

# Legal Framework Desk Research on Student Representation and Participation in Higher Education Governance in Albania

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## Abstract

*This study thoroughly examines the legal framework and practical implementation of student representation and participation in Albanian higher education governance. Based on European principles and objectives for higher education, the research analyzes the increasingly important role of students in decision-making processes, academic life, and civic engagement within the Albanian context. This study confidently identifies areas of progress and challenges in realizing meaningful student involvement through an exploration of legal provisions, institutional structures, and historical developments. Furthermore, it investigates the dynamics of student participation at various levels of governance, emphasizing the significance of student voices in shaping policies and practices within higher education institutions. The study's examination of the multifaceted dimensions of student engagement contributes to a deeper understanding of the democratic principles underpinning higher education governance in Albania.*

**Keywords:** Albanian higher education, student, representation, participation, governance.

## 1. INTRODUCTION

Universities play a very important role in society. Attention to higher education is closely related to the development of society. Therefore, every study and research contributes to the improvement of the education sector, also with the aim of meeting the requirements within the framework of the European education area.<sup>1</sup> The purpose of higher education institutions has long been debated. The public debate, mainly in our country but also in Europe, can make us think that higher education mainly serves a single purpose: to prepare for the labor market.

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<sup>1</sup> Sjur Bergan (2003) Student participation in higher education p.1, at [http://www.sigmus.edu.rs/eng/files/SB\\_student\\_participation\\_EN.pdf](http://www.sigmus.edu.rs/eng/files/SB_student_participation_EN.pdf)

At the European level, the Council of Europe organization has identified 4 main objectives of higher education<sup>2</sup>:

1. preparation for sustainable employment;
2. preparation for life as active citizens in democratic societies;
3. personal development;
4. the development and maintenance, through teaching, learning and research, of a broad, advanced knowledge base.

Public authorities should make sure that, while maintaining their autonomy, higher education institutions can fulfill the many demands of society and their numerous, equally significant goals, which include the following, in accordance with the ideals of democratic and equitable societies.

In **Magna Charta Universitatum (1988)**<sup>3</sup>, the mission of higher education is defined: *"The University is an independent institution whose mission is to examine, evaluate and transmit culture through research and teaching"*.

The role of students in Higher Education from the European point of view is seen in three directions:

1. *Students as learners*

Jean-Philippe Restoueix, representative of the Council of Europe, has emphasized that: *"The University is a place of personal development, citizenship, democracy and employment/dialogue between all actors. The participation of students in the production of knowledge and scientific research should be considered equally valuable and equivalent"*.<sup>4</sup>

2. *Students as members of the academic community*

Although extremely necessary as they serve as a guarantee, national policies and the legal framework on student participation in decision-making bodies are still insufficient. In addition, the implementation has shortcomings and is often used only to *"wash the mouth out"* of the management structures. For this reason, the road is still long in the path of students as "main actors in higher education".<sup>5</sup>

3. *Students as citizens*

Student participation in Higher Education promotes active civic participation and serves as an indicator of democracy and a culture of dialogue. Civic education, as one of the goals of higher education, enables students to act as agents of development and cooperation. Such a goal also serves to reduce mistrust in democratic processes. A low participation of students in student representatives is a reflection of the decrease in the

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<sup>2</sup> Council of Europe, in Recommendation [CM/Rec\(2007\)6](#) of the Committee of Ministers to member states on the public responsibility for higher education and research, Responsibility for the multiple purposes of higher education and research <https://rm.coe.int/16805d5dae>

<sup>3</sup> The Magna Charta of the European Universities is the final result of the proposal addressed from the University of Bologna, in 1986, to the oldest European Universities. During a meeting in Bologna (June 1987) the delegates of 80 European Universities elected an eight members board including: the President of the European Rectors Conference, the Rectors of the Universities of Bologna, Paris I, Leuven, Barcelona, prof. Giuseppe Caputo (University of Bologna), prof. Manuel Nunez Encabo (President of the sub-commission for Universities of the Parliamentary Assembly of the Council of Europe). The document, drafted in Barcelona in January 1988, was signed by all the 388 Rectors who were in Bologna to celebrate the 900th Anniversary of the Alma Mater. The aim of this document is to celebrate the deepest values of University traditions and to encourage strong bonds among European Universities. Having, anyway, this document an universal inspiration any extra european University has the possibility to join it. <https://www.magna-charta.org/magna-charta-universitatum/mcu-1988>

