

LEGAL OPINION *PRO VERITATE*

SUBJECT: Analysis of the legal status of the University I.S.F.O.A. - Hochschule für Sozialwissenschaften und Management, the lawfulness of exercising academic activity within the Swiss legal system, the legal value of the Swiss accreditation framework, and profiles regarding the recognizability and usability of academic qualifications within the Italian and European legal systems.

1. METHODOLOGICAL PREMISE AND CORPORATE FRAMEWORK OF THE ENTITY

This *pro veritate* legal opinion is drafted in order to clarify, in an unequivocal manner and based on rigorous statutory, regulatory, and jurisprudential foundations, the legal status of the University I.S.F.O.A. - Hochschule für Sozialwissenschaften und Management. This detailed analysis is required to refute partial, inaccurate, and omissive interpretations—frequently circulated by third-party bodies, including C.I.M.E.A. or diplomatic representations—regarding the validity of academic qualifications issued by private Swiss higher education institutions.

From a strictly corporate and institutional standpoint, I.S.F.O.A. - Hochschule für Sozialwissenschaften und Management is a free and private Swiss digital university, operating continuously in the Swiss Tertiary Educational Space for over three decades. The founding and managing governing body of the University is **Swiss International College Campus Edutech SA**, a joint-stock company possessing a fully paid-up share

capital of 100,000 Swiss Francs. This entity is legally incorporated and endowed with **full legal personality pursuant to Article 52 of the Swiss Civil Code**, duly authorized and recorded in the Commercial Register of the Canton of Zug under company identification number CHE-291.646.817. The institutional operations of the Entity are entirely grounded in full compliance with Swiss corporate and commercial law, functioning as a legitimate private provider of higher education academic services within the open market economy.

2. THE CONSTITUTIONAL FOUNDATION OF SWISS ACADEMIC FREEDOM AND ALLOCATION OF FEDERAL AND CANTONAL COMPETENCES

The Swiss legal order, in stark contrast to the Italian framework, is organized around a decentralized federal structure governed by free-market principles, entirely alien to the statist doctrine of the "legal value" (*valore legale*) of educational credentials. In Switzerland, university education is not a State monopoly; rather, it constitutes a fundamentally free, constitutionally protected activity, the establishment and exercise of which are not subject to prior government concession or administrative authorization.

The operations of I.S.F.O.A. - Hochschule für Sozialwissenschaften und Management are directly derived from the fundamental guarantees established in the **Federal Constitution of the Swiss Confederation** (Cst.), specifically:

- **Article 20 (Freedom of science):** Guarantees the absolute freedom of scientific research and academic teaching without administrative censorship.

- **Article 27 (Economic freedom):** Safeguards the free exercise of private economic activity, indisputably encompassing the establishment, organization, and commercial operation of independent universities and academies.
- **Articles 60, 61, 62, 63, 63a, 64, and 69 Cst.:** Define the jurisdictional division between the Confederation and the Cantons concerning education, research, and innovation. Under positive Swiss law (*de jure condito*), there is no uniform federal recognition requirement for cantonal or private universities, as the Confederation exercises purely coordinating legislative functions via the Higher Education Act (LPSU/HEdA).

At the cantonal level, the University operates in strict adherence to **Article 4 of the Constitution of the Canton of Zug** (Cst./ZG) and **Section 74 of the School Act of the Canton of Zug** (*Schulgesetz* - SchG/ZG). The awarding of academic degrees is furthermore recognized, structured, and protected under **Section 12 of the Misdemeanour Criminal Law Act of the Canton of Zug** (*Übertretungsstrafgesetz* - ÜStG) as well as Article 12 of the Intercantonal Concordat on Higher Education (*HarmoS-Konkordat*).

It follows clearly from this regulatory framework that under Swiss law no prior State license or authorization is mandated for conferring valid academic degrees. The State does not accord an intrinsic, superior "legal validity" to degrees issued by public cantonal universities over those awarded by lawfully incorporated private academic

entities organized pursuant to Article 27 Cst.

