council, county council, union organizations, business organizations, professional associations, and appointees of the president of the Social Council, as well as representatives of the Valencian Courts. Over time, it became evident that the Social Councils did not fully realize their intended role as active governing bodies, instead functioning more as passive observers with limited capacity to exercise their designated powers. This observation has prompted calls for a reassessment of the role and effectiveness of the Social Councils to enhance university governance. Notably, scholars such as Núñez (2020) have highlighted the necessity of this review, advocating for reforms to empower these councils and improve their functionality.

The functions of the primary governing bodies have remained relatively stable over the years. The Social Council continues to play a critical role in societal participation in university governance, responsible for key activities such as the appointment of the Manager, budget approval, and multi-year university programming. The Governing Board remains the principal decision-making body, setting strategic directions, making key decisions, and preparing budgets. The University Senate, maintaining its status as the highest representative body, retains the power to call extraordinary elections for the Rector, reflecting its enduring significance in university governance. The URL of

1983 thus represents a significant reform in the governance of Spanish universities, introducing democratic principles, promoting inclusivity, and establishing structures aimed at enhancing both internal and external stakeholder participation. The law's long-term impact on university governance underscores the importance of continued evaluation and adaptation of governance frameworks to meet evolving educational and societal needs.

In conclusion, the University Reform Law of 1983 was instrumental in reshaping the governance of Spanish universities, aligning them with democratic principles and modernizing their administrative structures. By fostering inclusivity and participation through new bodies like the Social Council, the law sought to integrate diverse societal inputs into university governance. The introduction of the Research Council and Teaching Council aimed to enhance the university's research and educational quality. While the effectiveness of these reforms has varied, the ongoing dialogue about the role of governance bodies like the Social Council highlights the dynamic nature of university administration and the need for continuous improvement to address contemporary challenges and opportunities in higher education.

5.3. The OLU and Government of the University in 2001

With Spain's integration into the European Union, it became imperative to reform university governance to align with the new social realities and the evolving socio-political environment (Gavara de Cara, 2018). The existing University Reform Law (URL, 1983) of 1983 had shown various shortcomings that needed addressing. Consequently, the Organic Law on Universities (OLU, 2001) was enacted in 2001, aiming to establish a robust framework that connects university autonomy with accountability to the society that both promotes and finances it. This law introduced enhanced self-governance for universities and marked significant advancements in their organizational structure.

A notable innovation of the OLU was the creation of the Interuniversity Coordination Council and the Quality Evaluation and Accreditation Agency. These bodies were established to ensure coherence in the national higher education system and to uphold high standards of academic quality and institutional performance. Additionally, the law restructured university activities to consider the framework of the information and knowledge society, addressing the challenges posed by innovation and the evolving needs of knowledge generation and dissemination.

The OLU delineated clear distinctions between governance functions, representation, control, and advisory roles, assigning each to specific bodies within the university structure. The Rector and the Governing Council were empowered with enhanced executive decision-making processes, ensuring a more effective governance model. Moreover, the law promoted co-participation and co-responsibility between society and the university, reinforcing the autonomy of universities while expanding the powers of the Social Council. The Social Council was thus entrusted with supervising all economic activities of the university and monitoring the performance of its services.

The OLU established the Governing Council as the highest governing body of the university. Another significant addition was the creation of the Board of Heads, which aids the Rector and includes Vice-Rectors, the General Secretary, and the Manager. The Advisory Board, composed of highly esteemed members from within the university community, serves as the Rector and Governing Council's principal advisory body on academic matters, empowered to propose initiatives and recommendations. The governance structure of the university, as outlined by the OLU, comprises both collegiate and unipersonal bodies. Collegiate bodies include the Social Council, which facilitates societal participation in university governance; the Governing Council, the university's main governing body with a maximum of 50 members; and the University Senate, the highest representative body of the university community, with a maximum of 300 members. Unipersonal bodies consist of the Rector, Vice-Rectors, Secretary General, and Manager. The election of representatives to the University Senate is conducted through universal, free, equal, direct, and secret suffrage, ensuring a democratic process. In the Valencian Community, the Social Council of the university is composed of a president, six members representing the university's Governing Council, and several members designated to represent the social interests of the Valencian Community. The council includes ex-officio members such as the Rector, General Secretary, and Manager, alongside representatives from various societal sectors, ensuring a broad and inclusive representation.

