



UNIVERSITY GOVERNANCE REFORM IN THE NETHERLANDS, AUSTRIA, AND PORTUGAL: Lessons for Poland



SPRAWNE PAŃSTWO
PROGRAM **EY**

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Introduction

Many European governments have recently transformed their higher education systems. A key objective of the reforms was to modernize university governance in order to prepare universities for a more complex, international, and highly competitive environment. The starting point for this study is the assumption that reforms of university governance will have an impact on the university's performance on various (local, national, and international) levels.

In this contribution we want to picture the major themes and trends in the governance of three European higher education systems and discuss the relevance of the three cases for Poland. Governance, a highly contested, multi-dimensional and usually ill-defined concept, will be defined more fully below, but in short is about authority and rights and responsibilities of actors. It is about who decides when on what.

Governance reforms in higher education have taken place at various levels and touch upon many different policy areas in higher education. On the macro (or system) level, there has been a dramatic increase in the number of higher education providers, the number of students enrolled, academics employed, and programs offered.

On the meso (or intermediate) level, the traditional university governance model was placed under increasing political and economic pressure, facing strong criticism from a wide range of stakeholders. The traditional types of collegial governance were heavily criticized as an ineffective way of running a university, a lack of transparency and an undue focus on process instead of outcomes. In addition, it was stated that the 1990s model of university governance as "representative democracy" has failed to effectively respond to the needs of our post-industrial society and economy. At the same time, strong state regulations lost their public legitimacy or were replaced by the softer, more supervisory role of the state and a "steering at a distance" model of public policy. In Europe, this translated into the introduction of the New Public Management doctrine that in higher education led to changing modes of organizational steering (external governance) and internal governance of universities. On a micro level (i.e. the level of the individual university), the university as an organization was slowly transformed into a more tightly coupled and task-oriented organization, managed by a strong organizational leadership (Krucken 2011: 3-5). In other words, since the 1990s one may observe governance reforms in a number of European countries that can be characterized as "less government and more governance." As stated in a recent survey of higher education Governance reforms in Europe (2008: 30): *"Different countries have reformed higher education governance arrangements in different ways, to different extent and at different times and speeds and varying degrees of success."*

But Poland is clearly one of few exceptions. It has not undertaken any serious measures to challenge the well-rooted democratic model of university governance. For some analysts (Thieme 2009; OECD 2007a), this is a major reason behind the underperformance of Polish universities, as measured by low and unsatisfactory positions in almost all international rankings. On top of that, Poland has a poor record in research and in the country's innovation outcomes, according to the Country Performance Index, based on the Shanghai Ranking (see: Aghion et al. 2009). On the other hand, some modernization theorists, such as Immanuel Wallerstein, would claim that suspending serious reforms can also be rewarding for developing countries. The case of the latecomers' advantage suggests that countries lagging behind with modernization might avoid a number of traps and mistakes made by "early birds." Learning from successes but also the mistakes of others could be a huge advantage. By and large this report refers to *the benefits of late arrival*, as it draws lessons from higher education reforms in the Netherlands, Austria, and Portugal. By doing so, it identifies trends in public policy and institutional patterns of university governance that might be used as benchmarks for reforms of university governance in Poland. This study does not want to provide "ready to use" solutions for underperforming universities in Poland based on simplistic "copy and paste" policy transfer. To the contrary, it will elaborate in depth on governance reforms in three reference countries in order to:

- (a) present common characteristics in public policy that go beyond any national context;
- (b) offer a set of guidelines for institutional arrangements that can be translated into public policy and managerial practice.

To avoid preaching to the converted, it will examine which aspects of policy changes in the reference countries have already been covered by the Polish law of higher education and how they work. Last but not the least, the model built on the analysis of reforms in Austria, the Netherlands, and Portugal will be filtered through managerial experience of rectors, vice-rectors, and former rectors of universities in Poland. The study departs from the position that higher education reforms require taking into account both references to a global frame as well as consideration of national path dependency. Therefore, we want to know if the key (shared) aspects of international governance reforms can effectively address the major problems of Polish universities.

The report is structured as follows. The first section will elaborate on the theoretical and methodological foundation of the analysis, establishing research questions and presenting the way they will be addressed in the later stage. The second chapter is devoted to governance reforms in Dutch universities since the late 1970s, with the major focus on the MUB governance reform in 1997. Section number three will explore a wide range of changes in Portuguese universities, in regards to democratization of higher education after the fall of the Salazar regime and several attempts to modernize university governance in Portugal. It will be

focused particularly on turbulences with the democratic model of university governance. The next chapter evaluates the transformation of Austrian universities from corporative to corporate organizations, paying special attention to a new model of university governance that has replaced the historically well-established Humboldtian model. In the fifth section, we want to identify common features of governance reforms in the three reference countries in order to put them in one analytical framework. Because the countries are so different in regards to higher education, we want to shed light on transnational patterns of policy change and a new type of institutional arrangement of university governance in the 21st century. These findings will help us to present a critical evaluation of the law of higher education in Poland in regards to university governance. In the sixth chapter – based on expert interviews – we try to answer the issues of:

- (1) why the governance model of “representative democracy” is dominant in Poland;
- (2) which aspects of university governance require fundamental change in Polish universities;
- (3) to what extent the reforms deployed in Austria, the Netherlands, and Portugal can (or cannot) serve as benchmarks for governance reforms in Polish universities.

In addition, the chapter aims to provide some guidelines for a new university governance model and for the political process of implementing one in Poland. We fully understand that reforms can be inspired by an international framework of references but also need to take into account the specific academic traditions and institutional arrangements in Polish universities.

Overall, the main task of the report is to provide solid guidelines for public policy in Poland that will help to develop a new university governance model to address the major problems of Polish university management by drawing from the experience of other countries.

1. The objectives, research questions, and design of the study

1.1. Literature review

There is a wide range of literature on university governance. It has been mostly published in English, the language that heavily dominates the discipline of international research. University governance and management became buzzwords in the late 1980s with the advent of the concept of New Public Management (Pollitt, 1993). Since then, the number of published articles on university governance has mushroomed, discussing such themes as the changing nature of higher education, market-based relationships between the state and the university, and most importantly, the entrepreneurial models of university governance (e.g., Clark 1998; Williams 2003; de Boer, Enders, & Jongbloed 2009). Governance of higher education is a complex and multidimensional phenomenon, but in this study we will use Eurydice's definition of **governance** which refers to:

*The formal and informal exercise of authority under laws, policies, and rules that articulate the rights and responsibilities of various actors, including the rules by which they interact. In other words, **governance** encompasses "the framework in which an institution pursues its goals, objectives, and policies in a coherent and coordinated manner to answer questions." Who is in charge, and what are the sources of legitimacy for executive decision making by different actors? (2008: 12)*

A similar understanding of governance has also been used in a number of international comparative studies of higher education governance (Bran and Merrin 1999; Clark 1983; Currie, et al. 2003; de Boer, et al. 2006; Eurydice, 2008; Goedegebuure, et al. 1994; Kehm & Lanzendorf 2006; Kogan & Hanney 2000; Kohler & Huber 2006; Leisyte 2007; OECD 2008). In other words, for the purpose of this study, we will be even more specific in defining university governance as both an organizational *power structure and also a decision-making process within the university*. We recognized that a university is a complex organization; therefore, it is necessary to examine the different levels of a university. In principle, our study is concerned mainly with regulations imposed by the public authorities in the area of university governance, but it will also contain some information concerning **university management** that is defined as *"implementation of a set of objectives pursued by higher education institution on the basis of established rules" (ibidem)*. Links between university governance and management are close and strong and simply cannot be ignored in this study. Therefore, the study will also draw from analyses conducted on how university governance reforms are translated into managerial practices in individual countries or even in individual universities.

Some in-depth analyses on the entrepreneurial model of university governance have focused in particular on issues of autonomy (e.g., Thorens 1998), collegiality (e.g., Henkel 1997), accountability (e.g., Heller 2001), and strategic management (e.g., Pool 2001). Having stated this, Polish research in the field of higher education, and particularly in regards to university governance, is only modest in size. The issue of governance in higher education emerged in the mid-1990s. Before then, scholars were focused on the idea of the university and the system of higher education. Having said so, it is necessary to mention that several works have shed light on the conflict between traditional academic values and the demands on the present-day university, including a study published by Elżbieta Wnuk-Lipińska (1996), followed by two cross-national studies on university governance models (Morawski 1999) and a book on the evaluative model of higher education policy (Maria Wójcika et al. 2002). Apart from these publications, there are a number of papers that are focused on particular issues concerning university governance, such as autonomy (Białecki 2000), accountability (Jabłocka 2002), and the entrepreneurial university (Jóźwiak 2003). More recently, Jerzy Thieme (2009) published a very critical work on the higher education system in Poland, paying attention to the university governance model, which he found inadequate to meet social and economic needs. Marek Kwiek published a number of papers and books about university issues between 2005 and 2010. His work is primarily focused on the processes of deinstitutionalization of traditional academic norms, habits, and behaviors in the public sector that are closely linked to the spectacular growth of private higher education. Kwiek (2012:14) found that

Traditional academic norms which sanctioned the crucial role of research activities in prestigious universities were temporarily suspended: academics relived from 'taken-for-granted' duties eagerly focused on large-scale, profit-driven teaching. The suspension period, referred to as the institutionalisation period, lasted until the 2010-11 wave of reforms which may be interpreted as a government-inspired (rather than driven by academics) legal call to return to a traditional academic normative consensus about what public universities should be doing and why.

He has made an important contribution to the discussion of the university and its modern challenges, presenting an overview of the overall transnational changes in universities in a broad social and economic context.

Despite these useful attempts, we find some deficits in the existing debate on university governance in Poland, in particular, their weak impact on public policy. This illustrates the more general problem of soft and weak links between research into higher education and higher education policy. Maybe this is because the research is very fragmented and lacks empirical foundation, but there have been some solid research studies published in English. The absence of solid research input into the debate on governance creates room for other sorts of arguments that are emotional, nostalgic, partisan, or ideologically

driven. There is a general deficit of empirical studies on university governance that could contribute to the existing public discourse on universities in Poland. In addition, the national system of higher education in Poland and its particular academic traditions are believed (by many) to be unique and exceptional; therefore, any studies about other countries are felt to have little significance. It translates directly into the assumption that any political attempts to transfer institutional settings from other countries should be dismissed as methodologically inappropriate because as it is often explained by the popular phrase, "It would never work here." Hence, transition countries like Poland need to have solid evidence-based public policies in order to evaluate the possible outcomes of reforms. Policy implementation as such is becoming increasingly complex and a sometimes hostile activity. If the stakes are high – and in university governance reforms this is the case – no important changes can be implemented without a hard political struggle (de Boer, Enders, & Westerheijden 2007: 97). Without analysis based on solid evidence, the debate about reforms and the implementation process can easily be turned into a heated political debate that leads to nowhere. Many examples of such policy misguidance are provided in recent debates about the reforms of science and higher education.

