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University Autonomy and Buffer Organisations

1. *Fashions and trends*

In 1976 I started working for the CRE, the association of European universities. As for the system governance of higher education, the term in fashion at the time was '*collective autonomy*'. Markku Mannerkoski, the rector of Oulu University in Finland, was one of the proponents of this idea in European meetings and when CRE, in 1978, started with the IMHE programme a training seminar for newly appointed rectors, Markku, in the four day workshop, usually had a session that was dedicated to that theme.

1968 was still recent past and people remembered that the students on the Paris barricades were asking for a clean break with authoritarian systems of rule; this meant an end to traditional hierarchies, to rites of community belonging and to the respect of functions – for their own sake. Indeed, individuals were born the same and thus had equal value – what Rousseau had said in the *Contrat Social* already, the seminal book for the 1789 Revolution in France.

As a result, in the universities, rituals were abolished, gowns and colourful costumes formalising the academic pecking order abandoned, deference to professors questioned and closed meetings replaced by open conferences where votes were of equal weight, be they those of the cleaners, the students, the professors or the rector. New universities no longer planned grand buildings for the administration - with large halls, corridors and antechambers –, *palazzi* that imposed a sense of awe and grandeur to the person coming to see the rector: in such places, by the time staff, students or outsiders had entered the *sanctum*, their demand was vacillating and the word of high could certainly carry all its institutional weight! After 1968, academic roles had to be justified, again and again, since the easy reference to traditional pecking orders was being denied. *L'habit ne faisait plus le moine*. This ushered the idea that quality and work results were the only r*aison d'être* of any assignment; this also meant that failing in expectations had to be sanctioned – at the level of the individual – either by providing staff development courses or by firing those university members proving insufficient: this implied the end of tenure or any other 'protective' device considered to refer to privileges rather than to rights. Power was, on one side, fragmented into an infinite number of personal pieces or, in other words, brought down to the level of each actor in the system, be she the janitor or the president. On the other side, it was open to being kidnapped by those who could use direct democracy to their advantage – with the risk of arbitrariness and obscure manipulations.

Of course, this did mot make the governance of institutions easy, all the more so as the breaking down of old rules could lead to *harassment* – some professors being brought to the verge of suicide by unruly students or by 'dear' colleagues -, or to *populism* – other teachers making things easy for students to ensure a large support from the majority group in the institution. The return to individuals fighting it out for themselves did not last, however, as people could not spend all their time ensuring the safety of their little place in the universe. As a *political animal*, man needs to channel into routines the recognition of the group so that he can exist in the eyes of others without constantly proving that he is around. That is the basis of political and administrative procedures, everywhere.

Hence, soon after the turmoil of 1968, new laws were passed that tried to digest some of the anarchistic desires of the younger crowd that had been saying ‘no’ to their fathers while claiming their right to full independence. The *universitas scholarium*, i.e., the guild of professors taking charge of the institution, the so-called Paris model, was considered dead but this did not mean a return to the old Bologna model, where the guild of students was running the show, hiring and firing teachers, controlling their output and paying their wages. In the laws passed in the 1970s in France, Germany, the Netherlands or Portugal students were recognised as full partners – that is as adults entering a contract with the teachers with whom they shared a common institution, the university. In fact, a new model of *parity* was being developed since both groups had an interest in the success of the institution. That translated into what the Germans called *Mitbestimmung*, an ordered sharing of decision-making and of power that applied not only to higher education but also to most social institutions in the Federal Republic.

Independence – which is the refusal of dependence in any form, as the word says - was thus turning to autonomy. Autonomy is a freely consented dependence aiming at specific goals. Autonomy is indeed the capacity to move on one’s own (*avtos*) but in a given environment (*nomos*). Thus, it recognises the constraints of the milieu and, hence, it becomes a negotiated approach to one’s own self-understanding; it takes account of the existence and influence of the others and tries to use them to comfort rather than distract the individual’s own being. Therefore, autonomy implies the recognition of the other as a partner.

To move from independence to autonomy, individuals are thus constantly looking for allies – i.e., people with whom they share an interest, a project, an approach to daily existence or a reaction to the difficulties met in a common environment – be it local, regional or universal. As allies, the individual and his or her *socii* (associates) try to join forces for achieving those goals that make sense of their common will to survive; as a result, the group takes over and reinforces the individuals’ plans for personal development – even if this means some compromises or changed priorities for the individual as a person. In short, *l’union fait la force*. And that is what collective autonomy is all about.

