

Autonomy and Accountability: The Search for Balance in University Governance and Management in the MENA Region

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Universities throughout the world—and nowhere more so than those in the Mediterranean Region, including institutions of higher education in the countries of Southern Europe, the Middle East and North Africa—are searching for ways to enhance their complex and multiple missions more cost-effectively. My modest goal at this seminar on *university good governance practices* at the Marseille Center for Mediterranean Integration (MCMI) is to comment on some international trends in higher educational governance and management with an emphasis on the sometimes fragile balance between autonomy and accountability.

My credentials for this assignment come mainly not from an intimate acquaintance with the universities of this region—although I have studied and given presentations on public and private universities in Morocco and Egypt for those ministries. Rather my credentials come partly from my years as a practitioner: vice president for a prominent private “Ivy League” university, president of a public college, and chancellor of one of the largest university systems in the United States. But in the international sphere, my credentials, such as they may be, include: 15 years as a professor of higher and comparative education; Director of the International Comparative Higher Education and Accessibility Project at the State University of New York at Buffalo; consultant to the World Bank on higher education finance policies in Morocco, Romania, and Kenya; author of books, monographs, book chapters, and articles on international comparative higher education finance and governance; and lecturer on university finance and governance in some 25 countries over the past 20 years.

Context and challenge

The overarching theme of this seminar is the search for good university governance practices. I will begin with some context for the universities in this region, including some of the challenges as I perceive them. As disparate as are the governments, the social and political systems, the prevailing cultures and ideologies, and the universities of the region are, there are common features that form a common set of challenges both to the governance, as well as to the management, of the universities in the Mediterranean Region. These features include:

- an increasing importance of universities to the knowledge economies of an increasingly globalized world;

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- a increasing importance of universities (and other institutions of postsecondary education) to individual aspirations (quite apart from the needs of economies) and thus to all governments that purport to be responsive to the desires of their people;
- consequent rising enrollment pressures, driven by: (a) the underlying demographics (which differ markedly whether north or south of the Mediterranean); (b) increasing proportions of youth completing academic secondary schools (most particularly where combined with the aforementioned rising birth rates); and (c) an increasing realization that jobs (or status or good marriage prospects) will also increasingly be enhanced with, if not require, some higher education;
- the nature of the basic, universal, higher educational production function, which is resistant to productivity increases and which therefore tends to increase unit costs—or more accurately experience increasing revenue needs—at rates in excess of the prevailing rates of inflation; and
- a powerful desire on the part of politicians and prominent citizens—reinforced by the desire of faculty and university leaders—for their universities to be internationally respected.

All of the above converge to a trajectory of revenue needs that in almost all cases (save only in some of the extremely wealthy oil producing countries) exceed the trajectory of likely revenues available from state treasuries. The consequent—and likely worsening—*austerity* of universities and other institutions of higher education throughout the Mediterranean Region (and the rest of the world) constitute the imperative to use revenues more efficiently, to sharpen priorities, and to find more *third stream*, or other-than-governmental, revenues.

University governance

A lecture or paper on university governance calls for some definitions at the outset. First, what do we (or at least what do I) mean by *governance*: most especially how does university governance differ from university *management*? Second, are we referencing the governance only of a university as a *single institution* (sometimes with separate branches, but with a single, albeit complex, mission and single authority structure)? Or are we referring as well to the multi-institutional university *systems* that are so much a part of public university governance in the United States (such as the University of California or the State University of New York systems)¹ and the many public and quasi-public entities found in nearly all countries, such as national councils, university grants commissions, accreditation agencies, public research foundations, and funding councils that operate *between* public universities as institutions and their governments? Third, whatever the meaning of governance, and whatever the institutional or organizational framework, how would we know good university governance if we saw it on the street—which then calls for some elaboration of *good*, as in “good for whom,” and “by what criteria”?