1.2. Selection of reference countries

To address this deficit, we propose an analysis of university governance reforms in three selected countries that will provide some guidelines for public policy in higher education in Poland. The three selected countries will serve as reference points for university governance reforms. The selection of case studies was made on the basis of an existing literature review and the academic and professional experience of both authors. The idea was to select three countries that are extremely interesting from a purely academic point of view but that also hold some relevance for Polish public policy. In selecting the benchmark countries, we were interested in:

- (1) European countries of very different academic traditions;
- (2) a central (national) higher education policy;
- (3) recent fundamental reforms of university governance;
- (4) relevance for Polish public policy.

It is highly fashionable to look up to overseas countries (including the UK, the US, Australia, and Korea) as benchmarks for Polish universities. Indeed, some universities in these countries are leading global academic institutions, but they are operating in different cultural and academic contexts. In other words, an analysis of these countries might be interesting but would demonstrate little relevance to Polish higher education. If the research aims to influence higher education policy in Poland and more importantly to serve as a point of reference in the implementation process, it needs to draw models of public policy, institutional settings, and also good practices from countries that *are located on the same academic planet*.

After a long discussion about the composition of the reference sample, we selected three countries in no particular order: the Netherlands, Portugal, and Austria.

The Netherlands was picked as a country **with the most entrepreneurial university governance model** and the most market-based type of higher education public policy of the countries situated in Continental Europe. For many researchers in the field, the Netherlands is considered to be a leader in modernizing higher education policy in Continental Europe. The country applies the Anglo-Saxon spirit of academic entrepreneurialism in its universities, following Napoleonic tradition. For the sake of the analysis, it is important to note that the Netherlands has **centrally organized higher education with a long academic tradition and autonomous well-established universities**.

Portugal was selected for political reasons, because until 1974, it remained under the authoritarian regime of Antonio Salazar; after the fall of the regime, a radical wave of democratization stormed the country, also involving universities. Since then, the **democratic model of governance has become an integral part of Portuguese higher education**. Moreover, in the new post-regime political context, universities became important **political actors** that often aired their views on various issues concerning the economy and society.

The third selected country is **Austria**. The reason behind the choice was simple. **Austrian universities were founded on the Humboldtian model and** held many of its key characteristics until the late 1990s. So to speak, Austrian universities (particularly, the biggest schools in the country) were the most Humboldtian in all of Europe. Hence, for decades Austrian universities were known as the last remaining examples of “corporative universities” (Pechar 2005a), and to a large extent, higher education in Austria was **ruled by the academic oligarchy (Clark 1983)**.

1.3. Methodology

The analysis of benchmark countries will be primarily based on desk research. It will kick off with exploring the political, economic, and social circumstances under which the process of reforming university governance was conducted. Overall, the aim is to provide a broad political context that has inspired and influenced the reforms in higher education with occasional references to national academic traditions. Attention to the political dynamics of reforms is needed since the rebalancing of power within and over universities is an integral part of reshuffling Europe’s political and economic institutional order (Olsen 2007). Despite the fact that the contemporary discourse is dominated by an instrumental view of the university, we take the reverse point of view shared with Peter Maassen and Johan Olsen, that the university as is an institution with:

a relatively enduring collection of rules and organized practices, embedded in structures of meaning and resources that are relatively invariant in the face

of turnover of individuals and relatively resilient to idiosyncratic preferences and expectations of individuals and changing external circumstances.
(Maassen & Olsen 2007: 27)

It requires a great understating of the external context in which universities are changing as well as the internal dynamics of the university's fabric, and an understanding that their past sheds light on their future. A solid analysis of university governance must also take into account the historical legacy of academic institutions. Furthermore, the study should focus on the content of the reforms, examining what and how they have changed. At the center of the analysis, the most recent initiatives of governance reforms that have led to the entrepreneurial model of university governance are examined, although the study also covers earlier attempts that began as early as the 1960s. We see the changes of university governance as a long and complex political process that involves both external and internal stakeholders. We will define **external stakeholders** as *persons who have a vested interest in the function, practices, and outcomes of higher education* and **internal stakeholders** as *institutional governance bodies and individuals employed or enrolled at a higher education institution* (Eurydice 2008: 12). Similar definitions of stakeholders have been applied in a number of studies that have been conducted in recent years (e.g., Maassen 2000). Having noted that, the report will see the process of changing university governance as an ongoing political struggle on various levels of governance, which leads to reshuffling the composition of power balance between various stakeholders. By doing so, we hope to increase the applicability and relevance of the study for addressing major policy challenges in Polish higher education. The different interests of a wide range of university stakeholders pose a major policy challenge that needs to be faced head on. Finally, we are fully aware of the limits of transferability of institutional models of university governance. Based on literature review and also our professional experience, and notwithstanding our initial ambitions to influence Polish public policy, we certainly do not want to use a "one size fits all" policy transfer. Numerous examples show that a simple copy-and-paste strategy does not work in higher education. On the other hand, the internationalization of higher education (Enders 2001; Enders & Fulton 2002) leaves no doubts that universities should no longer be seen as isolated entities confined with their national boundaries. In other words, so-called "Polish Exceptionalism" can no longer serve as an excuse, in the contemporary world, for rejecting any form of modernization of higher education.

As elaborated on above, policy transfer is a complex issue, and therefore we want to test the outcomes of the analysis of the three benchmark countries by contrasting it to the experience and knowledge of Polish university leaders and policy makers. Therefore, the study includes 10 semi-structured Individual Depth Interviews, which were conducted between May 15 and June 20, 2012. The interviewees were carefully selected in order to cover a broad spectrum of different political views on university experiences from a wide range of various university managerial positions, including present and previous rectors, vice-rectors, bursars, and policy

makers. It is important to acknowledge that the experts who are interviewed are very experienced university managers (rectors) who have spent more than a decade in different positions. They are all well-established individuals with extensive experience in university management. The list of interviewees is attached in the appendix. At this point, it is important to underscore that we treat our interviewees as experts only in university governance and management in Poland. Therefore, the interviews directly refer to their professional experience on an institutional or system level. Due to the fact that university governance is an extremely politically sensitive issue in Poland, we decided (after receiving inputs from several experts) to cite our experts anonymously (although all interviews have been recorded). It will have no impact on the quality of the study but will help us to avoid being bogged down in domestic politics. The experts provide insight into higher education in Poland. They are meant to address two major issues:

- (1) which aspects of university governance require fundamental changes in Polish universities;
- (2) to what extent the reforms deployed in the Netherlands, Austria, and Portugal can (or cannot) serve as benchmarks for governance reforms in Polish universities.

The experts' interviews provide an added value to the overall study and in particular to a feasibility study of governance reform in Poland.

2. Reforms in the Netherlands

The Netherlands has 16 million inhabitants and a Gross Domestic Product (GDP) per capita 50.793 USD. According to OCED (2015:231) public and private spending on tertiary education is estimated around 1.8% GDP. Overall, Dutch universities are ranked high in transnational university rankings. However, there is none of among top 20, but one might even six of them among top-100 universities. The Netherlands aspires to be one of the leading countries in research and higher education. Traditionally, the state has played an important role in Dutch higher education, although its role has been changing over time. The Dutch society is characterized by a strong belief in the potential of national government to design and steer society, including higher education (de Boer, Enders, & Leisyte 2006: 65). In major global university rankings, Dutch universities are ranked respectably. Higher education in the Netherlands is comprised of two sectors: the university sector (which lies at the center of this study) and the *hogescholen* sector. There are 13 universities in the Netherlands, and they have been separate legal entities since the 1960s. The 54 higher education institutions known as *hogescholen* are focused on the application and transfer of knowledge with respect to specific professions; they perform completely different tasks and therefore have developed a different governance structure. The estimated number of *hogescholen* students is approximately 420,000. In universities the number is 242,000 in the year 2011. In order to understand the current governance system of Dutch universities, one must take an intellectual journey into the modern history of Dutch higher education because the current state of the art is a mixture of:

- (a) modern trends in public management;
- (b) developments in surrounding countries (since Dutch higher education has been always under influence of German, English, and French views of higher education);
- (c) a solid package of experience from the past that has carved some sort of path dependency that claim developments of great importance often occur early in the long causal chain that leads to that outcome, perhaps even in the very distant past.

So, to evaluate the existing model of university governance, one must take into account the entire process of the building governance constellation. The modern history of the Dutch university mirrors political trends in public policy in the Netherlands in the post-war period. To make a long story short, there are three fundamental governmental initiatives that mark turning points in the process of reforming university governance structure. The first reform, called WUB, was implemented in 1972, and the second was a policy document known as HOAK, which was published in 1985. The last initiative, called the MUB, was put into life in 1997. It is hard to overestimate the impact of these initiatives in the process of

building the existing model of university governance in the Netherlands.

2.1. Napoleonic tradition

Until 1970, Dutch university governance was comprised of two pillars academic governance, which was in the hands of university senates; boards of curators, who were responsible for administrative tasks and encouraging scientific teaching and research. De Boer (2003) refer to this university governance structure as the coexistence of two governing models. The primarily academic activities were governed in a collegial way. The secondary activities of internal support for academic affairs and the administration of finance were governed in a bureaucratic way. This "duplex ordo," based on the coexistence of extremely different forms of governance (collegial-hierarchical), must have created some potential fields of misunderstanding and even conflicting situations. And indeed, these parallel power structures were major sources of tension at universities. The concept of the university senate was established in 1815 at the end of the Napoleonic period as a collective body that aimed to organize all academic matters at the university. In other words, the university senate was a form of self-governing body with respect to academic matters. The senate was comprised of democratically elected representatives from the academic community and was chaired by a rector (Arriens 1970). Senators were required to be full professors. The role of the senate and its status was reasonably stable and well-defined, unlike the position of the board of curators, which had been rather ambiguous and unstable.

It must be said that the Dutch university governance system has some unique history in regard to supervisory boards. In 1813, the Dutch developed a national higher education law in which public universities were part of the bureaucracy. So, it should not be a surprise that university internal governance was formally regulated by the state (Donner 1978). The role of the board of curators had been changing considerably over time. Early in this period, the members were representatives of the university at the ministry, but over time, the role changed and they begun to represent the ministry at universities (Jensma & De Vries 1997: 81). In addition, their tasks evolved from policy making into dealing with more internal organizational issues. One study described this ambiguity in the following way:

It arose from the board's being the most important university governance body and the guardian of the university interests, while on the other side it was also an arm of the ministry through its tasks of advise and control.
(de Boer et al. 1991)

Despite all the ambiguity, the members of the board of curators were appointed by the Ministry of Education. And despite strong criticism, the boards of curators remained an important part of Dutch universities governance structure until 1971. On top of it, the Ministry of Education appointed a "civil secretary," a position that

was attached to each university to support the boards of curators.¹ Initially, their role was very marginal, but beginning with the passage of the first national higher education law in 1876 (which caused a growing amount of red tape), the role of the so-called “civil secretaries” became more important over time. And as Jensma & De Vries (1997: 104) claim, the civil secretaries in fact performed as university co-governors after 1945. Initially, the state’s authority was exercised by a board of curators, whose members were formally appointed and dismissed by the Crown. The unsalaried curators had many tasks: ensuring the university’s compliance with various laws: teaching quality, university buildings, and property. In the 19th century, the board of curators had a strong local and regional character. Harry de Boer (2011) states that an honorable and prestigious job on the side was filled by gentlemen of a certain standing and age. Many of them were university alumni and had an academic background in law, with networks in the capital. Curators were appointed for life. The board’s role was very complex, bearing in mind the dual nature of its mandate. The result of its ambivalent position as “an outpost of the government” was that curators did “too much harm and too little good” (Huizinga 1951: 22).