<sup>4</sup> According to Popovic (2011), the official Bologna Seminar, which was held in Aghveran, Armenia on December 8–9, 2011, and was organized by the Council of Europe, the European Students' Union, and the Armenian Ministry of Education and Science, focused on student participation in higher education governance. According to Popovic (2011), "students were regarded as full members of the academic community" starting with the Prague Communiqué in 2001.

<sup>5</sup>General report. "Student Participation in Higher Education Governance". Aghveran, Armenia, 8-9 December 2011. Milica Popović p.6-8

participation of citizens in the public debate in society. Universities should encourage young people to be actively involved in public life, serving in this way as a progressive model for society.<sup>6</sup>

Democracy in governance is the cornerstone upon which the Education Area was founded, and maintaining the involvement of both students and faculty is essential to preserving the democratic nature of higher education in Europe.<sup>7</sup>

And one of the core principles of European higher education is the participation of students in higher education governance. This is ingrained in the European model of shared governance, which is collegial in nature and recognizes the contributions and needs of all members of the higher education community, including academic staff, professional students, and staff members, to participate in decision-making processes that result in decisions that affect them all.

## **2. EUROPEAN HIGHER EDUCATION GOVERNANCE: STUDENT'S PARTICIPATION**

In Higher Education, the meaning of governance depends on the level of analysis. Thus, we talk about governance at the national, local, institutional, unit or educational level. The process of decision-making in educational systems is referred to as governance. It speaks of the organizations and mechanisms that define roles and duties, establish priorities and plans, and implement educational policies and initiatives within educational systems. Many nations are striving to ensure that education policies are planned, implemented, and delivered in a way that is effective in the increasingly complex social environments of today.<sup>8</sup>

In most universities, the major strategic decisions are decided and approved at the institutional level, hence governance is understood as a decision-making process at this level. Higher education institutions, or HEIs for short, have multiple stages in their decision-making process: agenda-setting, act-drafting, decision-making, implementation, and oversight. Decisions are what run an institution. Various actors who make administrative and academic decisions are part of HEI governance.

Students' desire to be involved in higher education governance, particularly in HEIs' decision-making processes, has grown in the last few decades. Students started speaking up for their rights to participate in decision-making in the 1960s and 1970s, particularly in the developed nations of Western Europe and North America. Students began to participate in the management and decision-making of their HEIs as a result. Students have been valued as full partners in higher education institutions (HEIs) since the founding of European universities in the middle ages. Prague Communiqué of 2001<sup>9</sup>, has officially recognized students as full partners in HEIs. It is important to maintain this tradition of student involvement in decision-making at all levels of HEIs.

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<sup>6</sup> General report. "Student Participation in Higher Education Governance". Aghveran, Armenia, 8-9 December 2011. Milica Popović p.6-8

<sup>7</sup> Student and staff participation in higher education governance, Draft prepared by Dr Manja Klemenčič, Harvard University and University of Ljubljana 20 June 2022 and commented by Dr Milica Popović, OSUN Global Observatory on Academic Freedom, Central European University, 28 June 2022 at <https://ehed.info/Upload/Student%20and%20staff%20participation%20in%20higher%20education%20governance.pdf>

<sup>8</sup> OECD (2019), Education Policy Outlook 2019: Working Together to Help Students Achieve their Potential, OECD Publishing, Paris, <https://doi.org/10.1787/2b8ad56e-en>.

