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Public responsibility and institutional autonomy

Abstract

The interaction between a public responsibility for higher education and the implementation of a public policy by autonomous higher education institutions is a key element in the Bologna Process.

When Ministers met in Bergen in May, I could, as Secretary to the Bologna Follow-up Group, report that we can see the contours of the emerging European Higher Education Area. In addition to structures encompassing qualification frameworks, quality assurance and recognition, there will be a social dimension: Higher education should be equally accessible to all.

For many countries, “Bologna” is a central element in the *public policy for higher education*; an inspiration and a recipe for highly needed reforms. In a later session, I’ll comment on the situation in my home country, Norway. At the same time we are jointly building a common framework to realise the idea that students and staff shall be able to move freely within our common area, having full recognition of their qualifications.

The Bologna Process is a voluntary cooperation between different national systems. There is no legally binding provision except for the Lisbon Recognition Convention, the arrangement being based on mutual trust. Participating countries have adapted their legislation to the principles and objectives of the Bologna Process, and higher education institutions are committed to implementing them. Thus, the EHEA will not be a single, unified higher education system, but a group of more than forty national systems developing national policies according to jointly agreed principles.

In the Bergen Communique, Ministers underlined the central role of higher education institutions as partners in the Bologna Process. They welcomed the clear commitment across Europe to the Process, but they also recognised that time is needed to optimise the impact of structural change on curricula and to ensure the introduction of new teaching and learning methods.

Preparing for 2010, Ministers stated that they wish to establish a European Higher Education Area based on the principles of quality and transparency. They committed themselves to upholding *the principle of public responsibility for higher education* in the context of complex modern societies. At the same time, Ministers undertook to ensure that higher education institutions enjoy *the necessary autonomy* to implement the agreed reforms. Ministers also recognised the need for sustainable funding of institutions.

Public responsibility

Autonomy is not absolute. It must be seen in relation to the public responsibility for higher education and as such it is defined in the HE legislation of individual countries. One may ask how public responsibility and institutional autonomy should be balanced for optimal cooperation and division of labour between public authorities and autonomous institutions.

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A Bologna Follow-up Seminar in September 2004 organised by the Council of Europe, concluded that public responsibility for higher education should be understood as a multidimensional concept that includes the establishment of legal infrastructure, elaboration of policy, provision of funds and development of the social dimension.

Public responsibility should be exercised with due regard for the need of HE institutions to act freely and efficiently in the pursuit of their mission.

Public authorities should establish quality assessment mechanisms that build on trust, give due regard to internal quality development processes, and have the right to independent decision-making. In the terminology of this seminar, the QA agencies are buffer organisations between the national authorities and the HE institutions.

Public authorities should also ensure that appropriate bridges exist between higher education and the world of work, including a coherent qualifications framework at national and European levels, transparent mechanisms for recognition of qualifications, and two-way information flows between the labour market and higher education.

At the Bergen Conference, there was a parallel session on institutional autonomy and governance. Drawing on a background paper written for that session, I will say that public responsibility for higher education encompasses the structural elements of the Bologna Process such as a national framework, degree structure, quality assurance and recognition. Funding of higher education may also be considered a public responsibility, however, this does not exclude financial contributions from other sources.

Institutional autonomy

University autonomy was introduced in the Bologna Declaration with a reference to the 1988 Magna Charta Universitatum, which stated that *“The university is an autonomous institution at the heart of societies differently organized because of geography and historical heritage.. To meet the needs of the world around it, its research and teaching must be morally and intellectually independent of all political authority and intellectually independent of all political authority and economic power.”*

An autonomous institution should have the right to decide its organisational and administrative structure, decide its priorities, manage its budget, hire its personnel and admit its students, decide the content and forms of its education and research - or at least a number of these rights. An increasing institutional autonomy may have consequences for institutional governance, possibly implying a stronger and more centralised institutional leadership.

University autonomy is not only determined by law. It is the net result of the sum of its legal rights and duties and its financial and other resources. Universities and state authorities may hopefully agree that the goal is not to maximise autonomy, but to establish a proper balance with accountability to society. To find out how far a university enjoys autonomy in relation to the state, and if there is a proper balance of interests, we have to look at all dimensions of the state-institution relationship, such as:

- laws and regulations,
- academic freedom,
- budgets (structure and implementation as well as level),
- accountability, including accountability for quality,
- appointments,
- informal political and administrative relations (a phone call from the minister!).

In the extreme case, the state might negate autonomy through *any one* of these mechanisms; under a previous regime in Serbia it was done through appointments. Or it might be done by strangulation by a series of measures that individually could be justified but taken together would be oppressive

However, autonomy with respect to the state is only part of the total picture of institutional freedom. Universities are increasingly subject to pressures from other sources: market forces, competition for students and staff, commercial interests in commissioned research. For good and bad, this trend will reduce the traditional values of the state-institution relationship.

Until fairly recently, universities in most European countries were elements in system of state institutions, following general laws and regulations for such institutions. Laws on higher education would usually define a university as a special type of state institution with a right to self-government and as a place where academic freedom would be respected. An elected Rector and an academic senate would lead the institution. Freedom was mainly related to academic matters, not to economic and organisational matters.

Over the last one or two decades, this has changed. In many countries, higher education institutions may now have great economic freedom; they may be organised as public companies or foundations for more flexibility. However, these institutions are often led by an Executive Board, which will hire a Rector, often from outside. The academic community no longer governs the institution all by itself.

The greater freedom for the institution means a higher focus on responsibility and accountability and also external participation in institutional governance. The individual academic member may ask if such extended autonomy is worth its price.

My description implies that the relations between the state and the institutions are changing. Most probably, they will continue to change. In the Bologna Process, higher education is considered to be a public good and a public responsibility. However, nowadays higher education can also be business. A new regime for trade in higher education through GATS, the General Agreement on Trade in Services under WTO, may have unforeseen effects by setting new rules for trade in educational services.

Universities as partners in the Bologna Process

Both the state and the universities may contribute to a positive development in state-university relations. Building a mutual understanding and trust is essential. This must be done nationally and it must be done on the European arena. Finding the proper balance between autonomy and accountability is one common challenge to state and universities.

Important contributions to an improved dialogue between governments and the university system have been made by university organisations. In most European countries, there is a National Rectors' Conference. Private institutions may or may not take part in the Rectors' Conference, depending on the status of private institutions in the individual country.

A National Rectors' Conference usually has an ongoing dialogue with the National Ministry of Education. At times, this dialogue may be strained and the mutual trust may be low. Building trust is a responsibility of both parties.

The relation between the state and the institutions of higher education is a key point. As I have already said, institutional autonomy is a central element in the Bologna Process, where institutions are considered to be partners.

As the university is assumed to have the responsibility for all its activities, it follows that it should also have responsibility for its faculties. Faculties must of course be delegated governance of their activities.

Autonomy is balanced by accountability. Greater autonomy for higher education institutions means greater accountability relating to budgets, appointments, student intake, degrees awarded and to the quality of teaching and learning.

In addition to the formal accountability to the state, which should be prescribed by law, higher education institutions must also be accountable to society.

The increased focussing on autonomy and accountability has an effect on national legislation, as changes in the system usually require a change of law. Traditionally, laws on higher education have in many countries been written out in great detail. However, increased institutional autonomy implies that most details can be left to institutions to decide themselves and when laws are revised with this in mind, it will also allow for future changes.

With the proper balance between public responsibility and institutional autonomy, an effective law on higher education may only regulate what is essential to regulate and which cannot effectively be regulated in any other way.

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