After WWII, the government made several serious attempts to address the issue of supervisory boards in Dutch higher education. Initially, the Reinik Committee and later the Van der Pot Committee (1949) made several propositions to modernize the boards of curators, but it made little impact on the law of higher education in 1960, which introduced cosmetic changes to the role of the board of curators. It remained responsible for the university’s nonacademic affairs and continued to be accountable to the minister. The board consisted of five to seven persons appointed by the Crown for a four-year term, with the rector or one or more members of the senate attending the meetings of the board. The president-curator was the legal representative of the university. A number of reforms of the internal university governance attempted to increase the effectiveness of the decision-making process and the professionalism of university management. But all of them were blocked or stopped, because they were seen as too intrusive and clearly heading into the direction of New Public Management (as this was known later). They were attacked by all major stakeholders for various, often contradictory reasons. They were too adventurous for the 1960s and did not fit the societal, political, and economic climate of the times – the reforms were ahead of their time. **The boards of curators were finally abolished in 1970 and were replaced by university councils.** The council was the university’s supreme decision-making body, composed of a maximum of 40 members, with a mixture of academics, non-academics, students, and external representation. Its decisions were implemented by a second top-level decision-making body, the executive board, which included three to five persons, one of which was the rector.

¹ Such a position still exists in Belgium (in Flanders).

2.2. Democratization of the university

The Dutch government has traditionally played an important role in the coordination of the higher education system, but since the 1960s, the government's interference with well-nigh endless regulations came to be seriously questioned. The first attempt to rethink the concepts of university governance was through the so-called Maris Committee in 1967, which came up with a proposition to centralize the structure of university governance. This model was rejected, but it sparked a serious discussion about university organization and the idea of engaging new internal stakeholders (junior academics) in the process of forming a new model of university governance. It involved two extremely different types of thinking about university governance; the first involved a professional type of university management. The second type involved a democratic way of running a university. The clash between the two approaches was related to the increasingly diverse opinions expressed by Dutch society, which had a number of contradictory expectations from higher education. An intense public and academic discourse about the future model of university governance produced several proposed reforms of university models. According to de Boer (1999), the most quoted classification comes from Lammers (1969), who listed three major models: (a) a hierarchical model, (b) a professional model, and (c) a cooperation model. One must bear in mind that the boundaries between these three models were clear and rigid. The **hierarchical model** was based on "*duplex ordo*," with the location of administrative and decision-making powers at the central level. But it conceived of students as merely "clients," and the general public was considered as the employer of graduates. It kept the position of the board of curators and left the administrators' role fairly untouched. In the **professional model** (supported by younger and progressive academic staff), authority was based on the expertise of professionally trained people. It was conceived as an organization in which the scientific corps would be responsible for teaching and research, and managerial and administrative power would be held by professionals. As de Boer (1999) suggested, the professional model assigned some decisive power to students as prime beneficiaries of the university, either through direct or indirect democracy. Regardless of these changes, it kept the position of the boards of curators, or more generally, the administrators, fairly untouched. The **cooperation model** was conceived as an organization in which all the members of the academic community bear responsibility for the university as a part of the power structure by playing active roles in running the university. A distinguished characteristic of the cooperation model concerns the positions of students, who were considered as full members of the academic community. Ironically, students called the cooperative model a "**soviet-style**" university, although it shared no common features with the real universities in the Soviet Union. This model was rightly identified by Blau & Scott (1962) as a "mutual benefit association," which was accountable as a whole university community (not curators or the scientific corps) to society. The foundation of the cooperation model was the abolition of boards of curators, which were perceived as the hands of repressive state authority.

The Dutch students launched their campaign for the democratization of the university, which they called a "Democratic Manifesto," which aimed to end the isolation of traditional students' associations and also to focus on the social and economic situation of students. Initially, the protests had an economic background – as described in the "Syndicate Manifesto" published by the student unions – but the protests gradually oriented toward a more political agenda, which also involved the democratization of the university. As de Boer (1999) underlined, students tended to dress their manifesto in a broader political agenda in order to attract a bigger number of students. Therefore, the student movement of the 1960s was a part of a more fundamental social movement, which fought the repressive authority of the state and for a more participatory state and bigger room for civil society. At the same time, it reflected a wider social and political mood for democratization and liberalization of post-war society, as the post-war social order had lost its ground. Historically, the university governance model marginalized students in the institutional power structure and dismissed their say in the decision-making process. Therefore, their criticism was primarily directed toward the model of university governance. Students argued that the existing model of university governance had to be democratized and take students on board in the process of running universities. There is some ambiguity as to the role of students in sparking changes in university governance in the Netherlands. But a fair judgment is made by Harry de Boer (1999), who claimed that *"student action provided an important breeding ground for thoughts on a new university governance structure. But it would give the student movement too much credit to claim that the reorganization of the university was due only to their action."*

2.3. The University Governance Reorganization Act 1971 - WUB

Undoubtedly, the year 1971 marked a major turning point in the modern history of Dutch higher education with regard to university governance. The higher education law, called the WUB (*Wet Universitaire Bestuurshervorming*) - also known as *The 1969 Structure of University Governance Act* because it was accepted only in 1971 - came as a surprise to everyone. The content of the reforms could have been anticipated by observing the spirit of the times, whereby circumstances under which it was implemented were at least intriguing. The minister Jan Veringa initially sent questionnaires to all academic institutions about the university governance model but launched his memorandum before the filled questionnaires even arrived back to the ministry. The timing of his memorandum was slightly unfortunate, but apparently he tried to suppress the turmoil with the universities. The minister admits in one of many interviews that *"there were so many differences of opinion within the university, that a 'workable' result of the questionnaire could not be expected"* (Koolwijk 1984: 54). Harry de Boer (1999) claims that it is a misconception to see the roots of WUB in the student revolt in France and Germany in late 1960s. *"In the political circles there was much discontent with the governance structure of the universities and with it a growing awareness that*

the government should interfere." The WUB tried to marry two conflicting views of university governance (Loen 1972). On one hand, the law saw the university as a functional organization set to deliver certain goals to which everyone must be committed. On the other hand, it established a form of cooperation between the different parties (academic, nonacademic staff, and students) in achieving common goals. The political and social turmoil in regards to university governance resulted in an unexpected situation: suddenly, **the government became an independent and strong political actor in higher education policy.** Before this, the academic community dismissed any form of governmental interference into the university except for codifying what had been decided by universities. As de Boer (1999: 319) notes, until *"that time no law had ever passed without the explicit agreement from the universities themselves. This changed drastically. Government intervention since then has become the norm."* The *Structure of University Governance Act* (WUB) passed the Parliament and **created the system of functional representation in which all constituencies of the university community had the right to elect representatives in university and faculty councils, and the right to be elected.** The councils were made the centers of power in a system of representative leadership. The WUB established a new governance structure of universities that comprised of three layers of decision making: **(1) the central level, (2) the faculty level, and (3) the unit level.** The central level was composed of the university council, executive board, and board of deans. The university council consisted of 40 members at most, of whom five-sixths were drawn from the university community; a minimum of one-third were academics, a maximum of one-third were nonacademic staff, and a maximum of one-third were students. The number of council members was extended to include external lay members, who represented a minimum of one-fifth of the membership. All council members, lay persons excluded, were democratically elected by the university community. All university faculties were required to be equally represented). Members served for at least a two-year period, with the exception of students, who served only one year. The meetings of the university council were public. The chair of the university council was appointed by the members but did not have to be a university council member. **Members of the executive board** could participate in the meetings of the university council, though only with an advisory vote. The university council had final say with respect to (a) budgets, (b) institutional plans, (c) annual reports, (d) general academic procedures, and (e) rules and regulations. Some responsibilities could be delegated to subcommittees. The executive board was the highest authority in the university and was responsible for managerial matters, including finance and personnel, but managerial authorities could not be delegated or attributed, only mandated. The board of deans was composed of faculty deans and was chaired by the rector magnificus. **The board of deans** had mainly advisory powers relating to research and teaching. Apart from its role in nominating the *rector magnificus*, its chief function was the granting of doctoral degrees. **In short: the executive board and the university council ran the university together.**

On the faculty level, governance structure was composed of the faculty board,

faculty council, the dean, and three standing committees (research committee, education committee, and exam committee). **The faculty board** was the executive body at the faculty level and consisted of a maximum five persons, who were chosen by the faculty council. The dean held the chair and he or she must be a faculty professor (in most cases, the dean was in office for two to three years). The roles of the faculty council and the faculty board and the relation between them were similar to their mirror bodies at the central level, though decisions at this level concerned faculty matters. The faculty board was accountable to the faculty council and the university-wide executive board, which had the right to advise. The board was obliged to inform the council, but the council could NOT dismiss the board. **The faculty council (the size was determined by the university)** had the authority to govern the faculty, except for those responsibilities that were in the province of the faculty board. The duty of the faculty council was:

- (a) approval of the faculty budget;
- (b) determination of faculty ordinances;
- (c) coordination of teaching and research programs (the council had to approve teaching and research programs that were established by "Disciplinary Research Groups");
- (d) delegation of some responsibilities to the faculty board;
- (e) oversight of faculty boards.

There were also three **standing committees**, two of which were particularly important elements of governance structure that address the needs of society. Members of the education and research committee were appointed by the faculty council and at least half of them were required to be academics; they had advisory powers with respect to faculty, teaching, and research programs. The examination committee had a purely internal character.

On the unit level, the disciplinary research group (DRG) was an important governing body, which was responsible for the design of study and research programs. DRGs were small clusters of professor and their assistants working in the same disciplinary area. In a DRG, the majority was enjoyed by academics (since students and non-academics were not included) and it was chaired by one of the professors. The procedural rules of the DRGs were set by faculty councils and faculty boards. DRG proposals had to be approved by a faculty council.

Last, but not least important, administrative units existed at both the central and faculty levels. Administrative units at the central level were in the realm of the secretary of the university, and administrative units at the faculty level were in the realm of the chief executive officer, but the executive board could decide to give priority to the dean.

2.4. HOAK 1985 - "steering from a distance"

Until the end of the 1970s, the coordination of Dutch higher education and research was a mixture of state regulation and academic self-governance. The system was generally a closed *pedagogische provincie* (Boin et al. 2002). But in the late 1970s, the effectiveness of a heavy involvement of the state and a number of implemented external regulations on universities was seriously questioned. There was a general disbelief that state regulation imposed "from the top" could produce expected outcomes.