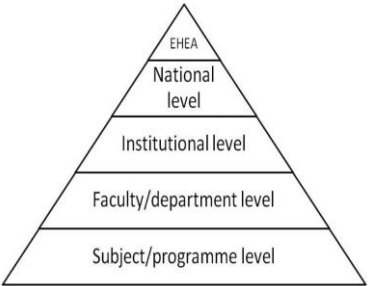
<sup>9</sup> Communiqué of the European Ministers of Higher Education, Prague, May 19, 2001 " ... students are full members of the higher education community" and "should participate in and influence the organization and content of education at universities and other higher education institutions ..." Bologna with Student Eyes 2018, Student participation in Higher Education Governance

Students should meaningfully participate in decision-making and governance of higher education equally with professors in order to improve its quality, according to the Budapest Declaration: Governance and Student Participation (2011)<sup>10</sup>, which also pointed out that students were co-responsible for higher education management and not consumers of higher education.

HE governance occurs at various levels, particularly in relation to decision-making. Decisions about HE are made at five levels: Subject/program level, faculty/department level, institutional level, national level, and supranational level are the levels of HE governance.

The European Higher Education Area (EHEA) is an instance of supranational HE governance.<sup>11</sup> Students can take part in all five HE governance levels as important actors in higher education (see Figure 1).

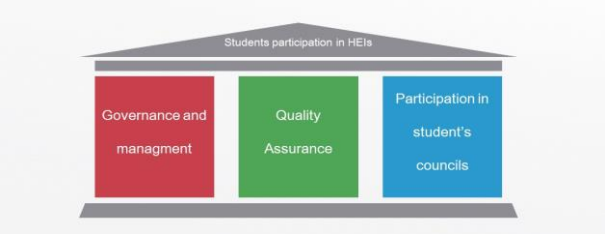
**Figure 1. Student participation at five levels in European Higher Education<sup>12</sup>**



The three pillars of student participation in higher education are as follows:

1. Participation in decision-making processes (governance and management)
2. Quality assurance
3. Participation in student's councils<sup>13</sup> (see Figure 2)

**The 3 pillars of student participation in higher education**



**Figure 2. Authors design**

<https://www.esu-online.org/wp-content/uploads/2018/05/04.-Student-Participation-in-Higher-Education-Governance.pdf>

<sup>10</sup> Budapest Declaration adopted in February 2011 at the 21st European Student Convention, here: <http://www.esu-online.org/news/article/6065/58/>

<sup>11</sup> Acharya, S. (2015). Student Participation in University Governance: A Comparative Study between Tribhuvan University and Kathmandu University, Nepal, previously in Clark, B. R. (1983). The higher education system: Academic organization in cross national perspective. Berkely: University of California Press.

<sup>12</sup> Acharya, S. (2015). Student Participation in University Governance: A Comparative Study between Tribhuvan University and Kathmandu University, Nepal

<sup>13</sup> *Ibidem*

Based on the above pillars, another important aspect of the role of students in higher education governance is the level of participation. This level can be summarized in:

- Decision making
- Access to information
- Consultation
- Dialogue
- Partnership

It should also be underlined that each HEI has its own approach and determines in internal regulatory acts such as: Strategic Plan, Statute, Internal Regulation, Quality Assurance Regulation, Student Council Regulation, etc. how student participation is realized or intended to be realized.

### **3. HIGHER EDUCATION DECISION-MAKING FROM ACADEMICS AND STUDENTS TO INSTITUTIONAL ADMINISTRATORS**

In terms of students' representation in decision-making bodies, there are currently two competing agendas in Europe. European Ministers have affirmed student participation in higher education governance at all levels: institutional, national, and European, within the framework of the European Higher Education Area. This is a politically unprecedented affirmation. Conversely, more corporate or managerial models are starting to replace the collegial governance model in European universities.<sup>14</sup>

Student representatives are increasingly involved in the consultative function in terms of quality assurance and services for students. However, it is still not clear whether they will be able to maintain formal decision-making powers in the long term. These seemingly contradictory agendas raise a question about how student representation will evolve in European universities and what will be the role and organizational structure of student representatives.

The Western Balkans is a particularly interesting region with reference to the role of female students. Students have played an important role in overthrowing the post-war authoritarian European regimes and democratizing the region.

In the 1990s, independent student organizations emerged at the national level in all countries, taking advantage of the freedom of association inherent in the constitutions of the new democracies.