Each of these questions deserves considerable elaboration and time. However, as my time and space is limited, I will give only brief answers so that I might go on to the main

¹ See Gaither (1999) for a comprehensive account of US multi-campus higher educational systems.

topic I was asked to address, which is the delicate balance between university *autonomy*—which is generally praised as a good thing by faculty, university heads, and so-called good governance advocates—and *accountability*—which is also praised, especially by politicians and governments, but which clearly has at least the potential to seriously intrude on someone's concept of autonomy.

Governance and management

University *governance*, as opposed to university *management*, deals first with the establishment of university or university system mission, or more accurately the appropriate *mission mix*: for example, as among international as opposed to local or regional scholarship, or applied as opposed to basic research, or the training of scholars as opposed to the training of productive workers/employees or the education of the young adult for citizenship and his or her place in society. The establishment and the occasional alteration of mission is a classic governance function that is most often shared between the academic staff (sometimes only the regular faculty, or even only the regular senior faculty, but sometimes shared as well with professional staff and even students) and the government. In turn, the *government* with which this governance function is shared may be a ministry of higher education, a parliament or legislative body, a powerful head of state, or one or more of the above-mentioned *buffer* entities, such as an institutional or system governing board, a national council, or an accrediting agency. The delicate balance of authority usually involves a negotiation among the academic staff of the university or (or of the sub unit of the university such as one of the faculties or departments); the university management in the person of a rector, president, vice chancellor, or dean; the ministry of higher education; the ministry of finance (if there are resource implications); and one or more of the quasi-public governing entities such as a university governing board, a system governing board, or one or more of the several quasi-public agencies charged with assuring that the institutional resources are adequate to the proposed mission expansion or alteration, and that a larger public purpose will be served (which sometimes calls for an assessment of the effects on other competing public universities or university colleges).

If the focus is upon governance of the university as an *institution* (as opposed to the university as a *system* of more-or-less separate and distinct institutions, or to the total set of public institutions in a country), the determination of mission, or the appropriate mix of missions, will largely determine: (a) the nature of academic talent that is appointed and rewarded; (b) the array of academic degree programs and the kinds of students admitted to them; (c) the internal substructures of governance and management (e.g. the various departments and institutes within the university); (d) the allocation of resources among these programs and subunits; (e) the way in which the university is to be managed (e.g. how a president, rector, or vice chancellor is to be appointed); and finally (f) the actual selection of a management team.

University governance also entails the establishment (and occasional modification) of the institutional and programmatic management structures to carry out these several missions: that is, the assemblage of schools, faculties, department, institutes and the like, as well as the lines of authority and accountability to be employed throughout these structures to achieve the institutional and or system goals. Part of governance is securing,

insofar as possible, the resources required to carry out these goals as well as monitoring and holding accountable the performance of institutional managers at the highest level. Finally, university governance is responsible for appointing, assisting, defending, and if necessary removing, those at the highest levels to whom is entrusted the management of the institution or system of higher education.

The governance of public universities and systems of higher education differs, of course, by country and by the traditions of its universities, as well as by the prevailing politics and currently ascendant ideologies, particularly the degree to which these follow an Anglo American *liberal* tradition, with its orientation to markets and privatization, or, as in most of the Mediterranean regional countries, a more Francophone *dirigisme*, with its orientation to strong central governments and public universities as agencies of the state. Accordingly, university governance differs by the legal form of the university as an organization: that is, whether it is akin to all other governmental agencies, or is a special form of governmental agency accorded measures of autonomy not accorded other agencies, or is a public corporation. University governance also differs within countries by whether the institution is a true *research university* in the classical Western, or Humboldtian, mode, oriented mainly to research and the training of scholars and generally featuring very strong faculty authority and considerable institutional autonomy, or is in reality more of a training institution (even if it be called a “university”) with generally stronger controls from both government and management.