It was felt that that the higher education sector had become too estranged from the rest of society, it should give up 'ivory tower' position and parochial status. The entire public sector, including the universities, was too much inward looking ("navel gazing"). (De Boer et al. 2006: 68)

In 1985, the Dutch Ministry of Education and Science published a policy document that proposed revolutionary changes and terminated traditional long-standing relations based on planning and control between the government and higher education institutions. This strategic document implied fundamental changes in the relation between the government and universities. It introduced a famous concept of "steering from a distance," which was "aimed to be replaced by a philosophy in which the government's role is confined more to setting boundary conditions within which the higher education system is to operate, leaving more room to maneuver at the institutional level" (Goedegebuure et al., 1993). HOAK ("Hoger Onderwijs: Autonomie en Kwaliteit"; "Higher Education: Autonomy and Quality") was only a policy document, but it had a tremendous impact on the spirit of laws that were inspired by HOAK for more than two decades. The document was a major step toward greater institutional autonomy and self-responsibility of universities since it anticipated that they needed more freedom to shape their own activities (Vught 1997: 212). "Managerial self-governance" was slowly knocking on the door of the ivory tower. The HOAK policy document challenged it and intended to grant universities large autonomy. This was a revolutionary change in comparison to traditional rules and regulations that had saddled Dutch universities with a great number of detailed regulations, policy papers, and recommendations. It was partly the heritage of traditional, post-Napoleonic Continental bureaucracy and partly the integral feature of the welfare state that developed in the Western European countries after WWII. Universities themselves were regarded as public sector organizations that were very inflexible and inward oriented. Their governance structure was a combination of a faculty guild and state bureaucracy (Clark 1983), with academic self-governance for academic matters and state regulation for nonacademic matters. This system is also known as a "bureau-professionalism" mode of coordination (Clark and Newman 1997). The reforms of the 1980s were driven by austerity plans and cuts in public spending that also covered higher education. The 1985 reforms were introduced under the bigger political umbrella of "steering at a distance," which set the boundary condition under which universities

perform. Universities were given more autonomy but became more accountable to the state, which changed its instruments to steer them. Indirect influence was more effective in delivering public goals, which had gradually become more quality related than quantity oriented. This new approach to Dutch universities is widely known as “HOAK”.

The move from directive political influence toward “steering from a distance” did not imply a lesser role for the national government. Undoubtedly, it did not imply “rolling back of the frontier of the state.” But it subtly changed the instruments of public policy in a more indirect and effective way. First, the Dutch Constitution put the ultimate responsibility for higher education on the government. Second, the government was in a position to determine the direction (in research and teaching) through research evaluation or accreditation of teaching programs (de Boer et al. 2006: 72).

2.5. The Modernising University Act (MUB) of 1997

The HOAK document presented a new vision of the relation between the government and higher education, which had far-reaching consequences on the structure of university governance. The policy outlined in HOAK implies rethinking the existing university power structure. In the new vision of universities, the autonomy of academic institutions should have been expanded (at the expense of a number of external university regulations) in order to provide them more leeway to respond effectively to a rapidly changing environment. Individual universities were expected to take more responsibility for their performance in research, education, and also in other activities. The reforms of university governance were sparked by the growing assumption of “government failure” and the significant underperformance of public sector organizations. Harry de Boer (2006; and Pierre & and Peters 2000) identified five specific reasons that led to major shifts in thinking of governance in the public realm. The first was the **economic recession**, a major driver of the reforms in higher education (de Vijlder 1996). Secondly, **internationalization, globalization and Europeanization** of higher education influenced the reforms. Higher education had gradually become a subject of supranational regulations, and “the game without frontiers” required taking a new approach. Another major reason was related to **dissatisfaction with the welfare state performance**, disillusion with the state as service provider, and a distrust of etatism. It was closely linked to the fourth reason – an ideological **u-turn toward the free market, which** was sparked and heavily influenced by the public choice theories. In higher education, it meant a gradual move toward a “demand driven” market in which the state set and acted as arbiter for the rules of competitions and is “buying” services from the higher education providers. In this realm, universities became (public) entrepreneurs, and students became customers. Last, but not the least, **New Public Management** (Pollitt 1993) was a liberal trend in public policy that introduced market rules in the public realm. Public sector organizations were expected to operate as entrepreneurial organizations, focusing on the 3Es

(economics, effectiveness, and efficiency).

The university as a representative democracy (introduced in 1972) survived until 1997, when the concept of New Public Management became dominant in the Dutch public sector. In other words, Dutch universities entered a new era that substantially modernized the structure of internal governance (de Boer 2003; de Boer & Stensaker 2007). The modernization of university governance structure aimed to address the major governance deficits that had negatively affected the development of Dutch universities in the 1990s. These deficits were as follows: (a) lack of transparency, (b) dispersal of authority, (c) co-determination in decision making, and (d) inadequacy and incoherence of internal communication. On the other hand, the reforms of 1997 took place under the much broader fashionable umbrella of *New Public Management*, which led to major changes in universities and transformed them into “managed professional public organizations.” In 1997, the concept of “university as representative democracy” was replaced by a model of university governance in which “*executive leadership was strengthened: powers were concentrated, democratically chosen councils lost significant powers, and strong and conservative decision-making bodies such as the “vakgroep” (the Disciplinary research group, DRG) were abolished*” (de Boer 2006: 31). Harry de Boer described the process of redefining university governance and moving from horizontally spread authority toward vertically spread authority as a process of “**toppling of the Dutch university.**” A starting point of the reforms was growing criticism of higher education institutions for their inward orientation, lack of leadership, fragmented power structure, unduly long and cumbersome decision-making process, and weak response to rapidly changing social and economic contexts. This criticism came from both inside and outside of academia. In addition, the central government was dissatisfied with limited cooperation between universities and business. Therefore, it aimed to replace the university governance model of representative democracy with a business-like organization. The government formed the steering group, “Studyability and Quality,” to address major problems in university governance. The group was composed of representatives of the major stakeholders of higher education (universities and *hogescholen*) and students. The steering group identified shortcomings or drawbacks in regard to university governance (de Boer 2006: 34), including a lack of clear responsibilities, since most of the important decisions at various university levels were made by collective bodies, which had opened the opportunity for various degrees of shirking. In addition, universities lacked transparency in the decision-making structure and process, which together with the dual structure (board and councils), disabled or delayed the decision-making process. Lastly, universities faced some difficulties to act as a unified organization due to lack of communication between the various organizational levels. Specifically, universities had well-developed horizontal relations between the various collective bodies, but the relationship between the executive boards and the faculty deans had been neglected.

The analysis of the situation at universities was reflected in the HOAK strategic

document. HOAK was followed by various governmental initiatives that aimed to “steer from a distance,” but they did not modernize the structure of the governance of universities. But it was hardly denied that one of the main reasons for underachievement was the governance structure. The concept of the university as a “representative democracy” became slightly outdated and inadequate for modern challenges that required a more managerial approach. In order to address these issues, the government prepared the initiative called “**Act on the Modernization of the University Governing Organizations**” (Dutch abbreviation MUB *Wet Modernisering Universitaire Bestuursorganisatie*). Based on an early assessment, it wanted to change the university governance in the following directions:

- (1) concentration of powers in “preferably single-headed positions,”;
- (2) more transparency in authority relations;
- (3) improvement in the decisiveness and effectiveness of decision making;
- (4) enhancement of institutional autonomy;
- (5) participation of students and staff in the decision-making process.

First and foremost, individual universities received a range of responsibilities from the national government. It was a result of a new philosophy in public policy known as “steering from a distance” and a devolution of power and responsibilities downwards. In particular, it applied to funding, quality assurance, personnel policies, and the like and was prescribed to executive positions and managers. It all built a foundation **for universities as “public entrepreneurs”** in that they were largely held responsible for functioning and achieving their goals. Until 1995, the minister for Education, Science, and Culture appointed the executive board and therewith could influence the mission. With the introduction of the new law on management of universities (MUB), **the executive board was appointed by the supervisory board**, which was meant to supervise the executive board. **The members of the supervisory board were appointed by the minister.**

Until the MUB, the students had more power within the so-called faculty councils in which they were “co-managing” the institution. **The MUB abolished the co-management and replaced it with “participation in the institutions management of staff and students within the so-called university councils.”** The former law on higher education gave the Ministry for Education, Science, and Culture power to influence the internal structure of universities. With the introduction of the MUB, the number of regulations was reduced, and more freedom was granted to the executive board, which received the upper hand. **The representative joint decision-making bodies became representative advisory bodies of staff and students. But most powers were taken from them, in particular those in respect to setting the budget.** As a result, these decision-making bodies became slightly more powerful than just ordinary advisory boards, but they still had very limited power. In the Dutch context, a major shift concerned abolishing “disciplinary teaching and research units” (vkgroepen, DRGs), which

were generally seen as centers of conservatism that opposed any changes in higher education. Last, but probably the most important change in regards to governance structure, was the introduction of a system of appointing executives. This may also be called the **“toppling.” All university leaders were being appointed** instead of being elected. It began with the supervisory board that appointed the members of the central executive board. The central executive boards appointed the deans, who appointed the program directors.

2.6. The university governance structure under the MUB

The “democratic dimension” of the university is limited to councils on the faculty and central level in which both staff and students have their representatives. The structure of governance after MUB is comprised of the main following bodies:

Table 1. Main Bodies of the university structure since MUB 1997

Supervisory Board
Executive Board <----- University Council (advisory role)
Deans/Faculty Board <----- Faculty Councils (advisory role)
Scientific Director + Educational Director
Departments and Chairs

The **supervisory board** (five members) is appointed by the minister and its responsibility covers the following tasks: supervising the executive board; approving university strategic plans, budgeting and long-term financial planning; approving annual accounts and the annual report; and approving executive regulations and the decision-making structure. In addition, it is expected to advise the executive board but not provide detailed instruction as to the university functioning because this is the responsibility of the executive board, which runs the university and is only overseen by the supervisory board. Lastly, the supervisory board appoints three members of the executive board. **The executive board is appointed** by the supervisory board and takes full responsibility for the university. The executive board is finally responsible for the allocation of resources within the university, in cooperation with the university council. The executive board determines rules for generating third party funds (for instance from consultancies and research projects for public organisations, including the European Commission). The **university council** plays an advisory role to the executive board, and half of the seats are designated for students and the other half are for staff (also called employees), which basically means that academics normally have fewer seats than the students do. The new *university council* no longer has decision-making powers; one of its most powerful rights (approval of the budget) has been removed. It is to a large extent a representative advisory body. It has the right of comment with respect to institutional rules and regulations and important policy documents, such as the strategic plan. The MUB Act offers two options with respect to the new university

council. The first option entails a so-called divided system of representation in which there are separate advisory bodies for employees (academic and nonacademic) and for students. The second option is a so-called undivided or combined body, referred to as the “university council new style,” and consists of representatives of both employees (50 percent) and students (50 percent). The *board for doctoral degrees* more or less replaces the former board of deans, though in most cases the new board is a little less powerful, and persons other than deans can be members (Country Report; Netherlands 2007).

There were also deep changes on the faculty level. **MUB transformed the relations between the deans and faculty boards.** It can be a single-headed authority in the form of a deanship, although universities are permitted to retain a collegium as the executive body (i.e., a faculty board). The *dean* or the *faculty board*, however, has more powers than in the previous governance system. **The executive board of the university appoints the deans**, who may be drawn from inside or outside the university or faculty. **Most universities have opted for deanships in preference to faculty boards.** (Country Report; Netherlands 2007). **Faculty Councils** at the central level have lost most of their powers and have become advisory bodies. Again there is the option of a divided or a combined structure, provided that the choice is the same as that made at the central level. **The Act prescribes that half of the members of the faculty council must be students.** Students also participate in the *education committee*. The executive board will resolve disputes between dean and faculty council. The size of the faculty councils varies from three to more than 20 members (Country Report; Netherlands 2007).