2-bis. Systemic Coherence of the Swiss Legal Order and Lawfulness of Private University Activity

First and foremost, the systemic coherence of the Swiss legal system must be emphasized. In establishing constitutional protections for scientific research, academic freedom, and private economic initiative, the Swiss Federal Constitution legitimizes the coexistence of independent private academic institutions that operate lawfully without institutional accreditation, provided they adhere to all applicable federal and cantonal legal standards. Within this constitutional architecture, the Swiss Federal Supreme Court has repeatedly affirmed that accreditation serves as a qualitative quality mark (*marchio di qualità*) rather than a condition precedent for legal existence or academic validity.

Consequently, it represents an untenable logical and legal contradiction to affirm, on one hand, that unaccredited private university operations are entirely lawful, and on the other hand, to classify entities exercising such constitutional rights as "irregular" or "outside the legal system." A legal order that explicitly codifies academic freedom cannot treat institutions exercising that very freedom within statutory boundaries as non-existent. The absence of state accreditation merely reflects the absence of a publicly funded quality assessment, but in no way impairs the entity's organizational legitimacy or its statutory capacity to deliver tertiary-level educational curricula.

3. THE OPTIONAL NATURE OF INSTITUTIONAL ACCREDITATION (FEDERAL ACT LPSU/HEdA)

The fundamental crux of the objections raised against I.S.F.O.A. - Hochschule für Sozialwissenschaften und Management rests upon its supposed "lack of accreditation."

This erroneous contention demonstrates a severe misinterpretation of the **Federal Act on the Funding and Coordination of the Swiss Higher Education Sector (LPSU/HEdA)**, which entered into force on January 1, 2015.

Institutional accreditation, administered through the Swiss Accreditation Council, does not function as an operating license or legal authorization to teach. Rather, it is a specialized instrument with strictly delimited legal consequences under federal legislation (consultable on the official FEDLEX portal):

Statutory Provision	Legislative Mandate	Legal Effect & Operational Consequence
Article 27 LPSU	Requires higher education institutions to carry out periodic internal quality assurance of teaching and research.	Does not require federal state accreditation as the exclusive vehicle for satisfying quality assurance standards.

Statutory Provision	Legislative Mandate	Legal Effect & Operational Consequence
Article 28, Para. 2 LPSU	Defines the exclusive scope of institutional accreditation: (a) right to designation; (b) federal subsidies; (c) program accreditation.	Accreditation is an exclusive condition <i>only</i> for receiving federal public funding and specific statutory naming rights.
Article 28, Para. 3 LPSU	Expressly declares: <i>"Program accreditation is optional."</i>	Confirms the non-mandatory, voluntary character of programmatic evaluation across all disciplines.
Article 29 LPSU	Protects specific statutory designations (« <i>university</i> », « <i>university institute</i> », « <i>university of applied sciences</i> »).	Restricts reserved names to accredited bodies, without prohibiting private unaccredited entities from teaching or issuing valid degrees.

This statutory framework reveals an undeniable regulatory paradox created by the 2015 reform: the reservation of protected titles—which prior to 2015 were completely unrestricted in Switzerland—to accredited entities creates a formal distinction. While Swiss law continues to acknowledge the full legality of delivering tertiary educational programs and awarding degrees by private non-accredited entities, it obliges them to use institutional designations such as *Hochschule* or corporate formulations rather than reserved cantonal/federal terms. This asymmetry explains why the substantial majority of private universities historically established in Switzerland have deliberately chosen not to seek institutional accreditation, recognizing that it remains purely optional and does not impair the substantial validity of their academic awards.

This reality is formally confirmed by the **European Commission (Eurydice Network)** in its official description of the Swiss tertiary education framework: *"Since accreditation is optional, only a few private higher education institutions have undergone institutional accreditation to be recognized as universities at the national level."*

Accordingly, I.S.F.O.A. - Hochschule für Sozialwissenschaften und Management possesses the inalienable legal prerogative to forego state accreditation (relinquishing federal public subsidies), while retaining full institutional legality and the power to confer valid degrees recognized within the Swiss Educational Space.