It induced the recreation of universities as *institutions made up of all kinds of members*, all of them ready – or asked - to share in the building of the identity of the establishment. Such a bottom-up, rather egalitarian approach proved particularly true in the 1970s and 1980s, in some European countries at least. Then, in the 1990s, it was felt that such universities, when organised as joint ventures, were difficult to run, slow to answer the needs of society and rather unclear on their specificity since the federation of will and wishes was often weak – thus allowing the development of varied views about the role and future of the university inside the institution and its ruling organs. As a reaction, various proposals were made to counter fragmentation and to ensure efficiency, most of them being linked to a stronger power centre, the rector losing his/her function of institutional facilitator and co-ordinator to become the manager of the university, be it vis-à-vis its members (teachers, students and administrators) or vis-à-vis the social partners outside of the institution (public and private funders, graduate employers, politicians or the parents of students). Rectors were thus encouraged to become some kind of CEO - on the model of industry managers – either elected or nominated, a new development in the traditional European university usually governed on the basis of clusters of professionals. This meant, on one side, a more visible – and hopefully more credible – *autonomy of the institution* (a status now more and more recognised by the national laws – like in Austria or Italy). On the other, it induced the *streamlining of responsibilities*, not only inside the institution but also in terms of the university’s accountability to society: thus, in the Netherlands the law passed in the mid-nineties reintroduced a vertical line of command, the Ministry appointing a supervisory body (made of non-academics representing society at large), that Council nominating the rector, who chooses the deans, the latter selecting the heads of department, who entrust single professors with specific duties in research or in teaching. As a consequence of this *matriochka* system of power distribution, student and other participatory bodies – that used to

play a full part in earlier decision-making – were downgraded to a consultancy role ensuring information for efficiency's sake. This new structure of power required a strong sense of responsibility among university members and it encouraged the *professionalisation* of the institution, each function or sub-line of command leaning on support staff whose expertise could help organise specific areas of interest: international relations, links to industry, career services, staff development, student support, etc … The result was a different form of fragmentation – bureaucratic – even if the aim of a strategy of effectiveness was to make the people accountable – and the system transparent. Thus a larger institutional autonomy often meant a growing control over the members and the collective bodies of the university. Indeed, it is from the well-oiled co-operation of all stakeholders, inside and outside, that the institutional identity develops making the institution unique, i.e., a desirable partner with which others want to work. Today's universities are all trying to define a balance between this need for a common belonging and the members' initiating capacity. And the solutions are very different from one region to the next, from one establishment to the other since autonomy covers multiple functions, and not always the same ones from place to place.

2. *UGC*

The evolution mentioned above started from a dual system – the university (be it fragmented or united) on one side facing the government (usually the Ministry) on the other. These two key actors then – over the years since 1968 – had to negotiate the terms of common action, i.e., the areas of overlapping responsibilities. Such developments differ considerably from one country to the other, from one law of higher education to another but, as indicated already, they go from a rather democratic, somewhat flat and horizontal organisation of power structures – where the members are essentially equals – to a vertical line of authority where every layer of decision-makers report to the higher stratum of responsibility.

In the past, efforts were made to turn this dual system into a triangular approach, with a mediating body between the institution itself and its sponsors. In Britain, at the end of World War I already, the *University Grants Committee* was set up to provide funding for teaching and for the general infrastructural support of the research made in universities – often linked to teaching. Research projects, as such, had to ask for money from the research councils. That was called the 'dual support system'. It evolved over time, from the interwar period to post World War II developments, thus moving from a time when the universities were dealing with 2 or 3% of an age cohort to a situation when they cared for 25% or more of that group. Then, as the university sector was absorbing the polytechnics, thus increasing considerably the higher education market, the UGC was changed into the Higher Education Funding Council for England – with similar bodies in Scotland, Wales or for Ulster. HEFCE was not simply a change of acronym but a return to the dual system – as the Funding Council was representing public authority in the discussions with institutions of higher education. Interestingly enough, the UGC – perhaps with some modifications from the old model – remained in Hong-Kong, the former British colony, where it still represents some kind of buffer vis-à-vis the central power structures existing in Beijing. There is also a UGC in Israel.