Management, on the other hand generally refers more to the day-by-day (but nonetheless critical) decisions of operating the institution: the admission, registration, and certification for degrees of students; the appointment, remuneration, and promotion of the academic and other staff; the construction and maintenance of the facilities; the scheduling of classes and the assignment of staff to these classes and laboratory spaces; the securing of resources to carry out the complex (and expensive) mission of the institution; and the all-important allocation of resources among the very many different claimants on what is inevitably an insufficiency of total resources. Management is sometimes denigrated by contrasting it with *leadership*, which is generally portrayed as more visionary and more likely to alter the fundamental trajectory of the institution than mere management. In truth, however, the distinction is a fine one and its significance often over-estimated. Vision and the capacity to fundamentally change a university (or any institution or organization) require the ability to institutionalize change and to effectively create new resources by the efficient use of the resources at hand as well as the difficult managerial decisions of resource reallocation. Effective governance and effective management, then, are inextricable bound together. Management without vision cannot adapt; leadership without effective management remains, well, *visionary* (Johnstone 2010).

Governance of universities and university systems

If the focus is on the governance of a university *system*, then the establishment of the mission mix is among the separate university entities making up that system: for example, which universities and or colleges are to stress agriculture and engineering, as opposed to medicine and the bio-medical sciences, as opposed to economics and commerce, as opposed to the arts and humanities? What are the rules for the governance and management of the member institutions: that is, what are the respective authorities

(and limits to authority) of the institutional rectors or presidents, the deans of the separate faculties, the institutional academic senates and the corresponding academic assemblies of the separate schools or faculties? Finally, how are resources to be divided among the separate universities (and colleges) of the system, and what is to be latitude for, and the ultimate disposition of, institutionally-raised revenues such as tuition fees and fees?

Ultimately, if a university or a multi institutional university system is public—even if it has been granted by law the status of a public corporation, or a *legal being* (which presumably the law can also take away)—the determination of mission and all the other matters I have ascribed to university governance still, in the end, belong to the state. Autonomy, then, (a concept to which we will return below) is increasingly prevalent and increasingly desirable in university *management*, and much less, or with many qualifications, in university *governance*. At the same time, around the world, especially in the highly industrialized countries of the OECD, these fundamental governance decisions such as the determination or alteration of mission—or at least the authority to propose or to initiate them—are being delegated by governmental executive action or by legislative or parliamentary law to the kinds of legal entities we have called university *systems*, composed of multiple universities, university colleges, and other public, or state-owned, institutions of higher education, each system having its own governing or advisory body (e.g. a national council or a system governing board) that is clearly linked to the state by appointments or ex-officio memberships, but that retains some distance from the state.² These entities are sometimes referred to as *buffer bodies*—strategically positioned between the government with its ministries, elected parliaments or legislatures, and a head of state, and the universities as institutions, with their rectors, presidents, and academic senates. The university systems or national university councils thus have a dual role: on the one hand representing the interests of the state and the people (albeit at some distance from the government itself) to the university system and to its constituent universities and their governing bodies, and on the other hand representing the interests and needs of the university system and the member universities to the state, advocating for the necessary resources and shielding the universities from what might be the more politicized whims of ministers, members of parliament, legislators, and heads of the government and the state.

Effective university governance

A final question, which seems to be begged by the title of this seminar, is what would constitute *good governance*? My answer segues to my lecture title topic of autonomy and accountability. University governance—that is, the determination of the mission or missions, the structures of management, and the rules for sharing authority among the faculty, the university managers, the students, and all other stakeholders—that is *good* is governance that best serves the long-run public interest. Public interest, in turn, is served by a university that carries out its appropriately multiple missions with cost-effective

² University systems (or national councils or funding agencies) have their own management structures as well, beginning with the head of the governing board or council (e.g. board chair or, in the UK, the university chancellor) and extending to a chief executive officer (e.g. system president) and a management staff.

excellence. University missions, or purposes, call for the creation of new knowledge—for its own sake and also for application, both to the economy and to the needs of the larger society. University missions also call for teaching: both at the level of entry, and at graduate and advanced professional levels. Although conventional academic rhetoric frequently claims these disparate missions to be perfectly compatible and even complementary, this is simply not so. Some of them actually conflict; all of them compete for the time, attention, and resources of the faculty and staff. Thus, a university or a university system that pursues only what its faculty, or only what its rector or president, wishes to pursue—oblivious to the range of scholarly and teaching needs of the public, and regardless of the excellence with which these pursuits are undertaken—may not be governed in the public interest. Furthermore, as all university endeavors cost money, and as each one of those expenditures represents a foregone alternative expenditure that might have had great public value, the expenditure of the public's resources only as the faculty would have them spent, may be cost-*ineffective* and decidedly not in a long-run, and thoroughly enlightened, public interest.