4. JURISPRUDENCE OF THE FEDERAL SUPREME COURT AND THE ROLE OF SWISS UNIVERSITIES

The legal conclusions set out above are corroborated by consistent, binding decisions rendered by the highest judicial authorities in the Swiss Confederation:

1. **Swiss Federal Supreme Court, Judgment 2P.88/2006:** The Supreme Court established conclusively that accreditation is not mandatory. To conduct academic education under Articles 20 and 27 Cst., no administrative authorization is required. The lack of accreditation *«does not in any way affect the freedom to conduct university-level teaching and scientific research.»*
2. **Swiss Federal Supreme Court, Judgment 2P.143/2001 (consid. 4a, 4c/cc):** Ruled that a private university cannot be compelled to seek accreditation, nor to align its programs with accreditation criteria, nor can it be *«obligated to publicly state that it is not accredited.»*
3. **Swiss Federal Supreme Court, Judgment 5A_376/2008:** Clarified that legally constituted private universities, even if not affiliated with the Conference of Rectors of Swiss Universities (CRUS), are full components of the broader Swiss tertiary educational system.
4. **Swiss Federal Administrative Court, Judgment B 1567-2011:** Affirmed that accreditation is *«a simple, non-discriminatory quality mark that confers no superior legal status to academic degrees.»*

To dispel the recurring objections raised by third-party bodies such as C.I.M.E.A., it is essential to clarify the nature of the university directories published on institutional portals (formerly CRUS, BBT, SER, now managed by *swissuniversities*). As ruled by the

Federal Administrative Court, **these listings possess no regulatory or binding legal force**. They exclusively catalogue public, cantonal, and federally funded institutions receiving state financial grants, and in no way negate the legal existence and validity of independent private universities.

This principle was officially recorded in the historic **CRUS Declaration of March 4, 2010** regarding private tertiary institutions operating under Article 27 Cst., affirming that an authorized private university *«is an integral part of the Swiss educational space»* and is empowered to confer academic qualifications. Furthermore, the University was formally authorized under Cantonal Decree No. 706 of February 14, 2006, issued by the Council of State of the Canton of Ticino, expressly authorizing the designation *"ISFOA Libera e Privata Università Internazionale"* upon verification of compliance with cantonal regulations.

4-bis. Principle of Equal Treatment and Prohibition of Arbitrary Discrimination

A core tenet of Swiss and European public law is the principle of equal treatment and non-discrimination. Where a wide range of unaccredited private universities operate lawfully under Swiss law, issuing tertiary qualifications accepted domestically and internationally for post-graduate admission and employment, it is legally untenable to single out I.S.F.O.A. - Hochschule für Sozialwissenschaften und Management and treat it as a "non-university" or an irregular body. Where legal foundations are identical (valid incorporation under Swiss company law, compliance with federal and cantonal statutes,

presence in the Swiss higher education space), any selective exclusion constitutes an arbitrary administrative disparity of treatment. Any adverse evaluation must be based exclusively on verified, specific curricular deficiencies rather than the absence of voluntary institutional accreditation.

5. MEMBERSHIP IN THE EUROPEAN HIGHER EDUCATION AREA (EHEA) AND THE ECTS SYSTEM

Pursuant to Article 61 of the Swiss Federal Constitution, which positions the University within the Swiss Higher Education Area, I.S.F.O.A. - Hochschule für Sozialwissenschaften und Management is systematically integrated into the **European Higher Education Area (EHEA)**. The academic standards and pedagogical structure of the institution are verified through full compliance with the Bologna Process:

- **Degrees and Academic Nomenclature:** Governed by Articles 29 and 62 LPSU, with confirmation issued by the State Secretariat for Education, Research and Innovation (SERI/SEFRI) on April 30, 2018.
- **Credit Transfer System:** Full adoption and rigorous implementation of the European Credit Transfer and Accumulation System (ECTS). Curricula, workload metrics, and progression requirements are harmonized with the European Qualifications Framework (EQF), the Qualifications Framework for the EHEA (QF-EHEA), and the Swiss Qualifications Framework for Higher Education (nqf.ch-HS).