What is a buffer - a mediator or go-between – at least in its true shape? Let us look at the many years of UGC experience: the Council would negotiate the envelope for the system as a whole – after rounds of consultations with the institutions themselves – and then discuss the global request with Ministry and Parliament. Then, it would redistribute the money received from the politicians to the universities. As a go-between, i.e., some kind of letter box, it could have done this on the basis of a proportionate grid: for instance, if universities had been asking for 100 and were granted 90, the UGC would give each institution 90% of its earlier request. However, UGC did not follow such a simple rule: it redistributed money as a *mediator*, answering fully some specific needs and cutting down more widely on other requests. This meant that the UGC – a body made mainly of academics

acting as individuals - developed a policy of its own, thus furthering a global view of the system of higher education as a whole. This reflection, in a dual system, would be done at Ministry level. In the Britain of most of the 20th century, however, the government delegated the mid- and long-term programming of higher education provision to an expert group, UGC, a body that was not linked to party politics and short-term electoral promises. That was the essential difference compared to Ministerial plans. And UGC played indeed a considerable role in the funding of new institutions in the 60s and 70s, when decisions had to be made on the setting up of green campus institutions like the Universities of Sussex, Essex or of Warwick and Lancaster. For such projects, large investments had to be done and the public envelope reorganised to allow for the strong and fast development of the new entities. Individual universities were perhaps grumbling on the grants received but the system, as a whole, did prosper – considering the role and rank that these new institutions have achieved over the last 40 years in a system characterised by a strong sense of tradition and history. 'Mediating' means that both parties – the government and the institutions – have trust in the work and fairness of the mediator. It also means that the mediator has a full range of consultancy services that allow the setting up of policy welcomed by all partners - nobody being really surprised at the decisions taken by the UGC. What led to the demise of the Committee? It seems that the government considered that the UGC was perhaps too often on the side of the universities; moreover, the higher education budget had become so large that the government wanted to have direct control of the way taxpayers' money was being used – as, after all, they were to defend the decisions taken vis-à-vis the electors. Authorities wanted value for 'their' money. The model of direct control that prevailed in the funding of Polytechnics could be used for the system as a whole.

3. ***YOK***

The UGC model shows that a buffer organisation is *not* collective autonomy – even if it can reflect it. In other words, the universities were not represented as such in the mediating structure. This would have turned the organisation into a lobby. On the contrary, the UGC was not to represent directly the Ministry, nor the universities, thus keeping its *neutrality* and capacity for judgements based on the long- rather than the short-term interests of the system of higher education in Britain. Neutrality between the two partners did not mean an amateur approach; no, there were plenty of experts ready to discuss in the UGC the why's and how's of higher education development, i.e., people willing to propose a project for Britain to both the universities and the government.

Expertise, neutrality and capacity to envisage the system as a whole – but also prestige and trust – are the ingredients of a buffer system. And that is what the Turkish law of higher education of 1981 tried to provide. The university system had been growing very fast after the World War II – and it still is -, but in a rather disorderly way and under heavy political constraints – at least in terms of party belonging of staff or students, all groups of interest trying to influence development 'their way'. This went as far as political murder in some institutions. When the generals took over power in the early 1980s, the question of the role of higher education in the development of the nation came to the fore.

At the time, some universities in Turkey had already started using foundations to complement by so-called *revolving funds* the low level of national support – insufficient at least to cover the growing demand for higher education in a country that was still in the difficulties of modernisation. Indeed, the system was referring to the secular socio-economic development that Atatürk had asked for in the 20s and 30s. By starting schools of law, agriculture and medicine in Ankara – only amalgamated as Ankara University after World War II – Atatürk had pointed to a utilitarian approach to change – a way to snob the University of Istanbul, more intent on intellectual than socio-economic development. The 'foundations' supporting the growth of higher education in the 1970s, for instance at Hacettepe University, a scion of Ankara University, were economic enterprises of their own, working at the edge of university matters: for instance, firms were set up to

furnish and equip the many schools that had to be constructed all over a country with a high birth-rate; or general enterprises were put in place to build full university campuses in provincial centres where older universities had created branches that were, little by little, obtaining their own university status. Today, the airports of Istanbul and Ankara are being enlarged and reconstructed by Teppe, the company born out of Haceteppe foundation, and its benefits are earmarked for university development – like today at Bilkent, the first private university of the country. But this is another story. Lets us go back to the 1981 law of higher education.

