

Education Department

Higher Education and Research



Council of Europe Higher Education Forum

“HIGHER EDUCATION GOVERNANCE BETWEEN DEMOCRATIC CULTURE, ACADEMIC ASPIRATIONS AND MARKET FORCES”

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General report
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1. Introduction

It seems we live in the age of a global quest for better governance. Whether it is the preparation for the possible bird flu pandemic, allocation of resources to a nation's education budget, steering of a local company or repairing a street in the town – it is understood that these tasks need to be done in the most efficient and effective way, that decisions need to be legitimate and reached in a democratic and transparent manner. Some would argue that our particular age is marked by the New-Public-Management-speak, while others, less faithful to the managerial approach, would demand for a New Public Service.

On the other hand, we might not be doing anything new. It could be argued that, throughout history, mankind was always, to one extent or the other, troubled by the search for more efficient and more democratic modes of governance, even though the understanding of the terms “efficiency” and “democracy” is continuously developing, together with the understanding of “governance”.

Whatever the case may be – higher education could not escape this trend. Institutions themselves, as well as various actors in higher education governance are discussing whether or not their present modes of higher education governance are suitable for what they are trying to achieve and are they an adequate response to the changing conditions in which higher education operates and indeed, if they would need to be more proactive. Furthermore, it would be hard to find a country in the world in which everyone is completely satisfied how higher education is steered at system level. There are changes being planned or implemented in certain parts of the system almost everywhere in the world. Some countries are on the verge or in the midst of major system restructuring.

However, the issue of governance in higher education has not yet been fully discussed on the international level. The topic of governance is usually a shadow in the discussions of other changes taking place, such as curriculum development, student mobility, quality assurance etc. Here it would be relevant to stress that this refers primarily to the so-called political higher education community, or, to put this in other terms, stakeholders in higher education (however they are defined in different national contexts). Educational research has offered some academic insight into the topic, which is presented both in the literature survey and in some of the other contributions to the conference. However, the goal here is not to be either extremely political and interest orientated or extremely academic and theory orientated. The goal is to try to map out at least a part of the intricate fabric of the governance debate, to try to understand how the governance of higher education is related to the changing conditions for higher education and changes in the overall society and to try to agree on some of the basic principles of good governance. Therefore, we should be both academic and political to a certain extent and try to merge the better of the two worlds and discard the interest focus of one and sometimes a very disinterested view of the other.

It also seems that it is a particularly good time to discuss such an issue under the roof of the Council of Europe. The year 2005 is proclaimed to be the Year of Citizenship through Education, which provides more visibility to the discussion on higher education governance and puts the topic in the larger context of societal development. One should look into how education as a whole contributes to the establishment of the democratic structures, but even

more importantly, the democratic culture – both in the wider society, but also within our institutions involved in education. Therefore, the discussion around higher education governance should also bear these questions in mind: What is the role of education in contributing to the development of citizens who take pride in their activities in the civic society and who cherish the values of democracy, human rights and the rule of law? What is the role of higher education in the same endeavour?

Furthermore, it also seems that we have reached a point in the process of the creation of the European Higher Education Area in which it seems that there is a rather clear idea what changes are necessary to achieve the goals of the Bologna Process. Whether they will be achieved or not in the designated timeframe and in the planned way remains to be seen, but that is yet another aspect of governance of higher education, this time on intergovernmental, supranational and international levels, depending if the focus is on the role of national ministries, EU or international cooperation between higher education institutions. In most cases, although this may differ on the depth of the analysis, the planning phase is over. The question no longer is “what” but “how”. And this is where the issue of governance comes to the forefront.

2. Complexity of the topic

The topic of governance of higher education is highly complex. The Working Party was faced with this complexity as it tried to establish some borders around the topic and some grid within the topic to facilitate the discussion and ensure the relevance and usefulness of the conference and the conclusions as well as the recommendations of the project as a whole. It was quite an interesting journey in making a fluffy, intangible and somewhat intimidating topic of higher education governance into something that can be addressed in a short time by numerous participants with diverse professional backgrounds and national contexts.

This complexity is reflected in at least two ways.