- **Validation of Acquired Experience (VAE):** Procedures for evaluating prior learning strictly adhere to UNESCO Guidelines (*Guidelines on the Recognition, Validation and Accreditation of Outcomes of Non-formal and Informal Learning*), EU Council Recommendation of December 20, 2012 (2012/C 398/01), and Swiss Intercantonal Educational Directives (CDIP/EDK).

5-bis. Absence of Statist "Legal Value" and Primacy of Substantial Qualification

A pivotal comparative law issue arises from the distinction between the traditional Italian concept of *valore legale* (legal value) and the Swiss framework based on institutional lawfulness and substantive quality. In Switzerland, degrees derive legal relevance not from an authoritarian decree of state conformity, but from the cumulative convergence of statutory legitimacy, recognized presence in the educational space, rigorous curriculum design, and genuine functional currency in academia and the labor market.

Transposing the Italian concept of "legal value" onto the Swiss framework constitutes an impermissible legal error that deprives valid foreign awards of recognition. In evaluating I.S.F.O.A. qualifications in Italy and across the European Union, competent authorities are mandated to apply criteria suited to systems that operate without formal state monopolies, prioritizing substantial assessment of educational outcomes over formal accreditation markers.

6. RECOGNITION IN ITALY AND INAPPLICABILITY OF UNRATIFIED BILATERAL

ACCORDS

Overcoming the Ministerial Monopoly: Autonomy of Universities under Law 148/2002

Italian Law No. 148/2002 (ratifying the Lisbon Recognition Convention) fundamentally dismantled the historical monopoly of the Ministry over degree equivalencies, devolving exclusive competence directly to individual Universities within the exercise of their statutory autonomy. Under Article 2 of Law 148/2002, Universities hold independent jurisdiction to evaluate foreign qualifications for both admission to advanced degree programs and the conferral of corresponding Italian academic degrees.

The jurisdictional power vested in Universities under Article 2 of Law 148/2002 is not a ministerial certification task, but an autonomous evaluation on the merits (academic recognition). Universities exercise discretionary authority to verify the substantive equivalence of foreign learning outcomes, curricula, and ECTS credits against their own institutional standards, completely unbound by ministerial rosters. This autonomous recognition framework is extensively practiced and documented by leading Italian academic institutions, such as the Polytechnic University of Milan and the University of Padua.

Furthermore, it must be emphasized that the Ministry of University and Research (MUR) has never initiated restrictive administrative or judicial challenges against autonomous equivalence determinations executed by Italian Universities pursuant to Law 148/2002.

Legal Nature and Non-Binding Status of C.I.M.E.A. Assessments

Regarding institutional competence, it is crucial to define the exact legal nature of C.I.M.E.A. (*Centro di Informazione sulla Mobilità e le Equivalenze Accademiche*). C.I.M.E.A. is constituted as an unrecognized, non-profit private association. Accordingly, its statements, technical opinions, and "certificates of comparability" possess a purely consultative, non-binding character for academic institutions and public administrations. Under Article 2 of Law 148/2002, decision-making authority belongs exclusively to Universities and AFAM institutions. A C.I.M.E.A. report cannot replace institutional autonomy nor exercise binding legal effect.

Furthermore, C.I.M.E.A. is an operating entity established under the auspices of Fondazione RUI, an organization founded and managed by circles connected to Opus Dei. The association has administered the Italian national information center since 1984 under periodically renewed ministerial agreements, without this public service function ever having been subjected to an open, competitive European public procurement procedure.