After democratization, the universities in these countries also have a collegial democratic model of governance and representative autonomous student organizations have emerged throughout the region both at the national and institutional levels. The legal provisions for student participation in the governance of higher education in the Western Balkan countries determine the involvement of students in the governance of universities.<sup>15</sup> These provisions also refer to the existence of student representative bodies in the form of: student councils. In formal terms, in all these countries students are represented in the academic senates in the quota of 10-20%.<sup>16</sup>

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<sup>14</sup> Thomas Estermann, Enora Bennetot Pruvot and Hristiyana Stoyanova (2021), Evolving models of university governance. The governance models of the European University Alliances

<https://eua.eu/downloads/publications/eui%20gov%20paper.pdf>

<sup>15</sup> Iemencic, Manja. (2015). Student representation in higher education governance in the Western Balkans. Higher Education in Russia and Beyond (HERB). 1. 6-7.

[https://www.researchgate.net/publication/277405436\\_Student\\_representation\\_in\\_higher\\_education\\_governance\\_in\\_the\\_Western\\_Balkans](https://www.researchgate.net/publication/277405436_Student_representation_in_higher_education_governance_in_the_Western_Balkans)

<sup>16</sup> *Ibidem*

In the Republic of Albania, Law no. 80/2015, dated 22.7.2015 “On higher education and scientific research in higher education institutions in the Republic of Albania” (Law no. 80/2015), in its article 1, declares that higher education in Albania as a public good and responsibility regardless of the form of ownership and defines the mission of higher education.

The purpose of the 2015 law was to create stable internal and external academic and financial control mechanisms, aiming to standardize the Albanian education system with the European one. This law adopted a new political framework for higher education.

The approval and implementation of this reform has been accompanied by fierce debates, great student reactions, including the protest of December 2018. Some of its adjustments received special attention, such as financial support policy for HEIs. There are few scientific studies on the aspect of organization and functioning of this law.

#### **4. STUDENT PARTICIPATION IN THE GOVERNING BODIES OF ALBANIAN UNIVERSITIES - A SEAT AT THE TABLE**

##### **4.1 Higher education in Albania**

Albanian higher education is provided and developed in both public and non-public Higher Education Institutions (HEIs) in compliance with the country's higher education laws and constitution. Since 1990, there have been several notable shifts in higher education that have affected the field's growth in both positive and negative ways. Education and its reform continue to be hot topics in the nation's public discourse.

In the post-communist period, 4 laws on Higher Education were approved in the Republic of Albania, respectively in the years 1994, 1999, 2007 and 2015.<sup>17</sup> In September 2015, Law 80\2015, dated 22.7.2015 "On Higher Education and Scientific Research in Higher Education Institutions in the Republic of Albania" was approved.<sup>18</sup> This law was accompanied, since its drafting, by a series of debates on the necessity of its drafting. The law was introduced in the university environment and beyond as a necessity for the deep reformation of the university system. The moment was related to the decline of the public prestige of universities, public scandals and the massiveness outside the entry criteria in private higher education institutions.<sup>19</sup>

Since *Magna Charta Universitatum* 1988<sup>20</sup>, it has been announced that "the University is an independent institution". Two of the directions of higher education development in Europe are academic freedom and university autonomy. After 2007, aiming for Albanian higher education to be included even more in the path of the Bologna Process, the principle of academic autonomy and freedom was qualitatively expanded by sanctioning that HEIs have academic autonomy and freedom. The autonomy of HEIs is already expressed in their self-governance to organize their internal structures and activities, through statutes and regulations, drawn up in accordance with the legislation in force.

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<sup>17</sup> Krasniqi, Afrim. (2018). Higher Education Reform 2015-2018: Innovations and problems, p 1.