This is not, as faculty may portray such language, to say that there is no public value to scholarship of the most basic kind, or that a government ministry (or a public university governing board) should determine the areas of scholarship or the appropriate curriculum of an academic program. The classic Humboltian principle of *Lehrfreiheit*, or the freedom of the professor to pursue scholarship of his or her choosing, is fundamental to the quality of both research and teaching, and thus to the excellence of a university. However, this principle is not something that the state *owes* the professor (aside from the obligation of the state to protect the civil rights of all citizens). Rather academic freedom, like the authority of the faculty to determine the curriculum of an authorized program as well as the methods of teaching, are instrumental principles that have proven to be eminently productive for the most useful scholarship (in the long run) and the most effective teaching for virtually any student in any program. In short, academic freedom, and other principles of university autonomy—in combination with integrity and rigor in the selection of the academic staff to whom such freedom is granted—is good because it best serves a larger public interest.

University autonomy

Within this context and these definitions, then, let us examine the principle of university autonomy, which has been a centerpiece of public university policy in so many countries, including most of those in the Mediterranean Region. Autonomy refers to self-governance, or the (relative) freedom from externally imposed constraints. In a university context, autonomy generally refers to the degree of freedom from the state: thus freedom from regulations or other governmental dictates (some of which can be subtle but very real). However, the case for autonomy—that is, the case for the university (meaning some combination of faculty, university management, and university governing board) to determine matters of both governance and management free from governmental regulation or interference depends on the nature of the issue or decision element. For example, the case for university autonomy is strongest—and generally uncontested in most advanced countries—on such matters as: what students to admit to which programs; what to teach and how to teach it; what faculty and other staff to appoint to which

positions or jobs; and what to research, and whether and how to disseminate the finding from this research.

The case for university autonomy is less universally acknowledged—and may meet with considerable opposition from some quarters—in such matters as the employment rights and compensation of the faculty and staff—which in many countries are considered civil servants and employees of the state, not of the university. Similarly, the disposition of land and other assets—which in many countries is considered the property of the state and not to be disposed of without governmental permission—or the programs to be offered (which in most countries requires the concurrence from the state on the bases of demonstrated need and likely quality. Other aspects of governance on which total autonomy in the sense of total [university] self governance is both unlikely and undesirable from the standpoint of good public policy include: the curriculum of academic programs required for professional licensure (such as engineering, medicine, or the law, which are viewed by most states akin to the protection of the client, patient, and citizen), and the setting of the tuition and other fees to be charged to the students and their families, which are generally considered by the state to be too related to the basic goal of higher educational access—which the state is paying for by its underlying appropriation—to be left entirely to the university, which has a disproportionate incentive for revenue maximization relative to its incentive for student access. Finally, the state cannot give over entirely to the university—either to the faculty or to the university management—the requirement of, and rules surrounding, the demonstration that the public’s needs have been met in ways that constitute a cost-effective use of the public’s money: that is, the measures of accountability.

University autonomy, then, is prescribed. More important, it is a changing set of regulations, prescriptions, and expectations that are negotiated among several claimants, often with conflicting interests and needs, including:

- the faculty and academic staff, intent on impressing the university with their academic values and standards—and intent also on protecting their freedoms and emoluments;
- university management, generally charged with doing more with less, and leading a faculty that wants to be protected and fed, but generally left alone;
- the sector of government most charged with the provision of higher educational quality and accessibility: namely the ministry of education or higher education;
- the sector of government most charged with the disbursement of precious public revenues and the difficult act of balancing voraciously increasing public needs with inevitably limited public revenues: namely the ministry of finance;
- the head of the government and the majority party or coalition, endeavoring to meet the expectations of their electorates—who want admission of their children to a university they can be proud of, at a fee they can afford, and without calling for additional taxes;
- the governing board (in countries that have them—either, or both, of the institution or of the university system), charged with carrying out the needs of the public—which needs are often at odds with the interests of the faculty—while supporting and advocating for the university;