As I was sitting in the Geneva office of the CRE, the association of European universities that preceded EUA today, I received the visit of Prof. Dogramaci, former Rector and founder of Haceteppe University, and of Prof. Saglam , the then Rector of that institution. Their request was to compare the laws existing in various European countries to see what could be of use for a new organisation of higher education in Turkey. CRE had a German collection of the national laws existing around the world and various papers on their implementation. It had also a good telephone system. So, when a law was being looked at, calls were made to some of the rectors' conferences – in Britain, Germany or Finland – to check university experience as compared to their legal status. Prof. Dogramaci who had been in the late 60s on the Board of CRE and who was a member of the UNICEF and of WHO governing bodies had, of course, many international contacts, in particular with the US – where he had been trained as a paediatrician. So, a few calls were also made to the other side of the Atlantic.

Out of this came a project that tried to set up a buffer system in Turkey, by taking distance from party politics while encouraging fully the modernisation process of the country – through university action in particular. The idea was to create something similar to what existed in California - where all institutions are branches of the same organisation, the system being run from the centre and the President of the University of California representing the public institutions from the State as a whole, in particular when negotiating financial support from the local Parliament.

The Council, however, – later known as YOK – was not to be an emanation of the universities (the lobby model) but was conceived as a neutral structure along the lines of the UGC with members appointed directly by the President of the Republic and coming from various sectors of society, including the Ministries. Inded, they were appointed *ad personam*, the majority of them coming from the world of higher education; often, they were former university leaders – with an inside view of the system. To set aside YOK from daily politics, the mandate of its members was longer than the one of parliamentarians so that the renewal process of the buffer would not be influenced by political rivalries and short-term electoral concerns. But, going beyond the distribution of money – the main task of the old UGC – YOK was also nominating the campus heads, i.e., the rectors, thus entering the direct management of the institutions – a strong lever on the daily governance of higher education! The proposed system became law with a few modifications and Prof. Dogramaci was appointed the first President of YOK. In the national pecking order, this function was considered to be above the presidency of the Parliament chambers, a way to indicate that higher education was above politics. In 1992, however, the Parliament amended the law to re-introduce the election of the rector by the members of each institution, thus going against a key feature of the Californian system where the leaders of 'branches' are picked through a search committee working at State level. This led to the resignation of Prof. Dogramaci who felt that the system was becoming unfortunately biased - but YOK survived and presided over the expansion of higher education in Turkey with, today, more than 70 public universities and 24 private ones. Turkish participants of this conference are certainly more authorised to discuss this example, especially at present when, after a generation, the appropriateness of the 1981 law to changed circumstances is being questioned.

4. ***Model Constraints and Conditions***

In other words, the buffer idea is not new and it has been experienced in various ways. What can we learn from the past?

First, a buffer is not an exercise in collective autonomy, the latter being represented by the many rectors' conferences and other academic organisations which defend the interests of universities that are perceived to act as the system in charge of higher education and research.

Collective autonomy varies according to the strength of the individual autonomy of the universities taking part in the system. Indeed, autonomy – at its highest level – is exemplified by Britain where the academic institution can decide about the *product* it delivers (the courses), the *professionals* it hires to provide it, the *customers* it accepts to receive it and the *means* through which such a provision is to be achieved. Thus, the content of courses, their didactics, their students as well as the professors are chosen by the institution – at its own risk, in terms of finances, visibility and credibility. In such a case, the university has a *public responsibility* to work at the best of its abilities – and this is the basis for the accountability asked for by the political authorities. At the other extreme, although this model does no longer exist in Europe, the university is considered to be a *public agency* – like a nationalised railway system – i.e., a provider of state guaranteed services in the field of higher education and academic training. As the State pays, it also hires the professors – who are civil servants - and it pays for the facilities; the idea is to ensure a balanced provision of knowledge throughout its territory: thus, all citizens with the necessary competence can enter higher education to take courses the content and the combination of which are steered from above by the Ministry of Education – that recognises the delivered diplomas as part of a national system of qualifications. Accountability, in this case, amounts to the best use of the resources provided by the central government. In other words, universities can have legal, administrative, financial, educational or didactic autonomy – some or all of these functions being entrusted to the institution. And this changes from country to country.