The Rector, as the highest academic authority, represents the university, oversees its governance and management, implements the action lines decided by collegiate bodies, and executes their agreements. According to current regulations, the Rector must be an active university professor within the institution. The governance of the university is jointly managed by the Rector, a unipersonal body, and the Governing Council, a collegiate body. The harmonious execution of Governing Council agreements by the Rector is crucial for effective governance and decision-

making. The electoral system for the university, particularly the election of the Rector, is determined by the university's statutes, which can choose between an indirect election through the Senate or a direct election by universal suffrage of the entire university community. In the direct election system, voting is weighted, with 51% of votes allocated to doctoral professors with permanent positions and the remaining percentages distributed among non-permanent teaching staff, students, and administrative staff. In the event of a single candidate, a single vote is conducted. If multiple candidates run and none secure an absolute majority in the first round, a second round is held between the top two candidates, with the winner determined by a simple majority after votes are weighted.

This electoral system, particularly the direct election model, fosters a presidential style of governance, centering on the Rector as the pivotal figure in university administration. The legitimacy and election or appointment processes shape the chosen university governance model. It is essential to remember that public universities operate as public institutions, offering public services and accountable to societal stakeholders. The OLU emphasizes the need for transparent and inclusive governance structures to ensure universities effectively fulfill their educational, research, and societal roles. Then, the Organic Law on Universities (OLU, 2001) of 2001 represents a comprehensive reform aimed at modernizing Spanish university governance. It addresses the shortcomings of the previous law, enhances university autonomy and accountability, and introduces innovative structures to meet the demands of the information and knowledge society. By fostering co-participation and co-responsibility between society and universities, the OLU ensures that higher education institutions remain dynamic, responsive, and integral to societal development. This legislative framework provides a solid foundation for continuous improvement in university governance, promoting excellence in education and research while maintaining a strong connection with societal needs and expectations.

5.4. OLU-LOSU (Organic Law of the University System)

In 2023, the governance framework of Spanish universities remains largely anchored to the foundational principles established by the University Reform Law (URL, 1983) of 1983, despite subsequent legislative initiatives like the Organic Law on Universities (OLU, 2001) and the Law for the Modification of University Organization Law (OLR, 2007) not introducing substantial alterations. In the contemporary knowledge society, universities are tasked not only with research,

teaching, and student training but also with contributing to the economic and social development of their local and global environments. They must compete internationally with institutions that pursue excellence and are accountable to society (CRUE, 2015).

Extensive reports indicate that the Spanish university system necessitates the development of a robust governance model that incorporates senior management principles, transparency, accountability, and a balance of powers among university members. Despite these needs, there persists a lack of genuine transparency and a systematic approach to accountability. The Social Council often plays a passive role, failing to actively participate in budget preparations. Furthermore, Spain is one of the countries where societal involvement in university governance is minimal, leading to questions about the optimal method for selecting public university leaders and the most suitable management bodies.

To achieve the desired excellence in its triadic mission of knowledge transmission, research, and the transfer of results to the productive sector, it is imperative to reform the current governance system. This reform aims to transform the university into a dynamic engine of economic development and social well-being. Addressing the aforementioned deficiencies and expanding the rights of the university community as a whole, the Spanish Organic Law of the University System (OLUS, 2023) was conceived.

OLUS outlines a comprehensive structure and governance framework for universities, emphasizing both unipersonal and collegiate governing bodies. Unipersonal governing bodies include:

- a) Rector: as the highest academic authority, the Rector represents the university in all legal matters, oversees its direction, governance, and management, and implements the action lines approved by the collegiate bodies.
- b) Vice-rectors: assist the Rector in managing various university functions.
- c) Secretary general: acts as the public notary for university acts and agreements, ensuring proper documentation and transparency.
- d) Manager: responsible for managing the administrative and economic services of the university.

The mandates for elected single-person bodies, which are incompatible with one another and require full-time dedication, are set at six years, non-extendable and non-renewable. Notably, the position of Rector no longer requires the individual to be a professor but rather a member of the university's teaching and research staff.