The obvious one relates to the term of governance in itself. The results of the translation exercise of the term governance in the various languages and cultures reflect this more vividly than could be explained in this report. However, it would be worth pointing out that:

- there are as much as 8 different possibilities for translation of the term “governance” in some languages;
- in most languages the translations are closely related to the terms “steering”, “management”, “government” or “decision-making”;
- in all these languages it is implicit that the translation does not fully grasp the content of the English term “governance” and
- it would be interesting to analyse the cultural and societal roots of some of the translations, especially in languages where only one understanding is offered (as is the case in e.g. ex-Yugoslav languages where “governance” is understood as “management” or “steering” and not so much as “democratic decision making”).

Even though we will not take the English explanation of governance as the only true one, the exercise of translating the term to the national languages and indeed national contexts showed very clearly that there is an inherent danger of misinterpretation, superfluous or misleading understanding of concepts and we have to be aware of those in the discussions. While certain ambiguity of terminology may be politically justifiable, as all would be able to interpret it in the way that best suits their needs, too much freedom in interpretation will lead to inconsistencies and incompatibility, which may prove to be detrimental for other aspects of international cooperation in higher education.

We can not offer a simple, understandable definition of higher education governance, which would be constructed in such a way as to capture different cultural understandings of the notions such as “participation”, “democracy”, “legitimacy”, “transparency” etc. Prof. Kohler in his paper offers a definition of the term. But he also makes a distance himself by offering “an approximate definition” and using such words as “may be defined as”. And the definition is far from simple, it does encompass the various facets of the term, but, as the essence of the concept is not simple, the definition is far from simple. So, is it realistically possible to grasp such a complex topic and presented in one sentence? Is it possible to make sure that this one sentence will be understood properly by actors coming from different fields, different cultural backgrounds and different sources of interest in the topic? The answer seems to be – No.

However, it may be wise to dwell a little on what governance is not and tackle some of the frequent misconceptions of the concept of governance of higher education, which are used and sometimes abused by various stakeholders.

First of all, it is important to stress that governance does not equal management. There are various attempts to reduce governance to only management, and to neglect the fact that management is yet but a part of the governance process, and, in a way, a final stage of a more complex activity. Governance should be understood as a process of setting long term goals and establishing strategies for reaching these goals. Management refers to the process of implementation of these decisions, the day-to-day activities (not only limited to decision making)

ensuring the achievement of the aforementioned strategies and goals. The distinction is illustrated also in the request voiced at the conference for a division of tasks of governance and management between the competent and legitimate governance bodies on the one side and a professional administration on the other.

It is also important to underscore that we should be extra careful to keep in mind that we are not discussing governance per se. We have to remember that we are discussing governance of higher education. And that this means that the governance of higher education should reflect the complexity and multiplicity of purposes and missions of higher education. The multiplicity of purposes: preparation for the labour market, preparation for active citizenship, personal development and advancement of knowledge, is coupled with the multiplicity of values. We have heard different stakeholders focusing on different aspects of higher education and attributing slightly different priorities to the values of:

- competence,
- equality (achieving social cohesion)
- liberty (autonomy and even more so academic freedom – freedom to teach, freedom to learn and freedom to research) and
- what in the literature is sometimes referred to as loyalty – but which includes the demand from higher education to be more responsive to the needs of the society.

Now, having in mind the complexity of purposes and the complexity of values related to higher education, as well as the different national contexts and circumstances in which higher education institutions operate, I believe that Burton Clark in his famous book “The Higher Education System: Academic Organisation in a Cross-National Perspective” which is also referred in the literature survey, was right to point out that:

“Any sensible administrator asked to confront directly and to reconcile these ... orientations would undoubtedly seek other employment.”

This does not of course mean that most of the people reading the proceedings from the conference should “go seek other employment”. This serves to reiterate another point – governance of higher education must take into account the complexity of the tasks of higher education, it must take into account the diversity of contexts in which higher education takes place and it must take into account the diversity of actors in higher education and stakeholders who have interest in it. This may well be the most important reason for saying that there is no “one-size-fits-all” model of governance, neither on the system nor on the institutional level. The practice of copy-pasting solutions from other countries will not work in higher education, if it actually works anywhere else. Furthermore, copy-pasting from one time to another may not be the best strategy either. Any discussion of higher education governance and policy development connected to this has to take into account “the outer world” – the context in which higher education exists. On the basis of that, the best one can do is to offer some basic principles of good governance.