My point is that collective autonomy is affected by this combination of functions. Thus, in France, where permanent teaching staff is paid directly by the government, there is no reason for universities to join forces in the defence of their rights as employers. While, in Britain, that makes perfect sense since the universities are fully responsible for the hiring and firing of their staff, didactic or otherwise. Thus, at the CVCP, one commission was bargaining with the teachers' unions the basic conditions of pay in the system seen as a whole. Vice-chancellors had – and still have - all the obligations and privileges of employers. So, the group representing such a system – like Universities UK – is a much stronger body than the CPU in Paris (with no such obligations) although the Conference of French University Presidents developed more visibility when the government devolved strategic and financial functions to the institutions. The latter were asked to imagine their future in order to negotiate multi-year contracts with the *autorités de tutelle* – a term interesting in itself as it clearly points to the subordinate role of the institution vis-à-vis the government. All universities today in Europe are legal entities – no longer direct state services. But many are still being given little administrative autonomy – not to speak of financial independence. In most countries, for instance, universities do not own their facilities or, if they do, they cannot use them at will; and, in most countries, academic institutions have still to follow public accounting rules. However, more and more elements of power are being given out so that, in various ways, the institutions are moving slowly towards a system of universities becoming responsible partners rather than effective servants of their community. And the strategies that such an evolution implies can be discussed and defended collectively – in a dual relationship with the authorities – political but also economical since firms and companies are now also asked to support the system. That is why the first principle of the Magna Charta reads: '*To met the needs of the world around it, university research and teaching must be morally and intellectually independent of all political authority and economic power*'. The text does not say administratively of financially independent as it supposes negotiated conditions of autonomy that vary from one country to the next.

Second, a buffer organisation essentially introduces a *third element* in the relations between the *autorités de tutelle* and the university system. The buffer, as a result, is **not**, *stricto sensu*, the 'white knight' of the university, its defender against the political and economic villains of the day. It is not, either, the representative of the government's strategic will or political whims. It is a mediating body, *neutral* by definition as far as it receives the trust of its two partners, the universities, on one side, the authorities representing society, on the other. Such trust should be built on the buffer institution's capacity to offer solutions that meet the needs and hopes of both sides. Such solutions imply that the buffer can think *on its own* and have the ability to consider the long-term development of the system beyond the immediate interests of all parties. Thus, the buffer, at its best, defends the conditions most appropriate to the survival and effectiveness of the system as a whole, when seen in a future perspective: indirectly, it works for the universities' advantage – even if, in the short term, academia can resent its proposals. If it is fair, however, universities will accept the implications of its long-term strategies.

All this has consequences on the membership of buffer institutions. They are made up of people acting *ad personam*, members who have higher education expertise, because they have lived in the system or because they have used it over the years – in government or industry. In any case, members should not 'represent' their past constituencies, be they firms, ministries or institutions of higher education and research. The strength of buffer proposals is indeed built up on their members' capacity to take distance from their commissioning bodies – the State and the universities – in order to use their expertise to imagine the future role of higher education – for instance, in the society of knowledge now emerging in a Europe of demographic decline. Trust and prestige are their strengths as a group. That is why, to ensure the best conditions of buffer institutions' activities, their members should be totally cut from their past activities – not to fall prey to pressures, friendly or otherwise. Moreover, they should be given a financial and social status high enough to set them aside from the immediate tumults of daily politics and social transformation.

Bodies of collective autonomy, on the contrary, are representing either the universities or the political authorities. As such, their members are delegates offering opinions based on their experience and the group they come from – even if these opinions are but a contribution to a discussion leading to a common stance made on behalf of the system as a whole. The clearer the position, the more representative it is of its constituent parts, the stronger its impact can be in the power struggle with the social partners. A question of *legitimacy*.

Buffers are rare in their pure form. But they are emulated by some collective bodies that try to develop positions above the parties. Can they really do so, however, considering their fundamental nature as 'dual' organisations … that is part of the Novi Sad discussions. Indeed, the grounding of the institution – its legitimacy – will differ and be the test of its dual or ternary nature. If they are based on the trust of their own members to defend their cause, they are bodies of collective autonomy. If they are grounded in the trust of all parties to higher education as a system, then they can be real buffer organisations, the representatives of solutions going beyond the conflicts that usually characterise the development of society, in Europe and beyond. In fact, they can then use the same conflicts to transform existing difficulties in long-term advantages – valid for all. Not an easy task – but a welcome one if the system ever manages to go beyond ingrained confrontation, too often considered as a normal way of life.

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