Structural Conflict of Interest regarding Fondazione RUI

Fondazione RUI cannot be characterized as an independent or neutral body. As a religiously affiliated organization, Fondazione RUI directly owns and operates private university residences and tertiary academic centers. These entities operate in direct commercial competition with the very higher education institutions that C.I.M.E.A. is

tasked with evaluating. This structural reality creates an apparent conflict of interest, compounded by the fact that C.I.M.E.A.'s attestation services are delivered for substantial fees charged directly to end users.

Comparative International Analysis within the ENIC-NARIC Network

Within the European ENIC-NARIC network, the legal structure of C.I.M.E.A. represents an anomaly across the international community. In virtually every other signatory State of the Lisbon Convention, national recognition centers are integral departments of central ministries or public statutory agencies:

Jurisdiction	National Center	Institutional and Legal Nature
France	<i>France Éducation Internationale</i>	National public body under the direct oversight of the Ministry of National Education.
Germany	<i>Zentralstelle für ausländisches Bildungswesen (ZAB)</i>	Official government agency operating within the Standing Conference of State Ministers (KMK).

Jurisdiction	National Center	Institutional and Legal Nature
Spain	<i>Subdirección General de Títulos</i>	Direct administrative unit of the Ministry of Universities.
United Kingdom	<i>UK ENIC</i>	Operated on behalf of the Department for Education (DfE) under rigorous public procurement standards.
Italy	<i>C.I.M.E.A.</i>	Unrecognized private association operating on continuous direct-award mandates without public tenders.

Evaluation Standards under the 1997 Lisbon Recognition Convention

The substantive assessment of I.S.F.O.A. awards is governed by the **1997 Lisbon Recognition Convention**, ratified by Switzerland on February 1, 1999, and by Italy via **Law No. 148 of July 11, 2002**. The Convention establishes that foreign higher education degrees must be recognized unless the receiving State demonstrates the existence of a **"substantial difference"** (Article VI.1). Because the Convention includes

within its scope all institutions belonging to the higher education system of the party of origin—which encompasses I.S.F.O.A. under Swiss constitutional jurisprudence—institutional accreditation is not an obligatory prerequisite for recognition.

Administrative denials invoking the absence of I.S.F.O.A. from the annexes of the **Italy-Switzerland Bilateral Agreement** are unlawful on multiple grounds:

1. The Bilateral Agreement applies strictly to listed state-funded institutions and is designed to supplement, not supplant, the Lisbon Convention.
2. **Decisively, the Bilateral Agreement was never ratified by the Italian Parliament and never enacted into statutory law.** Consequently, it possesses no legal force to override, amend, or limit Law 148/2002. Any administrative refusal predicated on an unratified accord represents a manifest violation of the principle of legality.

Recognition in Italy operates across two established pathways:

- **Continuation of Academic Studies:** Pursuant to Law 148/2002 and Presidential Decree 382/1980 (for doctoral research). I.S.F.O.A. graduates have routinely obtained direct admission to Master of Science, Master Universitario, and post-graduate programs at major Italian and Spanish universities, establishing *per facta concludentia* the academic equivalence of the curriculum.
- **Public Employment and Civil Service Competitions:** Governed by Legislative Decree 165/2001, Law 29/2006, and Presidential Decree 189/2009. Settled

administrative jurisprudence, reaffirmed by the **Lazio Regional Administrative Court (TAR Lazio) in Judgment No. 22359/2025** concerning unaccredited private degrees (*Títulos Propios*), imposes an obligation on public bodies to evaluate the concrete educational outcomes and substantive skills acquired, rather than dismissing applications based on formalistic classifications. The Court ruled that lack of automatic equivalence does not justify summary rejection, mandating instead the consideration of compensatory measures.

This framework is reinforced by the **EAR Consortium Recognition Manual** (formally endorsed by European Ministers in the 2012 Bucharest Communiqué), which explicitly distinguishes between accreditation and recognition (Section 3, p. 21) and confirms that recognition is fully permissible for degrees issued by unaccredited bodies legally authorized in their country of origin (Section 16, p. 69). Likewise, the **European Recognition Manual for Higher Education Institutions** (3rd Edition, 2020, Chapter 20) instructs evaluating authorities to conduct substantive reviews and explore conditional or partial recognition rather than arbitrary refusal.