3. Changing context for higher education and impact on governance

Most of the research in higher education stresses that change is seldom fast and linear. Higher education is more an organism that evolves than something inclined towards revolutionary changes. In addition, when change is planned, it very rarely turns out exactly as it was planned. There are interpretations of goals and objectives and there are too many actors to allow for a straightforward implementation. Furthermore, the present higher education institutions bear both old and new marks and it seems that, under the modern structure and terminology lies much of the old traditions, attitudes and understandings. In this respect, some of the presenters and participants in the panel debate were true to point out that the present modes of governance do not reflect entirely the present context of higher education, but are rather a remnant of a time in which higher education was less massive, less diverse and further removed from society. As higher education moves from being a privilege, through being a right, to becoming a necessity for successful life and employment, the spectrum of those interested in how higher education actually operates becomes wider. There are new stakes in higher education and thus new stakeholders. They need new models of learning and new methods of teaching. New patterns of research are established and new balances between pure and applied are being established new partnerships between higher education institutions and industry forged. There are new and stronger demands for higher education to become more involved into solving societal problems, whether they refer to industrial development, ecological issues or reconciliation between different ethnic or religious groups. There is, on the other hand, an interest (which may stem from a necessity for additional resources) on the side of the higher education institutions to open their doors to society much more, sometimes even more than is necessary or desirable. All these changes then imply discussions on both who and how should govern higher education, as well as on the notions of autonomy, legitimacy, participation and democracy.

When it comes to the new stakeholders in higher education – they have emerged together with the new demands from higher education. The demand for higher education to be more responsive to the needs of the outside world means that, apart from the internal stakeholders (that is the usual suspects such as students, teachers, other staff and sometimes the government as a founder and owner of public institutions), there is a need to include external stakeholders into the governance of higher education, including, but not limited to, representatives of the business and civic sector, local and/or regional authorities etc. Thus, adequate mechanisms of involvement of these

external stakeholders, both on the level of the institution and on the level of the whole system, should be put in place. However, the creation of adequate models depends on the contexts, cultures and the rationale of involving the external stakeholders and again there can be no “one-size-fits-all” model.

With the advent of mass higher education and in some countries almost universal higher education, there is an increasing number of those participating in higher education, increasing diversity of their background and increasing diversity of the ways that the tasks of teaching and research are being conducted in higher education, which is also somewhat changing the roles of those who teach and those who research. The fact that we now have a high number of students from non-traditional backgrounds, non-traditional in age, in origin as well as in education prior to higher education, imposes new challenges on governance structures. The demand for flexible learning paths, which was clearly stated in the Bergen Communiqué, in itself includes a demand for structures and procedures which will support flexibility in learning. New actors in higher education may also demand a change in admission requirements and procedures, a change in recognition procedures, especially recognition of prior learning, a change in student assessment procedures and internal quality assurance procedures. On the system level, new actors in higher education imply that there are new criteria on which the evaluation of the success of the institutions should be based, new funding mechanisms and new legislative frameworks. It is no longer sufficient, if it ever was, to focus only on research performance of institutions. Different institutions may cater for different needs for the society and economy and it could be that the added value is a more suitable starting point of evaluation of success.

Given this diversity of both the stakeholders and actors in higher education, it is important to stress, that, while recognising the necessity for governance to include different stakeholders and take into account the different actors of higher education, those involved in higher education governance should to seek to strike a good balance between representing their respective constituencies and working towards achieving the long term overall purpose of higher education. While it would be naïve to suggest that those representing various stakeholder groups could forget their own interests (if they do, what then is the purpose of having the diversity of stakeholders anyway?), it would also be naïve of the stakeholders to expect that they would not have to negotiate sometimes their own goals and objectives for a greater and more lasting good for all those benefiting from higher education.