The collegiate governing bodies include:

- a) Social council: acts as the bridge for societal participation in university governance.
- b) University senate: the highest representative body of the university community, ensuring a diverse representation of stakeholders.
- c) Governing council: the principal governing body of the university, whose composition is defined by the statutes, including the Rector, General Secretary, Manager, a majority of teaching and research staff, student representatives (minimum 10%), administrative and service staff representatives (minimum 10%), and Social Council representatives.
- d) Student council: a newly established body that represents and coordinates the student body within the university, with members chosen from various centers.

The new governance model proposes a democratic suffrage system encompassing four primary structures: Senate, Governing Council, Student Council, and Social Council. The Senate is envisioned as the maximum representation and participation body of the university community, guaranteeing a minimum of 25% student representation and 51% for teaching and research staff. Additionally, the consolidation of the Student Council in each university aims to enhance the representational and participatory framework for students. This approach continues the progressive path initiated by the University Coexistence Law of 2022, embedding a comprehensive set of rights and recognitions for diverse sensitivities previously unaddressed by the OLU.

In the realm of gender equality, the creation of a university, whether public or private, mandates the implementation of equality plans, measures to eliminate wage gaps, and protocols against all forms of harassment. The establishment of Equality and Diversity Units becomes obligatory, ensuring equal representation (gender parity) in all university bodies and personnel evaluation or selection commissions. Positive actions may be applied in contests to promote the lesser-represented gender with equal merit. Addressing disability issues, diversity units must offer dedicated disability services and maintain plans for inclusion and non-discrimination based on disability, ethnic and

national origin, sexual orientation, and gender identity. Public employment offers must reserve quotas for people with disabilities, and universities are encouraged to facilitate sign language and develop programs adapted for individuals with intellectual or other disabilities. Furthermore, in the spirit of these laws there are also efforts to the contribution of the higher education to the Sustainable Development Goals (SDGs) (Llopis-Albert et al., 2022).

Student participation in university governance bodies, such as the Senate or Faculty and Department Councils, is significantly enhanced, guaranteeing a minimum of 25% representation in the OLUS, a substantial improvement from the previous OLU law which did not specify a percentage. The establishment of a Student Council in each university, serving as the primary representative and coordinating body for students, is a key feature. The law also encourages student involvement in the management of university services, mentoring, tutoring, and overall university life. Among the extensive list of student rights, the right to academic strike stands out prominently (see OLUS, 2023).

Therefore, the OLUS represents a transformative step towards modernizing university governance in Spain, addressing long-standing deficiencies, and fostering an environment where universities can thrive as engines of economic development and social well-being. The emphasis on transparency, accountability, democratic participation, and inclusion across various dimensions underscores the commitment to creating a responsive, equitable, and forward-looking higher education system.

6. Discussion and critical analysis of the evolution of higher education governance and policy in Spain

The trajectory of higher education governance and policy in Spain over the last 170 years reveals a complex interplay between centralization, democratization, and the adaptation to European standards. This period has been marked by significant legislative milestones, each reflecting the prevailing political, social, and economic contexts of its time. This discussion will critically examine the evolution of higher education governance in Spain, highlighting strengths, opportunities, weaknesses, and threats, while proposing solutions to address identified deficiencies.

a) Strengths and opportunities:

- Decentralization and autonomy: the University Reform Law (URL) of 1983 was a pivotal reform that decentralized university governance, promoting institutional autonomy and democratizing decision-making processes. This reform aligned with the 1978 Constitution, allowing universities to tailor their governance structures to local needs while maintaining national coherence.
- Integration with European standards: the Organic Law on Universities (OLU) of 2001 and its subsequent amendments facilitated Spain's integration into the European Higher Education Area (EHEA). This integration promoted the harmonization of educational standards and facilitated student and academic mobility, enhancing the international competitiveness of Spanish universities.
- Quality assurance mechanisms: the establishment of the National Agency for Quality Assessment and Accreditation (ANECA) under the OLU marked a significant advancement in ensuring the quality and accountability of university education. ANECA's role in evaluating programs and faculty performance has been crucial in maintaining high academic standards.
- Democratic participation and inclusion: the recent Organic Law of the University System (OLUS) of 2023 emphasizes democratic participation, equality, and interaction with the business sector. This law aims to create an inclusive and responsive governance structure, promoting diversity and ensuring that academic programs meet societal and economic needs.

b) Weaknesses and threats:

- Persistent centralization: despite efforts towards decentralization, remnants of centralization persist in the governance of Spanish universities. The influence of the state, particularly in the appointment of key university officials, can undermine institutional autonomy and hinder innovative governance practices.
- Fragmentation and bureaucracy: the decentralization process has sometimes led to fragmentation and increased bureaucracy, complicating the implementation of cohesive national policies. The division of responsibilities among the state, autonomous communities, and universities can result in inconsistencies and inefficiencies.