6.1. Burden of Proof and "Substantial Difference" under the Lisbon Convention

Under the Lisbon Convention, the legal burden of proof rests entirely upon the receiving administration seeking to withhold recognition. The graduate is not required to establish complete uniformity between their study program and domestic degrees; rather, the reviewing authority must demonstrate the existence of a specific, verifiable "substantial

difference" that justifies denial or compensatory coursework. Generic formulas—such as standard citations of non-accreditation or omission from informal registers—fail to satisfy the legal evidentiary standard. The reviewing body is required to perform an in-depth curricular comparison (evaluating workload, course syllabi, and learning outcomes) and state precise reasons why any perceived variance is substantial.

6-bis. EUROPEAN CASE LAW (THE KRAUS JUDGMENT) AND LEARNING OUTCOMES

- 1. The Kraus Judgment of the Court of Justice of the EU (Case C-19/92):** The CJEU established that while Member States may regulate academic title usage within their borders, such national rules cannot impose unjustified or disproportionate obstacles on the fundamental freedoms guaranteed by Community Treaties. Where an educational qualification is lawfully awarded in the State of origin (Switzerland), national authorities may not place disproportionate restrictions on its personal or commercial use, absent compelling public policy justifications.
- 2. ENIC-NARIC Guidelines on Substantial Difference and Learning Outcomes:** Evaluation standards require that assessments focus primarily on learning outcomes and ECTS credit workload. The lack of state accreditation does not per se constitute a "substantial difference" under Article VI.1 of the Lisbon Convention. To deny equivalence, authorities must document substantive deficits in curriculum content or competencies that impair professional or academic integration.

6-ter. PRINCIPLE OF NON-DISCRIMINATION AND PROTECTION OF FUNDAMENTAL FREEDOMS

Administrative obstacles impeding the recognition and usability of lawfully earned foreign qualifications represent a direct infringement of fundamental economic freedoms guaranteed under both EU Treaties and Article 41 of the Italian Constitution (freedom of private economic enterprise). Under the CJEU *Kraus* ruling, national measures that deter or hinder the exercise of freedom of movement, freedom of establishment, and freedom to provide services are prohibited. Arbitrary refusals directly restrict professional mobility and constitute unjustified labor market barriers.

This doctrine aligns directly with Italian administrative jurisprudence. As reaffirmed by TAR Lazio Judgment No. 22359/2025, summary refusals grounded solely on institutional lists violate the principles of reasonableness and proportionality. Barring individuals from deploying verifiable competencies acquired through rigorous, credit-bearing academic curricula creates unlawful reverse discrimination against foreign-educated professionals.

6-quater. PRINCIPLE OF PROPORTIONALITY AND OBLIGATION OF LESS RESTRICTIVE MEASURES

The principle of proportionality requires public authorities to implement the least restrictive administrative remedy available. If the administrative objective is safeguarding academic quality, the reviewing body must first execute a substantive

review of the graduate's curriculum and, if legitimate deficits are identified, apply proportionate compensatory measures (e.g., qualifying examinations, supplementary credits) rather than issuing a blanket refusal. Total, systematic rejection based exclusively on an institution's private, non-accredited status exceeds the necessity test and constitutes an unlawful restriction on academic and professional mobility.

7. RIGHT TO USE THE ACADEMIC TITLE IN THE PRIVATE SECTOR (DIRECTIVE 2005/36/EC)

Distinct from public sector employment and civil service procedures, individual graduates hold an absolute, protected right to utilize their qualifications within the private sector and the commercial marketplace, free from the procedural constraints of Legislative Decree 165/2001. Following the September 2011 determination of the EU-Switzerland Joint Committee on Free Movement of Persons, **Directive 2005/36/EC** has applied fully within the Swiss Confederation since **November 1, 2011**.