<sup>18</sup> Official Gazette no. : 164, Date of publication in the Official Gazette: 21/09/2015 <https://qbz.gov.al/eli/ligj/2015/07/22/80>

<sup>19</sup> Commission for Higher Education And Scientific Research, Final Report For The Reform Of Higher Education And Scientific Research (2014)

[https://arsimi.gov.al/wp-content/uploads/2018/08/Raport\\_Final\\_Ministria\\_Arsimit.pdf](https://arsimi.gov.al/wp-content/uploads/2018/08/Raport_Final_Ministria_Arsimit.pdf)

<sup>20</sup> The Magna Charta of the European Universities, <https://www.magna-charta.org/magna-charta-universitatum/mcu-1988>

#### **4.2 Participation of students in higher education in Albania according to the provision of the legal framework in force**

Article 98 point c) of the Law no. 80/2015 on higher education foresees that students have the right to participate in the decision-making processes of the institution of higher education, in accordance with the provisions of this law and the statute of the institution;

This law foresees the participation of students through:

- *Student participation in the Academic Senate*

The Senate is the highest academic collegial body of the HEI, responsible for fulfilling its mission. In the Academic Senate, students are represented by 10%.<sup>21</sup> Compared to the 2007 law on higher education, Law no. 80/2015 provided for a decrease in the weight of the student vote in the elections for academic governing bodies from 20% to 10%.

- *Student participation in the election of governing authorities*

Students participate in the elections for Rector and Dean. The votes of the students in the selection of the Rector and the Dean are calculated at the rate of 10% of the total number of votes.<sup>22</sup> Following and as a result of the student protest in 2018, the weight of the student vote was asked to increase from 10% to 50% of the total weight of the student vote to elect the dean and rector.

The legal package of the Pact for the University of December 26, 2018 did not address this request. Instead, this issue continues to be regulated by the definition of the Law on Higher Education. On July 22, 2020, Qëndresa Qytetare, a deputy in the Assembly of the Republic of Albania, filed a legal initiative titled "For some changes in Law no. 80/2015 on higher education and scientific research in higher education institutions in the Republic of Albania." According to this initiative, it is proposed to increase the proportion of students' votes in elections and representation in governing bodies by 30%.<sup>23</sup>

- *Participation of students in the Permanent Commissions*

Law no. 80/2015 recognizes the right of students to be represented in all permanent commissions recognized by law. Permanent commissions are collegial bodies, organized at the University and Faculty level. They perform functions in the areas defined in the institution's statutes, which are mainly related to scientific qualification and academic promotion, guaranteeing the quality standards of the institution and study programs, with the smooth running of its activity and relations with students, in accordance with the mission and policies of the institution.

The Statute of the University of Tirana<sup>24</sup>, the largest university in the Republic of Albania, provides for four Permanent Commissions, which are:

- 1) The permanent commission for the promotion of academic personnel has seven members. In its composition, there are no student members according to legal definitions.
- 2) The permanent Quality Standards Assurance Committee has 11 members, of which three must be students with an average above 9.

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<sup>21</sup> Article 37 point 4, Law no. 80/2015, <https://qbz.gov.al/eli/ligi/2015/07/22/80>

<sup>22</sup> Article 39, article 45 Law no. 80/2015, <https://qbz.gov.al/eli/ligi/2015/07/22/80>

<sup>23</sup> Prof. Dr Eralda (Methasani) Çani, Prof. Asoc.Dr Enkelelda Ollidashi,(2020) "5 years since the reform in higher education",p.22,

<https://library.fes.de/pdf-files/bueros/albanien/16981.pdf>, <https://qq.com.al/wp-content/uploads/2020/10/5-Vite-nga-Reforma-ne-Arsimin-e-Larte.pdf><http://library.fes.de/pdf-files/bueros/albanien/15257.pdf>

<sup>24</sup> The Statute of the University of Tirana, (2018), Article 37-41

[https://unitir.edu.al/wp-content/uploads/2019/08/Statuti\\_2018.pdf](https://unitir.edu.al/wp-content/uploads/2019/08/Statuti_2018.pdf)

3) The permanent committee for the supervision of activities and relations with students, which is composed of 7 members, three of whom are students. The functions of this commission are important for this article because of its functions. Thus, this committee draws up policies for the treatment of students, cooperates with student councils and coordinates work with them, proposes financial and logistical support for student projects, requests information from constituent bodies of the institution on issues and problems presented by students and their organizations etc.

4) The permanent committee of the curriculum has a total of 13 members, of which two members are students with an average above 9.