- businesses and other employers, expecting to receive both useable knowledge and knowledgeable graduates from the universities—but also without having to pay the additional taxes the universities are calling for; and
- the students, wanting admission, good teaching, and a voice in university governance, preferably without paying for it or having to depend on their parents for financial support.

Good university governance is governance that negotiates this array of sometimes conflicting, and even more often competing, claims for the long-run public interest. Good governance is not in the hands of any single party, but is something negotiated and arrived upon over time, respectful of history and of the great traditions of the university, but also of the changing needs of societies and economies and of the multiple and sometimes difficult to reconcile demands on the institutions we call universities. Autonomy in the realm of university management is generally desirable, but autonomy in university governance is a more complicated and nuanced matter.

As Salter (1995) wrote in his account of the changing ideas of university autonomy in the United Kingdom:

“...the corporate autonomy of universities has always been exercised [in the UK] within externally imposed boundaries. At one time those boundaries were imposed by a powerful segment of university opinion and led to a university system that was elitist (both in terms of its pedagogical values and those whom it was prepared to admit), high in cost, and lacking in diversity. In recent years, the state has reclaimed the control of those boundaries, and has insisted on managerial strategies which will result in a system [that] is more diverse in character, has lower unit costs, and is overall far less elitist. In the process of this change, university autonomy has evolved markedly: from the idea of development initiated from below, to the idea that once granted their resources the universities were responsible for spending them, to the idea that universities need to make choices within boundaries that discriminate against some decisions while encouraging others.” (p. 70)

Clearly the trend internationally is to devolve matters of university governance and management from government—mainly from a central ministry of education, but also from a central ministry of finance or budget—*but to what or to where?* Increasingly, this devolution takes the form of public corporatization: that is, retaining clear public ownership of the university assets, and including the right to “claw back” authority that appears to government to have been given away in excess, but otherwise granting to the university the status of a legal being: that is, able to set the terms and conditions of employment, to enter into contracts, to seek and hold assets, and to sue and be sued in courts of law. Japan is an example of a country that began in 2004 to move its national universities to the status of public corporations in the interest of maximizing efficiencies and a presumption of enhanced ability of the universities to generate non-governmental revenues (Yamamoto, 2004).

France, under the 2007 Universities Freedom and Responsibilities Law (LRU) has embarked on a more complex route to enhancing university autonomy, granting the reorganized university governing boards and the university rectors (now presidents)

greater authority in hiring and compensation, management of the budget, ownership of assets, and entering into contracts with other universities and businesses. Not surprisingly, while these changes clearly enhance university autonomy, the devolution of authority has flowed from the ministry to the boards and to management—not to the professorate. At least some of the professorate, in fact, as well as much of the organized student voice, has firmly opposed this form of greater university autonomy: the professors evidently preferring to leave the protection of their jobs and emoluments, and the students preferring to leave their rights to university admission without further examination or screening, to the government rather than entrust them to either the university managers or the newly strengthened university governing boards.

Accountability

As governments and ministries around the world are relaxing their controls over public universities, particularly in the realm we have identified as university management, the price to pay is frequently more demand for accountability. And the demands for accountability are increasingly in the form of measurable demonstrations of achievement and progress on the university's goals. If a goal is advancing scholarship in, say, basic science, then a measurable goal might be the number of articles accepted in internationally recognized, peer reviewed journals in the university's own self-proclaimed fields of scholarly emphasis. If a goal is applied scholarship, then measures of output or achievement might be the number and amount of consulting contracts awarded through the university, or the awarding of grants in, say, techniques of dry lands agriculture, or the numbers of patents applied for and/or awarded.