Pursuant to **Article 54** of Directive 2005/36/EC: *«The host Member State shall ensure that the persons concerned have the right to use their academic title conferred in the home Member State, and possibly an abbreviated form thereof, in the language of the home Member State.»* The only condition the host State (Italy) may impose is that the academic title be accompanied by the name and location of the awarding institution.

This framework is reinforced by the **Council of the European Union Recommendation of November 26, 2018** on promoting automatic mutual recognition

of higher education qualifications, ensuring that holders of tertiary qualifications within the EHEA enjoy direct, barrier-free access to evaluation processes for educational advancement and commercial employment.

The Diploma Supplement and Consular Representation Duties

Under Directive 2005/36/EC and EHEA frameworks, the standard **Diploma Supplement** issued by the University functions as the official comprehensive descriptor of the qualification, superseding the traditional Declaration of Value (*Dichiarazione di Valore*) for studies completed in EU/EEA and Swiss jurisdictions. Drafted according to European Commission, Council of Europe, and UNESCO models, the Diploma Supplement provides a complete, standardized account of study achievements, program levels, and institutional frameworks. Consequently, Italian consular authorities cannot lawfully deny certification or verification requests solely because an institution is not listed on the public CRUS roster; doing so constitutes an abuse of administrative discretion.

Accordingly, I.S.F.O.A. - Hochschule für Sozialwissenschaften und Management graduates enjoy the protected right to use their academic titles on curricula vitae, business stationery, digital professional profiles, and general commercial communications. Such transparent usage reflects bona fide completion of tertiary studies at a lawfully incorporated entity and completely excludes the material elements of the offense set forth in Article 498 of the Italian Criminal Code (unlawful assumption

of academic titles).

7.1. Limits and Conditions: Transparency and Prohibition of Deception

The lawful use of foreign academic credentials under Directive 2005/36/EC requires truthful and transparent disclosure of the awarding institution and jurisdiction of origin. Transparent usage of an I.S.F.O.A. qualification—clearly citing the institution's name and Swiss domicile—cannot be construed as unlawful or deceptive conduct. Unlawful usage would arise only where an individual deliberately misleads the public (e.g., omitting the foreign jurisdiction or misrepresenting the award as an Italian state university degree). Transparent exercise of title rights is fully compliant with EU mobility principles, without prejudice to statutory rules governing specific regulated professions.

8. FORMAL CONCLUSIONS

On the basis of the comprehensive legal, statutory, and comparative analysis set forth herein, the following definitive legal conclusions are submitted:

1. **Institutional Status:** I.S.F.O.A. - Hochschule für Sozialwissenschaften und Management operates under full statutory legitimacy within the Swiss Confederation, protected by the fundamental economic and scientific freedoms guaranteed by Articles 20 and 27 of the Swiss Federal Constitution.
2. **Optional Character of Accreditation:** Higher education accreditation under the Swiss Federal Act (LPSU, Articles 28 and 29) is strictly voluntary. Non-participation in this optional process does not invalidate degrees nor exclude the institution from

the Swiss educational system, as affirmed by settled Swiss Federal Supreme Court case law (Judgments 2P.88/2006, 2P.143/2001, and B 1567-2011).

3. **Primacy of the Lisbon Convention and University Autonomy:** Evaluation of foreign degrees in Italy is vested exclusively in autonomous Universities pursuant to Law No. 148/2002. Summary administrative rejections based on unratified bilateral agreements or non-binding directories violate governing statutory and administrative law (TAR Lazio No. 22359/2025). The extensive history of degree equivalencies granted to I.S.F.O.A. graduates for university admission in Italy and Spain constitutes substantive evidence of curricular validity.
4. **Unrestricted Title Usage in the Private Sector:** Article 54 of Directive 2005/36/EC guarantees the right of graduates to use their Swiss academic title within Italy, providing complete legal protection against civil or criminal challenge under Article 498 of the Italian Criminal Code throughout the open labor market.

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