- Resistance to change: historical legacies of conservative and centralized governance have created a culture resistant to change within some academic institutions. This resistance can impede the adoption of modern governance practices and slow down the response to emerging challenges in higher education.
- Financial constraints: economic challenges and budgetary constraints pose significant threats to the sustainability of reforms. Insufficient funding can limit the capacity of universities to implement quality assurance measures, invest in infrastructure, and attract and retain talented faculty.

The proposed solutions comprise:

- a) Enhancing institutional autonomy: to address the persistent centralization, further steps should be taken to enhance the autonomy of universities. This includes granting institutions greater control over their internal governance structures, financial management, and strategic planning.
- b) Streamlining governance structures: to combat fragmentation and bureaucracy, a more streamlined governance model should be developed. This could involve clearer delineation of responsibilities, reduction of redundant administrative layers, and the adoption of efficient decision-making processes.
- c) Promoting a culture of innovation: efforts should be made to cultivate a culture of innovation within universities. This can be achieved through leadership development programs, incentivizing innovative teaching and research practices, and fostering an environment that encourages risk-taking and experimentation.
- d) Securing sustainable funding: addressing financial constraints requires a multifaceted approach, including advocating for increased public investment in higher education, exploring alternative funding sources such as partnerships with industry, and improving the efficiency of resource allocation within universities.
- e) Boost digital transformation in education: digitalization represents one of the most significant shifts in higher education, transforming how universities deliver education and conduct research. Spanish universities are increasingly integrating digital tools and platforms to enhance learning experiences, streamline administrative processes, and expand access to

education through online courses and degree programs. However, this entails several challenges such as need for substantial investment in digital infrastructure to ensure all universities can offer high-quality online education. This includes upgrading IT systems, ensuring robust internet connectivity, and providing adequate training for faculty and staff. In addition, the disparities in access to digital tools and resources can exacerbate existing inequalities among students. Ensuring that all students have the necessary technology and support to engage in online learning is a significant challenge. Moreover, with increased reliance on digital platforms, universities face heightened risks of cyberattacks and data breaches. Developing strong cybersecurity measures and protocols is essential to protect sensitive information.

- f) Promote international competition and collaboration: Spanish universities operate in an increasingly competitive global landscape, where attracting international students, faculty, and funding is crucial. The globalization of higher education has prompted institutions to improve their international rankings, enhance their research output, and offer programs that appeal to a global audience. Several challenges arise again, including that competing with top-tier universities worldwide to attract talented faculty and students requires significant resources and strategic planning. Spanish universities need to offer competitive salaries, research opportunities, and high-quality facilities. Also, to overcome language barriers, since although many programs are now offered in English, language barriers can still pose challenges in attracting international students and faculty. Increasing the number of English-taught programs and improving language support services are necessary steps. Eventually, building and maintaining international partnerships and collaborations can be complex, and requires strong institutional support and clear frameworks for cooperation.
- g) Dealing with the COVID-19 pandemic consequences, which has caused profound effects on higher education, forcing rapid shifts to online learning and highlighting vulnerabilities in traditional education models. The pandemic has accelerated digital transformation, prompted reassessment of campus safety, and necessitated new policies to support students and staff. The corresponding challenges cover the problem of the transition to online learning. This is because the sudden shift to online learning during the pandemic exposed gaps in digital readiness and highlighted the need for flexible and resilient education systems. Adapting curricula, teaching methods, and assessment techniques to online formats remains

a significant challenge. The pandemic has also taken a toll on the mental health and wellbeing of students and staff. Universities need to provide adequate mental health support services and create environments that promote resilience and recovery. Eventually, the pandemic has strained university finances due to reduced income from tuition, international students, and auxiliary services. Securing sustainable funding and managing budgetary pressures are critical to maintaining quality education and operations.

The evolution of higher education governance and policy in Spain reflects a journey from rigid centralization to greater autonomy and alignment with European standards. While significant progress has been made, challenges remain that require ongoing attention and innovative solutions. By addressing these challenges, Spain can further enhance the quality, inclusiveness, and global competitiveness of its higher education system, ensuring it remains responsive to the evolving needs of society and the economy.