Accountability in the university's professed teaching mission is even more difficult and subject to the vagaries of suboptimization and unintended consequences. For example, if the state over emphasizes the number of students admitted as a measure of success, then the universities may respond by admitting more, but with little concern for their programs of study or their progress or completion. The unintended consequences, then, may be too many students admitted into low cost programs for which there is little public need, along with a high number of drop outs. If the metric for success is degree completion, then the universities may admit only the most academically well prepared and ambitious, whose completions are statistically most likely, and admit few of the more high risk students, whose secondary school preparations may be weak because of poor schools, family poverty, or poor language instruction. And if the metric is gainful employment, success may be distorted by the state of the economy and the vicissitudes of the job market.

On the other hand, to not require some metrics of success, whether in teaching or research, may be to reward, however inadvertently, whatever is most comfortable for both the faculty and the university management—which is likely to be whatever they have been doing in the past. As governments provide more management flexibility, then, the universities need to be held to some measures of success in what they claim their missions to be. And these metrics should be used not simply at a point in time, but over time, in order to reward improvement.

Summary and recommendations

Recent years have witnessed, particularly in the advanced industrialized countries of the Organization for Economic Cooperation and Development (OECD), considerable loosening of governmental controls over public universities. Sometimes these have been advanced under a banner of increasing autonomy, or self governance. However, in keeping with the distinction we have made between *governance* and *management*, the recent trends have been more in realm of loosening governmental controls over management. Sometimes, in fact, the reforms on behalf of increased management flexibility are accompanied by a tightening of governmental controls over the academic programs, and scholarly institutes that are allowed (or at least are accorded state revenues) to continue, as well as over other elements of university governance such as the numbers and academic backgrounds of students that are expected to be admitted, and the scholarly areas that are to receive tax funding. Autonomy in connection with public higher education policy, then, is less a matter of *self governance*, than it is of *good governmental policies*: specifically, of allowing most management decisions to be made close to the enterprise—that is, by the university rector or president and deans, solicitous of and informed by but not subservient to, the faculty. Autonomy in the form of appropriate management flexibility, then, facilitates the decision making that goes into for example: the most effective allocation and reallocation of resources (including the shedding of the least productive staff and programs); the quest for third stream, or non-governmental, revenues; the appointment, compensation, and retention of the ablest faculty and staff; and constant attention to the long-run societal needs that public universities are best equipped to serve.

In summary—and bearing in mind the great diversity of countries, cultures, and universities in the Mediterranean region—some thoughts regarding governance and autonomy include:

- Governments and higher educational ministries must maintain a substantial voice in—and ultimate governmental authority over—the most vital elements of university governance, which includes the appropriate mix of missions and academic programs, both across the range of public universities and university colleges, and within the major research universities.
- Governments and higher educational ministries should relax the bureaucratic controls over the management of universities, substituting appropriate measures of accountability and post-audit controls for what has been, in too many countries, interference in the details of university management.
- Forms of public incorporation should be explored to maintain public ownership and ultimate control, but to inject the kinds of freedoms and incentives associated with *New Public Management* (such as lump sum budgeting, authority to carry over unspent funds from one fiscal year to the next, authority to contract out non-academic functions of the university, and a greater say in the establishment of tuition and other fees).
- Although governments should not walk away from their public universities and university colleges—either from the appropriate setting and alternation of missions, programs, degree standards, or access policies, or from an insistence on measures of

management accountability—governments should do everything possible to depoliticize such involvement.

- Depoliticization may be carried out through the creation and careful attention to quasi-governmental, or *buffer*, governing entities. Such entities include public university governing boards, the members of which should be appointed in such ways and with sufficiently long periods of appointments and staggered terms, as to shield the boards from sudden changes in their governments. Other quasi-governmental entities that are vital to the financial and academic health of public universities and that can be substantially depoliticized, include such entities as, e.g.: accreditation agencies; financial assistance / student loan agencies; and university grants commissions or funding councils to allocate public revenues across the spectrum of public universities and university colleges; and research funding agencies to allocate research funds among public (and private) universities.

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