This brings us to the basic principles of good governance, which are more succinctly presented in the Considerations and Recommendations of the conference.

4. Basic principles of good governance

Governance can not be reduced to the decision making process only or to the organisational structures in the sense that there is more to governance than the skeleton described in the system legislation or statutes of the institution and there is more to governance than the muscles on the skeleton which include additional descriptions of procedures, records of decisions taken and minutes of meetings.

One aspect is that we should not be afraid to admit that the present situation is that there is a front stage of governance and also a backstage of governance. Many of those involved in higher education governance refer to the need for “real participation” and participation not in numbers and size but in essence. This seems to be a silent confession that there is more to governance than skeleton and muscles described above.

It may be impossible to bring all of the events to the front stage of governance, but what is essential is to diminish the impact of backstage, hidden agendas and power plays as much as possible. This can be only done if one other dimension of governance is added, a sort of mind and soul of the skeleton and the muscles we already have. This is the specific governance culture, values and attitudes understood and shared by those involved in governance, their aspirations towards the respect and development of the basic principles of good governance. The basic principles of good governance would include:

- the demand for transparency of structures and procedures (basically as little backstage as possible);
- the demand for effective mechanisms of accountability of those involved in governance on various levels;
- the ability to reach decisions and ensure their legitimacy;
- the commitment towards implementing these decisions.

This governance culture also means that the atmosphere in which governance takes place should also ensure that the decisions once made, if and only if they were made in the spirit of good governance, are to be respected even by those who do not agree with them, understanding that it is more important to ensure “a day in court” for all of the relevant stakeholders than to always have one’s own way. Here it should be underlined that this is true only if the decision was indeed taken in the spirit of good governance, meaning with full respect of the set procedures and with appropriate methods of discussing over problematic issues. If this is not the case, then there is substantial justification for expression of discontent in various ways. And indeed, we can find examples, both on the institutional and on the national level, that, when the full ownership of the decisions was not achieved, that the reactions ranged from quiet disgruntled murmurs in the far out corners of the room, over silent sabotage and impersonation of conformity to open rebellion. And in most of these cases, both the murmurs and the open rebellion are justifiable.

It has to be understood that the principle of legitimacy and the principle of efficiency are not in conflict – can a swift decision reached with seemingly unanimous support be labelled as truly efficient if those to whom the decision is related do not agree with it and may, as I said, sabotage the implementation? Is a decision efficient if it is not effective, if it does not contribute to the fulfilment of the goals of higher education, in long term perspective and having in mind the big picture and not immediate narrow interests? We should understand the demand for efficiency as an integral part of the demand for legitimacy of the decision making, so often voiced in the request for full participation and ownership.

We can see here that the basic principles of good governance actually entail what was referred to as “the democratic culture” by the Third Summit of the Heads of States of the Council of Europe. In the Action Plan adopted at the Summit it is stated:

“The tasks of building a knowledge-based society and promoting a democratic culture among our citizens require increased efforts of the Council of Europe in the field of education aimed at ensuring access to education for all young people across Europe, improving its quality and promoting, inter alia, comprehensive human rights education.”

5. Governance on the institutional, system and international level

With respect to governance of higher education at various levels, it is important to stress that governance of higher education should not be understood only as governance of HEI or even worse only as management of HEI. It should be understood that the basic principles of good governance apply to both the institutional and system level, but also to the international level.

However, there are some specific characteristics of each of these levels.

a) Institutional level

The first issue worth mentioning here is the demand for strengthening the institutional identity, or, to put it more explicitly, strengthening the institutional level of governance. This issue is particularly relevant for some of the regions in Europe, most notably South East Europe, as the universities¹ there do not exist in the real sense of the term; the rector more often than not has only a ceremonial role and the real focus of power lies at the level of the individual faculties. Recognising the differences between the faculties, it is necessary to strengthen the institutional level of governance, to ensure common sets of standards, to provide for sound and sustainable overall development plans, more effective use of resources and also greater strength for confronting the undue pressures from the outside. This includes both the strengthening of the governance in the wider sense on the institutional level, but also in strengthening the central administration, bearing in mind the distinction between management and governance of the institution. The demand for more integration at the level of institution should not be understood as a call for micromanagement and, to answer the very colourful example of some of the deans who are trying to hang on to their present kingdoms – no, this does not mean that the rector shall decide on how much toilet paper the Department of Astrophysics at the Faculty of Mathematics at a particular university needs.