The MUB reforms were implemented between 1997 and 1998, and the implementation process was followed by an evaluation conducted by an ad hoc committee, the committee Datema. A concluding report found that the MUB reform of 1997 was quickly and successfully implemented, although not everyone was equally pleased with its content and direction of change. The least satisfied were those who lost the biggest amount of power within the university – members of the councils. Another study was conducted eight years later by de Boer, Goedegebuure, and Huisman (2005). They found that all university stakeholders expressed some criticism about various aspects of the governance system, although they largely do not demonstrate negative feelings about the overall outcome. A part of the evaluation study was a survey of a representative sample of the academic community (N = 1227). On average, the respondents gave “a pass mark” of 6.38 on a scale from 1 (extremely poor) to 10 (excellent). The research provides a picture of both sides of the coin. **Among the positive effects of the MUB reforms, academics listed** concentration of organizational power that contributed to decisiveness of decision making. It was declared by executives, managers, and also members of the councils that the new governing constellation provided more room to respond to external changes. Hence, the decisiveness and effectiveness of university decision-making has increased. And in addition, Dutch universities have been rather successful in making strategic decisions and responding to external

demands. But the survey also showed that within the academic community, the most dissatisfied group was the academic staff and - to some extent - the students. For many, "full blown" participation and the transparency of decision making still remains problematic. The survey shows that for executives (managers, council members, etc.), the new structure is transparent, but for ordinary staff members who are "not involved in the power structure," transparency is a big issue. Also, the new role of the supervisory board remains unclear.

2.7. Evaluation of the Dutch reforms

Overall, The Dutch government is generally satisfied with the effects of the reforms. The 2005 white paper "Wetgevingsnotitie" and the Explanatory Statement of the 2006 bill for Higher Education and Research (WHOO) confirm that the government continues to "steer higher education from a distance" and to see universities as "public entrepreneurs." In other words, the minister wants to expand the autonomy of universities by reducing the amount of detailed regulations and replacing them with a limited number of guidelines and principles. *Trust instead of distrust should be the point of departure* (de Boer 2006: 38). Thus, the government wants to establish *zorgplichten* for universities – that is, areas of university performance in which goals are defined but not the means to meet them. These areas include the quality of teaching and research, the organization of adequate staff and student participation, and good governance. With respect to governance, universities will determine their own governance structure and practices. Beside vertical accountability (to the government) and horizontal accountability (to society), there are no other regulations expected to be implemented with respect to the university governance structure. De Boer (2006: 38) reports that universities will have no obligations to keep deans, faculty members, departments heads, and other employees, and only two governing bodies are required by the law (the executive board – to run the university – and the supervisory board – to oversee the executive board), and the rest will be up to universities. The supervisory board was also equipped with an instrument known as **codes of conduct for good governance** (de Boer & Goedegebuure 2007). The codes of conduct are rules that were initiated and agreed upon by the collective of the universities themselves in a voluntary process, but in response to pressures from the outside world.

One of the innovations was an idea to introduce or reestablish some form of external body at the university that could serve as a buffer body between the university and the ministry. It has been always a sensitive issue, since it bridges the university with the political (or generally external) world, providing the latter some power to influence the performance of higher education institutions. Harry de Boer and Jon File (2011:165) perfectly explain that "*universities should increasingly be able to act as 'public entrepreneurs.'* Supervisory boards should supervise for the ministry, not on her/his behalf." Hence, the minister cannot send instructions and commands to supervisory boards, but they have to inform her/him about the functioning of their universities. The regulations in regard to supervisory

boards are determined in the higher education act, and further guidelines and tips are provided by the “code of governance for universities” (Association of Dutch Universities 2007). Members of supervisory boards are appointed by the Minister of Education, Culture, and Science for a four-year term and can be dismissed by the minister. The minister must consult with the university council (or if none exists, an equivalent body composed of major internal university stakeholders, academics, students and non-academics) when appointing members. De Boer and File argue that it is the universities that propose the candidates and the minister decides on a case-by-case basis. There are no specific criteria for members of the university supervisory board. In reality, there are several criteria that should be taken into account, such as gender balance, and one of the members should play a role as the liaison with the university council, and one should have an academic/professional background in finance. Members of the university supervisory boards are not paid a salary, but they receive an annual honorarium that is equal for all public universities, 11.345 euros for the chair and 9.075 euros for the other members.

Boer and Goedegeburure (2005) identified several major concerns about the supervisory boards after 10 years, such as a deficit in **the transparency of governance structure, which the supervisory boards have a role in**. The supervisory boards communicate almost exclusively with the executive boards. Contacts with external organizations as are very limited. According to the study, they hardly ever talked to the ministry or members of Parliament. Supervisory boards are formally accountable to the ministry, but the accountability is materialized via a formal annual report that does not lead to any form of feedback or general communication from the ministry. There is a far-reaching lack of clarity as to the content of the reports, which makes the idea of accountability to the minister vague and confusing. No guidelines have been established in this matter. Furthermore, the composition of the board was aimed to represent the society as a whole, but in terms of age, gender, and professional background, it is the same old story in the form of an “old boys’ network.” Another concern is **the boards’ independence**. It is questioned in two aspects: (a) members of supervisory boards have indirect links to businesses that cooperate with the university (e.g., members sit on various external boards), and (b) a supervisory board may not be able to critically oversee an executive board’s decisions based on the executive board’s own advice. Another concern is the **ambivalent accountability of supervisory board**. How can the supervisory boards balance a wide range of often conflicting interests of various stakeholders? To whom are supervisors accountable? Formally, they are vertically accountable to the minister, but they should be also accountable to other stakeholders. The mechanisms through which they are accountable to other stakeholders are unclear.

2.8. Conclusions

University governance in the Netherlands has changed significantly over the last 15 years. It has transformed from “representative democracy” toward “entrepreneurial organization.” Nowadays, universities are evolving gradually into “more tightly coupled organizations” (de Boer, Enders, & Leisyte 2007). The new model of university governance, and in particular its strengthening, has created more managerial space to make strategic decisions and respond to external changes. It is assumed that it has opened a window of opportunity for a number of institutional alliances and also for other forms of cooperation between universities and other higher education institutions in the Netherlands. It is also believed that strong executive leadership has had a strong impact on a significant increase in total revenues from third parties. In 2005, one-fourth of university budgets on average came from contract activities, and in some universities, the amount increases to one-third of their budget. The impact of the new university constellation is seen in the implementation of innovation in educational services. Dutch universities have managed to respond quickly to the changing demands of education, but more importantly, they have used the implementation of the Bachelor-Master structure to profile themselves in order to attract their clients (i.e. students). Thus, they are able to attract students from all over the world. Last but not least, these innovations in education have led to increased diversity and higher quality of education, which was confirmed by the Onderwijsinspectie (2003). Finally, by strengthening executive and managerial positions at universities, the legislation has opened the opportunity to establish strategic policy in research. It was necessary due to external national and supranational initiatives to encourage universities to build their research profiles by selecting their areas of “excellence” and “critical mass.” In addition, executive boards are steering more on the basis of performance in education and research, instead of steering on inputs and intentions. Largely, they are better informed about the outcome of research and teaching performance in different units. By using their power, and being equipped with sufficient information, they can influence the research priorities of their institutions/units. The new governance structure provides them with managerial instruments to build and improve their research capacity by rewarding best performing organizations/teams (e.g., with additional resources) and “motivating” or “restructuring” those who have clearly underperformed. It is interesting to say that the Dutch academic community has shown a large degree of satisfaction with the corporate-like model of university. Despite large concerns or even fear, the changes introduced in 1997 have increased decisiveness and effectiveness. To sum up the Dutch reforms of 1997:

The Dutch case shows that stronger executive leadership with clear lines of responsibility enhances the strategic responsiveness and profiling of the institution in several ways. It may serve as an example of smart executive leadership to an entrepreneurial organization in which academics can still do what they do best: teaching and research. (EC 2006: 31)

3. Portugal

Portugal has 11 million inhabitants and a Gross Domestic Product (GDP) per capita 21.733 USD. According to OCED (2015:231) public and private spending on tertiary education is estimated around 1.4% GDP. None of Portuguese universities are ranked high in global ranking and three of them are around 300th place in with world. Portugal was ruled by the authoritarian regime of Antonio Salazar until 1974. Before it the university governance structure neither resembled the Napoleonian model (like in the Netherlands), nor in the Humboldtian one (like in Austria). It was rather a specific mixture of semi autonomous, religion-based institutions that developed strong ties with the state (Sobral 2012:49-67). This plain fact had a huge impact on the development of higher education in the country. In the early 1970s, the system revealed typically elitist features, with a student enrolment rate of around 7 percent. Higher education was reserved for the privileged few, which increased social inequality. Under the Salazar regime, higher education did not play an important role in the society, and therefore little attention was attached to its functioning. The only act that the national assembly tried to introduce was Act 5/73, which was largely inspired by an OECD report and its recommendations. Another attempt to modernize higher education was undertaken shortly before the regime fell in 1974. The initiative aimed at creating a polytechnic sector, but it was on shaky grounds due to political reasons. After the 1974 Portuguese revolution, the society experienced political turmoil and chaos caused by rapid democratization and disbanded traditional institutions. The Portuguese revolution also had a profound effect on the development of higher education. In this stormy time, a growing number of youth increased their educational demands. Universities could not cope with such a rapid increase in demand for education without deep structural changes. There were limited resources, particularly in terms of academic staff and institutional capacity. It was obvious that higher education reform was not just a small issue and needed to be addressed seriously. Change in the structure of education was a priority for the government after the 1974 revolution, but there were also other circumstances that had influenced the overall economic and political situation in Portugal. Portugal, as a previous colonial power, experienced the independence of its African colonies in 1975. After this time, there was a significant influx of people to Portugal, representing about a 10 percent increase in the country's population. The Eurydice report pointed out these abrupt changes, which led to social unrest, disruptions in the production system, a significant loss in production, and inflation that reached 30 percent in the worst years of the 1980s (Eurydice 2000: 443). All these factors mentioned above led to reforms in many sectors of the economy, including higher education.

An important step for a new opening in higher education was the declaration of the new Constitution in 1976. It guaranteed to all Portuguese citizens the right

to education, which together with demographic pressure opened the door for the establishment and development of private higher education. This was a relatively easy way to solve the problem without increasing public spending. The public system was unable to provide the number of places required to meet growing demand. In January 1979, the Ministry of Education authorized the first private higher education institution. The University Livre and the University Lisbon and Porto were formally recognized in 1980 and 1983, respectively. This developing of private higher education was possible because of political and economic stabilization. The entrance requirements were based on a *numerous clausus* system, which was initially established for medical and veterinary schools (The Decree-Law in 1976), and was supported by the World Bank. It was a way of preventing a loss of quality in the provision of education. Minister Robert Carneiro decided to widen access to higher education in 1989 by relaxing requirements. In that year alone, there was an increase of over 20,000 candidates for college application. A political decision had enabled thousands of new Portuguese students to go to college. By 1996, enrollment in private universities had increased by 36 percent. As Jon File notes, notwithstanding its quantitative success, the rise of the private sector became a major problem for public authorities because they did not prove to be any more responsive to economic needs than the public sector (File 2008: 13-14).