7. Conclusions

The governance of Spanish universities has undergone a gradual yet significant evolution, transitioning from an era dominated by the prevailing centralism of the political system to a more inclusive and efficient management framework. In the past, decision-making was predominantly concentrated in the hands of the rector and the corresponding ministry. However, contemporary university governance now emphasizes efficient management, accountability to society, and the expansion of rights for all university groups.

The era of the Moyano Law, where the rector held exclusive governance over the university, is a distant memory. Equally, the rigid authority imposed by the 1943 law, which also incorporated the Catholic Church as a centralizing force, has become a historical relic. These periods were characterized by a centralized, top-down approach to university management, which limited the autonomy and participatory governance of university stakeholders.

The advent of democracy in Spain brought about the University Reform Law (URL, 1983) of 1983, the first significant legislative milestone in the modern era of Spanish higher education. This

law modernized university governance and aligned it with the principles enshrined in the 1978 Constitution. The URL laid the foundational groundwork for subsequent reforms by decentralizing power and promoting a more participatory approach to university administration. It marked the beginning of a new chapter in the history of Spanish higher education, reflecting the evolving socio-political context and the growing demands for democratic governance.

The progress initiated by the URL was further advanced by the Organic Law of Universities (OLU, 2001) of 2001 and its subsequent modification in 2007 (OLR, 2007). These laws continued the trajectory towards a more decentralized and autonomous university system, fostering greater academic freedom and aligning with European higher education standards. The OLU sought to renew study plans, modernize curricula, and enhance the quality of teaching and research, reflecting Spain's commitment to integrating with the European Higher Education Area (EHEA).

The most definitive step towards a contemporary and modern governance framework for Spanish universities is embodied in the Organic Law of the University System (OLUS, 2023) of 2023. This law introduces a new governance model designed to ensure that the composition and performance of governing and representative bodies genuinely reflect the interests and sensitivities of the diverse sectors within the university community. The OLUS aims to foster efficient and democratic functioning within universities, ensuring accountability and recognizing the rights of all members of the university community.

One of the key objectives of the OLUS is to address job insecurity, enhance governance structures, and expand the rights of university personnel and students. The law also prioritizes increased investment in university centers to bolster research capabilities and improve the quality of teaching. By doing so, the OLUS aspires to fulfill the long-standing aspirations for modernity in the Spanish higher education system, creating a more dynamic, responsive, and inclusive university environment. Furthermore, the higher education governance and policy change in the European Union (EU) has been addressed in depth in the literature (Mayo, 2009; Souto-Otero, 2011; Tatham, 2011; Weedon & Riddell, 2014; Dobbins & Knill, 2014; Elken, 2017; Salajan, 2018).

In conclusion, the evolution of university governance in Spain reflects broader societal changes and the nation's journey towards democratization and modernization. From the centralized control of the Moyano Law and the 1943 law to the participatory governance framework of the OLUS, Spanish

universities have undergone a transformative journey. The legislative milestones of the URL, OLU, and OLUS highlight the continuous efforts to adapt and enhance the governance of universities, ensuring they remain aligned with the needs of society and the global academic community. The OLUS represents the culmination of these efforts, setting the stage for a new era of university governance that prioritizes efficiency, accountability, and the rights of all university stakeholders.

As further research longitudinal studies could be carried out to assess the sustained effects of educational reforms on Spanish universities, examining aspects such as educational outcomes, institutional performance, and stakeholder perceptions. Comparative analyses between Spanish higher education governance and that of other countries can reveal the effectiveness of different governance models, cultural influences on governance practices, and identify best practices that could be adapted to the Spanish context. Moreover, research into digitalization and its implications for higher education governance, teaching, and learning is also critical. This includes studying the effectiveness of digital and hybrid teaching methods, technological integration, and strategies to bridge the digital divide. Additionally, examining the balance between institutional autonomy and state control, the impacts of the COVID-19 pandemic, stakeholder engagement, and financial sustainability will provide comprehensive insights into the ongoing evolution of higher education governance and policy in Spain. By addressing these key topics, future research can contribute to the development of more effective, inclusive, and sustainable educational systems that meet the needs of a rapidly changing global landscape.

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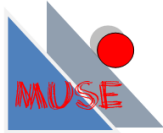
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