The second important issue is the quest for autonomy. First of all, it should be noted that more autonomy means more accountability and that the fact that there seems to be a steady process of deregulation of the authority of the state, as an answer to that there seems also to be a steady process of self regulation by institutions. The whole discussion on codes of conduct and the role that both national associations of HEI as well as their European counterparts, EUA and EUARSHE, are playing is a good illustration of this process. However, it would be worth noting that the disappearance of bureaucracy on one level would, and often does, lead to the appearance of bureaucracy on another, lower level. Self-regulation should not turn into mere shifting of bureaucracy from the system to the institutional level.

It is also necessary to further analyse the content and the scope of institutional autonomy with respect to the changed societal contexts. This may be a possible topic of future international higher education fora. Does autonomy refer only to autonomy from the state or is there someone else institutions should be autonomous from? And, what does the demand of autonomy entail – is it only the legal autonomy, the financial autonomy and how these demands could be made operation and protected on the level of the system.

b) System level

Concerning the system level, public authorities should seek to provide an adequate legislative framework necessary for the functioning of higher education. This framework should refer both to the private and public higher education institutions which is also reflected in the Considerations and Recommendations of the conference. Furthermore, it has to be noted that this framework must not be prescriptive, but that it should allow for flexibility in developing concrete solutions to specific problems and situations. It must not suffocate creativity and innovation. Flexibility in the legislative framework is also important to allow for change to take place without

the delays caused by preparations of the new or amended legislation and its passing through the appropriate governmental and parliamentary structures.

In addition to this, it should also be stressed that we should try to see the system level involving not only the government in the narrow sense of the word, presented through the ministries responsible for higher education, research and finance. There is a variety of public authorities which also operate on the system level, such as the judiciary system, quality assurance and accreditation agencies and even buffer structures such as the national councils of (higher) education, all of which are an integral element of the governance of higher education system.

c) International level

In terms of the international level the basic principles of governance (transparency, legitimacy, flexibility, efficiency and effectiveness) are also valid here.

The increased frequency of cross-border and transnational higher education, through transnational institutions, joint programmes, mobility of students and staff, the GATS negotiations under the WTO, as well as the commitment towards establishing the EHEA and ERA, provide clear proof of the existence of another level of governance in higher education, and also another level where good governance is needed. The success of the ongoing international processes, primarily the Bologna Process, could be seriously jeopardized if they are not steered in such a way as to ensure adequate participation of the relevant stakeholders.

It should be noted that the international actors in higher education should also take upon themselves to facilitate the dialogue and the dissemination of good practice, recognising again that, while we can not copy models from each other – we can learn from each others experiences.

6. By way of conclusion

Prof. Pavel Zgaga begins his introduction to the issue of governance of higher education by shedding some light on the origin of the word “governance” - *navigation* – the old art of ascertaining the position and directing one’s course at sea. Therefore, if governance is navigation, good governance may include:

- an understanding that we are not only sailing the seas and oceans, but also calm rivers as well as turbulent creeks and
- an understanding that more than one type of vessel is fit to cross the sea, but that each vessel should have sails, ropes and a helm to direct the vessel; otherwise it can not be called a vessel and it will sooner or later sink.

We also need to have:

- updated maps, reliable compasses and good calculation of the course to take,
- skilled captains and first officers, whose authority is legitimate and based on competence,
- skilled crews, who will keep the decks clean, make sure ropes are not tangled and holes in the sails are repaired, and who, especially during storms and in troubled waters, will not bump into each other or work against each other, but who will complement each other’s efforts in bringing the vessel safely to port.

And finally, we need an understanding shared by those who steer the vessel, those who are on the vessel as passengers and those who wait for the vessel in the various ports to make use of the goods the vessel is carrying – that each port is but a stop and that the voyage does not really have a final destination.