Loans from the World Bank played an important role in reforming the higher education (HE) system, especially in the development of the polytechnic subsystem. An idea to create a network of polytechnic schools in every region aimed to train technicians and educators. This was based on the presumption that Portugal, as a transition economy, needed highly skilled technicians to develop the national industry. The polytechnic sector was established in 1977 by the Decree-Law 427-B/77. As Amaral and Magalhães (2007: 125) have pointed out, the polytechnic sector did not emerge as an attractive option for many students, and its status was rather fragile. The problems were threefold. Firstly, the polytechnic schools did not have a clear definition of their mission. Secondly, this kind of institution did not have the capacity to attract students. Thirdly, students saw polytechnics as a second-best choice. A binary organization of the higher education system was established by the Education Framework Act of 1986. This was a very important regulation, which defined the roles of the universities and the polytechnic schools. Finally, joining the European Community in 1986 became a turning point for Portugal and for Portuguese higher education. A stream of new structural funds resulted from a special program for the development of the education system (*Programa de desenvolvimento educativo para Portugal*). The funds were crucial to developing the infrastructure of tertiary educational institutions. In addition, the EU enlargement in 1986 opened a window of opportunity for participation in European research and educational programs for both students and academics staff, although the level of participation was very low for years compared to other countries of similar size.

3.1. Main characteristics of Portuguese HE governance before the reforms

Besides the reforms that introduced new kind of entities in the tertiary-higher education system, there were no changes in university governance structure until 2006. The institutional power structure was based on rectors/presidents and various councils at institutional and faculty levels. Both were elected by a body of representatives of the academic staff, nonacademic staff, and students. Tertiary education institutions could establish their own mission and strategy, but a policy framework was regulated by statutes. The level of faculty autonomy varied across different institutions. Universities and polytechnics were financed on the basis of a complex formula. Private education institutions were established on the initiative of firms, cooperatives, or foundations. They needed to be recognized by the Ministry of Education. This recognition was based on the quality of internal organization, academic staff, buildings, and equipment. The private universities and polytechnics were less democratic and more flexible with regard to their organizational structures. The rector or president was appointed by the entity owning the institution. The Minister of Education was at the central level of administration. It enjoyed considerable power over institutional budgets and current investments. The Ministry also determined a number of the places that universities could offer under each program and controlled the number of academic and nonacademic staff.

The development of the higher education system during the 1980s increased enrollments but also revealed that deep structural reforms were critically needed. The most important issue that still remained unsolved was the *numerus clausus* system. On the other hand, the demographic trends began to change, and the number of students enrolled in higher education institutions decreased in the mid 1990s. As Ferreira and Hill (2008: 639) pointed out, demographic pressure was a major reason for changing the organizational culture in higher education. There was a clear need for change, but due to the relatively weak political influence and unstable position of the Ministry of Higher Education, the reforms were unfortunately postponed. Between 1999 and 2005, there were as many as five different ministers of higher education, which largely hampered any attempts to reform Portuguese higher education.

3.2. Major aims of the reforms

Higher education returned to the mainstream political debate with the political campaign before the parliamentary election in 2005. There were few doubts that Portuguese higher education institutions seemed to be failing in meeting the needs of modern society and the post-industrial economy. The parliamentary election led to the victory of the social-democratic party and the appointment of Mariano Gago to the Ministry of Higher Education. The reforms of higher education were inspired by the OECD "*Review of Higher Education in Portugal*" that was released in December 2006. The report was very critical and pointed out the serious

weaknesses of Portuguese higher education, including the ineffective university governance structure. In particular, the report targeted traditional modes of collective decision-making and the participation of students in governance. They were attacked for being inefficient, ineffective, cumbersome, and process oriented. It was contrary to the needs of the society and the economy (Teixeira 2005: 501). Following heavy criticism of the governance structure of Portuguese universities from various stakeholders, the government took the initiative to modernize the higher education law. It aimed to change the structure of university governance by reforming the legal structure, which was framed in the amendment. The amendment proposed the following changes:

- (1) diversifying the governance system and increasing autonomy;
- (2) setting up University Governing Boards with mandatory external participation;
- (3) allowing independent legal status for public institutions, namely as public foundations governed by private law;
- (4) establishing consortia among institutions;
- (5) recognizing research centers as part of the university management framework.

The new rules implied a gradual departure from the concept of the university as a democratic institution. The amendment increased the number of external stakeholders at the expense of student participation in university governance. The reforms were built on the foundation of New Public Management, which had become a dominant trend in the public realm. As Santiago and colleagues (2006) pointed out, there was a tendency in some of the higher education literature to assume that "traditional" collegial approaches to academic management were being replaced everywhere by executive-orientated management processes. The evidence, however, suggests a much more complex and diverse picture. Some countries have moved substantially toward what is termed "full-blown" academic managerialism (such as the UK and Australia), while other countries have traditionally had a strong executive style to running colleges and universities (the US), while even others have slowly implemented less collegial management orientations. Though it may be concluded that nearly everywhere there are pressures for change in the way in which HE institutions are run, the devil and a deeper understanding of the processes lies in the detail (R. Santiago et al. 2006: 216-217).

3.3. New Legal Framework

The amendment only announced the advent of deeper structural changes that were introduced with Law No. 62/2007, enacted on September 10, 2007. The new law challenged the existing university governance structure. Article 1 states that the act was intended to regulate the "*legal framework of higher education institutions, specifically governing their constitution, attributions and organization, the duties and powers of their various bodies and their guardianship and public supervision by the State within the framework of their autonomy.*" There were also other changes

being introduced, including laws to establish the legal framework for evaluating higher education institutions (Law No. 38/2007, enacted August 16, 2007), for regulating students loans (Decree-law 82/2007, enacted November 5, 2007), and for recognizing foreign academic degrees (Decree-law 341/2007, enacted October 12, 2007). The new legal framework gave legal power to higher education institutions to determine their own status. Before reform, all universities and polytechnics were part of the public sector and therefore operated only under the public law. But **after the new legislation, a higher education entity could choose to become a public foundation, governed by private law, or remain an higher education institution, ruled by public law.** Regardless of the legal status, all public higher education institutions now enjoy statutory, pedagogical, scientific, cultural, administrative, financial, and disciplinary autonomy with regard to the state, with the appropriate distinctions according to their nature.

Public higher education institutions may create associations to develop higher education and consortiums of higher education institutions. Liaison between institutions was also regulated in the law and established the opportunity to freely create, amongst themselves or with other institutions, association or cooperation agreements to encourage mobility amongst students and teaching staff and in order to pursue partnerships and common projects, including joint degree programs as prescribed by the law or the sharing of resources and equipment. According to the new regulations, higher education institutions may also form associations or cooperate with each other for the purposes of institutional representation or to coordinate and regulate joint activities and initiatives. According to the new legislation (Article 27), **government – in regard to higher education – was responsible for:** creating, modifying, founding, separating, and closing public higher education institutions, as well as attributing and revoking recognition of public interest in private higher education establishments.

3.4. Statute of university

Public higher education institutions can adopt the institutional organizational and management model that they consider most appropriate for their mission and the specific context within which they operate. **The most important document that regulates the internal governing structure is the university statute.** Following the act, it must regulate:

- (1) the role of the institution;
- (2) the structure of the governance and managerial bodies and their composition, the forms of electing or appointing members, the duration of their mandate, and the means of dismissing them;
- (3) the powers of the various bodies;
- (4) the autonomous structure of the organizational units and its respective bodies.

Alterations to university statutes require the approval of two-thirds of the members of the General Council. The structure of university governance applies to public universities and polytechnics and is established by Articles 77 and 78 of the Higher Education Law.

Table 2. Main bodies in universities in Portugal

Public Universities or University Institutes

The General Council

The Rector

The Management Board

The Academic Senate or Advisory Body (optional)

Other consultative bodies (as envisaged by the institution)

Scientific Council

Pedagogical Council

3.5. Structure of university governance

The structure of university governance in Portugal consists of two major layers, the central and faculty level. On the central level, three major actors can be named, the (1) general council, (2) the rector/president, and (3) the management board. The main body in Portuguese governance university structure is the **general council, a collegial body** comprised of 15 to 35 members, depending upon the size of each institution and the number of schools and organizational research units. The following are members of the general council:

- (a) representatives of teachers and researchers (elected by all the teachers and researchers in the higher education institution, constituting more than half of the total number of members of the general council);
- (b) student representatives (elected by all the students in the higher education institution using a system of proportional representation, constituting at least 15 percent of the total number of members of the general council);
- (c) individuals of recognized merit who have the relevant knowledge and experience but who do not belong to the institution (co-opted by the members referred to in (a) and (b) by absolute majority, constituting at least 30 percent of the total number of members of the general council).

The mandate for elected or appointed members is four years, except in the case of students for whom it is two years. **The general council** enjoys strategic responsibility, which covers the following tasks:

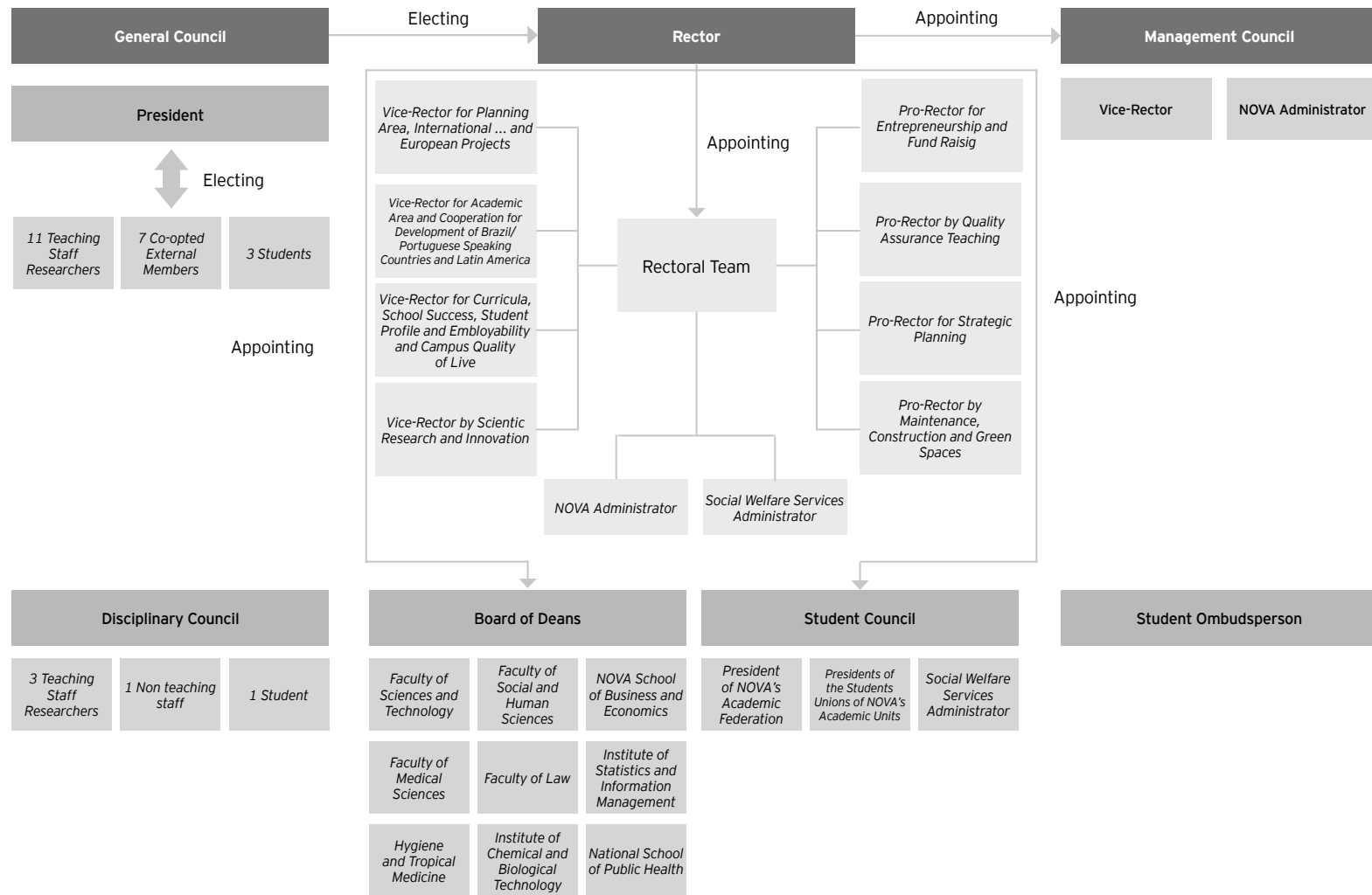
- (a) electing a chairman, by absolute majority from among the members;
- (b) approving its regulations;
- (c) approving alterations to statutes;
- (d) organizing election procedures and electing the rector or president under the terms of the applicable statutes and regulations;
- (e) appraising the acts of the rector or president and the general council;
- (f) proposing initiatives considered necessary for the proper running of the institution;
- (g) performing any other duties stipulated by law or in the statutes.