- *Student participation in the Ethics Council*

The Ethics Council promotes and examines issues related to ethics in the activity of the teaching and research process, as well as other institutional activities. The rules of organization and operation of the ethics council are defined in the statutes of the higher education institutions themselves. This council consists of 1-2 student members.

- *Participation in Student Councils*

The law recognizes the right of students to organize themselves in student councils at the main unit level, (faculty), and institutional level as well as at the national level. Student councils promote student participation and coordinate their representation in the governing bodies of Higher Education Institutions.<sup>25</sup>

Student councils have a 2-year term and their members are elected by the votes of all students or the major unit. The rules regarding the voting process are defined in the relevant regulations. Students have the right to be organized in other forms recognized by the legislation in force and to carry out training, teaching and/or research-scientific activities by themselves or in cooperation with the structures of the University and basic units.<sup>26</sup>

- *Boards of Administration*

The Boards of Administration consist of seven members, employed part-time. The members, representatives of the HEI, are selected by the Academic Senate of the HEI. The composition of the Board of Administration is determined depending on the mid-term budget plan of the public institution of higher education, approved by the Board of Administration.<sup>27</sup> If the institution itself provides fifty percent or more of the medium-term budget, four of the members are representatives of the HEI and three are representatives of the ministry responsible for education. Decision no. 782, dated 26.12.2018 of the Council of Ministers issued within the Pact for the University provided: One of the members who is appointed by the Ministry of Education and Sport, should come from a proposal from the students, but be a public figure in accordance with the law, etc. Senates are legally free, among the seats they have on the Board, to propose one of the students as a member of the Senate, or leader of the Student Council. If this is decided in the Statute of the University, attendance is definitively normalized.

### **4.3 Ensuring and increasing quality in universities: student participation**

Law 80\2015 "On Higher Education and Scientific Research in Higher Education Institutions in the Republic of Albania" does not provide for (but does not prohibit) the participation of students in:

- Internal Quality Assurance Units

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<sup>25</sup> Article 99., Law no. 80/2015, <https://qbz.gov.al/eli/ligj/2015/07/22/80>

<sup>26</sup> *Ibidem*

<sup>27</sup> Article 15 Law no. 80/2015, <https://qbz.gov.al/eli/ligj/2015/07/22/80>



- *Ad hoc* internal evaluation groups for the drafting of institutional internal evaluation reports and for study programs.

Student participation in quality assurance in Higher Education institutions is regulated by the Decision of the Council of Ministers, no. 531, dated 11.9.2018 "On the approval of the Quality Code of Higher Education", Standard VI.1, Criterion 2.<sup>28</sup>

Quality in higher education is and remains everyone's responsibility, a complex and multidimensional issue. Public and non-public HEIs must guarantee the active participation of students in decision-making processes.

The participation of students must be realized in a formal and institutional way, in order to guarantee the duration, procedures and responsibility in providing answers to the proposals of students related to the evaluation of quality and its accreditation. The student, only in this way, can be considered not as a spectator but as an actor in decision-making processes.

Evaluation of teaching, study programs, lecturers and the National Student Survey<sup>29</sup> are very good forms of student participation for quality evaluation, but there is still room for analysis and evaluation by students as the main actors in the evaluation of the quality of education. and higher education institutions.

## CONCLUSIONS

In conclusion, the study highlights the crucial need to establish strong mechanisms for student representation and participation in Albanian higher education governance. Despite the existence of legal provisions to support student involvement, there are still obstacles to overcome in order to translate these into effective practices. Addressing issues such as the weighting of student votes, institutionalizing student councils, and enhancing student engagement in quality assurance processes are crucial steps towards realizing the full potential of student participation. Aligning Albanian higher education governance with European standards and principles requires continuous dialogue, collaboration, and commitment from all stakeholders. Albanian universities can cultivate a culture of democratic governance that empowers students as active contributors to the development and advancement of higher education in the country by prioritizing student voices and perspectives.

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<sup>28</sup> Quality Code, <https://www.ascal.al/media/documents/publikime/Kodi-Cilesise-se-Arsimit-te-Larte.pdf>

<sup>29</sup> ASCAL, <https://www.ascal.al/sq/sondazhi-kombetar-i-studenteve/rezultatet-e-vleresimit/>

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