But if proposed by the rector or president, the general council is responsible for the following:

- (a) approving medium-term strategic plans and the plan of action for the four-year mandate of the rector or president;
- (b) approving the general guidelines for the institution contained in the scientific, pedagogical, and financial or asset plan;
- (c) creating, transforming, or closing organizational units;
- (d) approving annual plans of activities and assessing the annual report on institutional activities;
- (e) approving budget proposals;
- (f) approving the annual consolidated accounts, accompanied by the opinion of the statutory auditor;
- (g) setting the tuition fees payable by students;
- (h) proposing or authorizing, as stipulated by law, the purchase or sale of the institution's assets and its credit operations;
- (i) pronouncing on any other matters that may be submitted by the rector or president.

The general council is led by the chairman/chairwoman, who convene and preside over the meeting and declare and verify vacancies on the council. Ordinary meetings of the GC are held four times a year. The rector or president attends the meetings without the right to vote.

Diagram 1. University NOVA in Lisbon



Source: <http://www.unl.pt>

The second key element (actor) of the Portuguese university governance structure is the (2) university rector or president, who is the most senior governor and external representative of the institution. Rectors (presidents) are elected by the general council under the terms established in the statutes. Teachers or researchers from the institution or from other national or foreign higher education or research institutions may be elected as university rectors or polytechnics presidents as well as individuals of recognized merit with relevant professional experience. The supervising minister may only refuse to approve the election of a rector or president on the grounds of ineligibility, illegalities in the election process, or violation of the rules and general principles of the Code of Administrative Procedures. The rector or president holds a four-year mandate, which may be renewed once under the terms of the statutes. The rector or president is assisted by the vice-rector and vice-president, which are appointed by the rector or president and may come from outside the institution. **The rector may present proposals to the general council** on:

- (a) the medium-term strategic plan of action for their four-year mandate;
- (b) general scientific and pedagogical guidelines for the institution;
- (c) the annual plan and report of activities;
- (d) the budget and annual consolidated accounts, accompanied by the opinion of the statutory auditor;
- (e) the purchase and sale of institutional assets and credit operations;
- (f) the creation, transformation, or closing of organizational units;
- (g) tuition fees payable by students;
- (h) the creation, suspension, and closing of courses;
- (i) the maximum numbers for new admissions and enrollments;
- (j) the supervision of academic management, namely by deciding on the opening of vacancies for candidates, appointing and contracting staff, appointing election candidate panels and academic examinations, establishing the system and regulations for assessing teaching staff and students;
- (k) administrative and financial management of the institution (and ensuring the efficient use of funds and resources);
- (l) support for students within the framework of the student social services, as prescribed by law;
- (m) approval of the election and appointment of members of the managerial bodies of the organizational units, which have their own governing bodies, rejecting them only on the grounds of illegality;
- (n) appointment and dismissal of directors of organizational units that do not have their own governing bodies;
- (o) appointment and dismissal of director and managers of the institution's services; and
- (p) any measures necessary to ensure the quality of education and research in the institution and its organizational units.

The third element of the university governance structure on the central level is the management board, which is appointed and presided over by the rector or president and consists of **a maximum of five members**. It is responsible for the administrative, asset, and financial management of the institution. In addition, it covers the management of human resources and is subject to the current legislation pertaining to public bodies with administrative autonomy. The management board is also responsible for establishing charges and salaries. On the departmental level, the structure of governance is comprised of four major actors. Faculty is led by **the director or president of the organizational unit** who is responsible for:

- (a) representing the organizational unit before the various bodies of the institution and outside the institution;
- (b) presiding over the managerial body, where it exists, directing the services of the organizational unit and approving the necessary regulations;
- (c) executing the decisions of the scientific or technical-scientific council and the pedagogic council, when binding;
- (d) drawing up the budget and plan of activities, in addition to the financial report and report on activities. The director (president) is supported by the scientific and pedagogical councils.

The scientific council consists of (a) professors and professional researchers; (b) other full-time teaching and research staff employed under contracts of not less than one year who hold doctorates, regardless of the nature of their employment status within the institution; (c) representatives of recognized research who have been positively assessed as prescribed by law, where they exist, in numbers established in the statutes that amount to not less than 20 percent and not more than 40 percent of the total members of the council, but which may be less than 20 percent when the number of research units is below this figure. **The scientific or technical-scientific council is specifically responsible for:**

- (a) assessing the academic plan of activities for the unit or institution;
- (b) deciding upon the creation, transformation, or closure of the institution's organizational units;
- (c) deciding upon the distribution of teaching duties, subject to approval by the rector or president or the director of the school, as appropriate;
- (d) performing other duties stipulated by law relating to the career structure of the teaching and research staff and the recruitment of teaching and research staff.

The second body is **the pedagogical council, which** consists of an equal number of representatives from the teaching and student body of the institution or school, elected under the terms established in the statutes and regulations. The pedagogical council is responsible for:

- (a) deciding upon pedagogical guidelines and teaching and assessment methods;
- (b) launching regular inquiries into the pedagogical performance of the organizational unit or institution and analyzing and publishing the results;

- (c) promoting the assessment of the pedagogical performance of teachers and students and analyzing and publishing the results.

3.6. Universities as foundations under private law

According to the Law 62/2007, higher education institutions may choose alternative statutes based on the private law. The procedure is very simple and is comprised of the following steps. The proposal to shift the legal status of the foundation is made by the rector or president of the university and must be approved by an absolute majority of the members of the general council. Then the agreement is made between the government and the institution. **The agreement can be signed if the institution prepares an appropriate study of implications of this change in regards to funding, management, and autonomy.** In addition, higher education institution should determine the institution's plan, the development program, the status of its foundation, the basic organizational structure, and the transition process. Foundations are created by Decree-Law, which also approves their statutes. **Universities operating under the private law have a different governance structure.** At the top of the university is a council of trustees, consisting of five individuals of exceptional merit with professional experience recognized as particularly relevant. Formally, trustees are appointed by the government, although the recommendation is made by a university. They **serve a five-year mandate**, which may be renewed once only and may not be dismissed by the government without due cause. Public higher education institutions with the status of foundations enjoy autonomy under the same terms as public higher education institutions, with any due alterations resulting from their status. **The council of trustees** is bridging universities with society, and its major responsibilities carry the duties of (a) appointing and dismissing the managerial board on the recommendations of the rector, director or president; (b) ratifying decisions of the general council on the appointment or dismissal of the rector, director, or president; (c) exercising the powers relating to the same duties as the rector or president in public higher education institutions; and (d) ratifying decisions of the general council. **The main difference** between the two kinds of higher education institutions mentioned above is that **the foundations are governed by private law**, specifically with regard to their financial assets and staff management. Beside this disparity, entrance requirements for students are the same as in public universities or polytechnics.

One study of the evaluation of the reforms among the academic community shows a mixed picture (Teixeira 2009). All of the interviewees were certain that it was too early to evaluate the effects of the governance reform. But in the academic community, there was a mixture of acceptance, debate, criticism, and rejection. According to Teixeira (2009: 507), one view of the reform is that universities have lost their democratic character. On the other hand, some see it as a good way to modernize university management and promote cooperation between HE institutions and society, and in that way, it is a good opportunity to change

the system in a desirable direction. As for the composition of the new institutional arrangements, respondents were against the senate's marginalization, which was reduced by 30 percent of its previous number. However, it is worth acknowledging that external participation in higher education institutions was judged in a positive way. Interviewees pointed out that such inclusion in the decision-making process and collaboration with society could have a positive impact in the higher education system. A few doubts were mentioned on the question of who should choose the external members. The vast majority of respondents did not understand the advantages of public foundations guided by private law. They were afraid that this new form of higher education institution could be treated in a different way, but they could not be specific. In conclusion, all interviewees asserted that higher education reform could not work in an appropriate way without proper financing from the state. Overall, university foundations have a few advantages. First, institutional leadership has the maximum autonomy to pursue its goals with little external constraint. Second, institutional leadership can plan for the long term without being subjected to changes in the government's budgetary policies. Third, there are new opportunities for generating additional resources. Fourth, the strategic influence wielded by the curators regarding the establishment of institutional and research agendas can lead to closer collaboration with external stakeholders in the university. Finally accountability is placed on the shoulders of those in whom responsibility rests.

4. Austria

Austria is a small landlocked country of roughly 8.47 million people with a Gross Domestic Product (GDP) per capita 50,546 USD. According to OCED (2015:231) public and private spending on tertiary education is estimated around 1.5% GDP. None of Austrian universities is ranked in global top-100, but University of Vienna is in Top-200 and two others in top-300 in world rankings.

The country has developed a high standard of living and in 2011 was ranked 19th in the world for its Human Development Index. Since 1945, a single-party government has been in place 1966-1970 (Conservatives) and 1970-1983 (Social Democrats). During all other legislative periods, either a grand coalition of Conservatives and Social Democrats or a "small coalition" (one of these two and a smaller party) ruled the country. As a result of the reforms since the 1960s, the university system has changed from one serving the elite to one serving the masses. The increasing number of students at Austrian universities reflects the liberalization of educational policy at secondary and higher levels. Between the 1955-56 and 1991-92 academic years, the number of students enrolled in institutions of higher education increased from about 19,000 to more than 200,000. The number of students beginning university-level education after having completed the qualifying AHS program also increased and amounted to 85 percent of the age cohort in 1990, compared with 60 percent in the mid-1960s (Austria 1990: 190).

4.1. National bodies in higher education and research

The Austrian Federal Ministry for Education, Science, and Culture (BWK) is the main public body responsible for schools, universities and Fachhochschulen. Other federal ministries, as well as provincial and regional authorities, also deal with educational issues. The Federal Minister for Education is the political head of the BWK. Apart from education, BWK is also responsible for some areas of cultural affairs, for the relationship between the State and the churches, and for adult education. Several bodies with consultative status are affiliated with the ministry, e.g., the School Reform Commission, the Centre for School Development (with offices in Vienna, Graz and Klagenfurt), the Commission for Minority Education, the Commission for Minority Schooling in Carinthia, and the Advisory Commission for Technical and Vocational Education and Training.

Under the Austrian Constitution, legislation and execution of all matters pertaining to universities and higher education are a federal responsibility.

The freedom of scholarship and teaching, and the freedom of expression in art are guaranteed in constitutional legislation. **Universities are autonomous legal entities under the public law. They regulate specific matters autonomously according to their institutional statutes.** According to the Universities Act of 2002, the Federal Minister has legal supervision of university activities as regards

compliance with the law, ministerial orders, and the legal statute. There are no provisions for the Federal Minister to perform any other type of supervision, for example, to review whether university activities are appropriate and economical.

4.2. Legacy of Austrian Universities

In 1365, Duke Rudolf IV of Austria founded the University of Vienna, which is the oldest university in the German-speaking world. The University of Vienna succeeded in achieving relatively far-reaching autonomy vis-à-vis the country's rulers and the church and experienced a genuinely golden age. In the wake of the Counter-Reformation, the University of Graz was also founded. It emerged in 1585 from an already existing Jesuits' college and was the type of university intended purely for the religious order of the Jesuits. The University of Salzburg was founded in 1622, and the University of Innsbruck followed in 1669. In the 17th and 18th centuries there were thus four universities, which had no autonomy with regard to their organization or curriculum but were under church influence and thus excluded from the development of modern science. The entire school system was redesigned under Maria Theresa and Joseph II. The universities were reorganized and transformed into state institutions. Although these reforms were largely revoked after the death of Joseph II, one thing that did remain, however, was the fact that universities had become public institutes under state control. In the first half of the 19th century, the universities have been changed. The University of Salzburg was closed under Bavarian rule in 1810, and the lyceums in Innsbruck (1826) and Graz (1827) were reestablished as universities. In addition, the precursors of today's universities of technology came into being in Vienna and Graz. As a result, the state came to guarantee the freedom of teaching and learning, and new structures were designed for the teaching qualifications, and the appointment of professors and the administration. Access to the universities was newly organized by introducing a secondary school education ending with the school-leaving examination. A tremendous expansion program for the universities in terms of technical, human, and material resources accompanied this organizational and study reform. After the collapse of the monarchy, the republic continued to operate the Austrian universities and institutions of higher education as state institutions. After World War II, the Austrian university laws were re-instituted and teaching resumed shortly afterwards. Until 1955, a great number of confusing university laws from the 19th century applied to the universities. When the University Organization Act was adopted in 1955, one single law applicable to all scientific universities and higher-education institutions was enacted for the first time without, however, any major substantive innovations regarding their organizational structure. So the university organization of the 19th century remained in place, partly unchanged, until the re-organization of the universities in the 1970s. Hans Pechar (2005) has distinguished **two phases of reforms in the higher education** system in Austria. Both periods had a background philosophy. The first phase referred to "democratization of universities," and "opening higher education" reached its peak in the mid 1970s ,while the second phase was focused on "deregulation"

and “efficiency” and transformed universities from agencies of the welfare state to public enterprises.

4.3. Phase 1: Democratization of Austrian universities

Several events in higher education policy took place in the 1960s. After World War II, Austrian universities were in bad condition and largely decoupled from the society. Austrian higher education reflected the elite model in Martin Trow's typology, having student participation rates below the level of 5 percent. Universities were more places of intellectual narrowness than sources of innovation (Pechar 2005a: 2). In the late 1960s, the elite model of higher education came to be seriously questioned in both political and economic terms. This was all because the expectations from human capital had changed. It was associated with the human capital theory, which was popularized and disseminated by the OECD. Human capital theory (e.g., Schultz 1971; Sakamoto & Powers 1995; Psacharopoulos & Woodhall 1997) rests on the assumption that education is highly instrumental and even necessary to improve the production capacity of a population. The important goal was growth in the qualifications of manpower, and an outdated system of higher education in the existing form was not acceptable. The government set the course for educational expansion and modified the traditional chair system. In the traditional chair system, self-governance was restricted to the small group of full professors known as the “academic oligarchy” (Clark 1983). The university as an organization was an assembly of a number of small “principalities,” which were managed and controlled individually by the master – a full professor who held the chair. The plight of the junior faculty was uneasy and was characterized by entirely personal dependency on the chair holders. The first phase of reforms took place in the middle 1970s, bringing higher education under the umbrella of the welfare state, modifying the chair system at universities, and engaging a more diverse representation of the academic community in decision-making process. Pechar claims that the reforms were underpinned by values that reflected the spirit of the times, which was characterized by “openness” and “democratization” of higher education (Pechar 2005a: 1). This implied the increase of student and junior academic participation in the decision-making process and their growing role in the university governance structure. (Pechar 2005b: 4-5). The goal was to open the rigid structures of the self-governance system to those who had been underrepresented (or had not been represented at all). **Pechar points to three dimensions of openness and democratization of the university. The most important was to increase students' participation by removing visible and hidden barriers that excluded large numbers of talented students. It was assumed that financial barriers were mainly responsible for the low participation rate. The second dimension referred to widening the spectrum of recognized disciplines and methodological approaches at the university, which was very much outdated. It applied to great specialization of science in both teaching and research. The structures and procedures of self-governance at universities were made more democratic.** Junior faculty and students were

partially included in the procedures of academic self-governance (Pechar 2005b: 4-6). The majority of university actors did not adopt the new sets of ideas for higher education initiated by the Austrian government. They believed that the prospect of increased participation in decision-making by taking on board students and junior academics would seriously threaten their privileges and lower their status. Hence, they responded negatively to the political request to open up their institutions. Such a hostile reception should not have been a surprise, as Austrian universities enjoyed very privileged positions and special care from the benevolent state. They had little appetite for enrolling a bigger number of students because they felt (rightly) that expansion of higher education would eventually lead to abolishing the privileges of elite institutions. In the 1970s, the increase in the number of students was estimated at approximately 10 percent. The growth of enrollments was followed by an increase of academic appointments in higher education. Obviously, the new appointments were mainly junior faculty members, who assumed the least prestigious new teaching functions, but their arrival slowly changed the balance of power at universities. A growing number of junior academics received some kind of representation in collegial bodies. This change led to inevitable conflicts between professors and junior faculty members. A majority of the academic oligarchy strongly opposed the higher education reforms, so the government had to enforce it by legislation and other means of regulation. The fundamental reform of governance and the internal organization of universities was passed in 1975. The new law increased the status of junior faculty and gave some voice to students. And it was a first step to modernize the traditional chair system by introducing larger organizational units (institutes). The UOG 1975 law was extremely controversial and viciously opposed by the professors. Some of them – immediately after the introduction of the new law – sued the state at the constitutional court but failed to win the case (Pechar 2005b: 5). Despite the cold reception, the reforms were put into life.

4.4. Phase 2: Modernization of Austrian Universities

In the mid 1980s, the number of students was still on the rise, and conflicts between senior and junior academics did not dry out. However, a new potential threat appeared on the political horizon. It was the collapsed of trust and confidence in the welfare state. It implied undermining traditional order in higher education, including the university governance system, and in general, the university as we know it. Hans Pechar identified major circumstances that heralded the inevitability of the fundamental changes ahead. First, there was an increase in the number of students, academic staff, and nonacademics staff who contributed to the managerial complexity of running the university. As universities got bigger, more complex, and more diverse, they also became less manageable in the traditional way. In addition, in the 1980s there was a widely shared belief that universities were surrounded by the ossified state bureaucracy, which did not allow them to develop their full potential. On the top of it, the crisis of public finances in the late 1980s (the tax consolidation) meant that it was necessary to reject growing

requests for more resources, and even worse, it led to cuts in spending on higher education. Under these difficult circumstances, life became more complicated for all the stakeholders of higher education. The relations between the representatives of the government and the higher education community gradually deteriorated. The former had no interest in being engaged in the ugly details of executing cuts and became quite sympathetic to the arguments for increasing the autonomy of higher education institutions (Pechar 2005b: 5).

The second phase of reforms reflected a new managerial trend in public policy that became fashionable in the 1990s in a number of countries across Europe. It was built on the liberal ideology of New Public Management. It largely influenced the University Act (2002), which established universities as full legal entities. The new sets of values that underpinned the course of university reforms were "**deregulation**" (de Boer, Enders, & Schimank 2006: 9), "**effectiveness**," and "**efficiency**" (Pechar 2005a: 1). The most fundamental change in higher education embraced shifting the legal status of universities from state agencies to public enterprises. It aimed to provide more autonomy to higher education institutions but at the same time expanded their responsibilities for their performance. In other words, the reform moved the focus from **orientation on** "the process of teaching and research" to "**the outcomes of teaching and research.**" This apparently insignificant change had profound and far-reaching consequences for higher education. Another political step in reforming higher education policy was marked by the general election of 1990. Both partners of the reelected coalition – the Social Democrats (SPO) and the Christian Democratic Austrian People`s Party (OVP) – started discussions about serious reforms of public policy, including plans for university reform. And a new law of higher education was to pave the way for further deregulation and decentralization. **The main goal of the reform was to reestablish the planning and decision-making ability of universities, to increase flexibility with regard to staff work contracts, and to establish clear connections of responsibility.** The ruling coalition took into consideration the democratic participation of all groups of university staff. In December 1991, conservative Minister of Education Erhard Busek presented the first guidelines of reform in the "Green Paper." It included the following proposals:

- (1) complement the management structure of universities (Senate headed by the rector) with a parallel management structure, headed by manager nominated by the minister;
- (2) establish one-time payment of funds for the university;
- (3) assign decision-making authority over how to use the funds to the bureau,;
- (4) create an external board at each university to play an advisory role;
- (5) authorize two categories of academic staff: civil service and those working on contracts.

The proposal was absolutely rejected by all the major groups in higher education. This heavy criticism came from two opposite directions. The left, including most of the students and junior faculty, claimed that it was a return to the authoritarian professors, who controlled academia before the 1970s. Conservatives, representing a minority of professors and young academic staff, felt that the new management structure threatened the status and privileges of the university oligarchy.

4.5. The University Organization Act (UOG) 1993

The process of political consultation of the changes proposed was like a roller coaster full of unexpected twists. In October 1993, the new law, the University Organization Act 1993 (*Das Universitätsorganisationsgesetz*, German abbreviation UOG). It passed through Parliament, giving the universities increasingly more scope for decisions and configurations, which was the first step towards full autonomy (Kasparovsky & Wadsack 2004: 12). Pechar and Pellert (1998: 144) characterized the UOG 1993 as “**soft managerialism.**” Some researchers saw the UOA 1993 as a first step towards the development of universities from state agencies to independently managed public institutions (Lanzerdorf 2006: 108). Following Ute Lanzerdorf, **the government specified the act as the document developing democratically constituted universities as autonomous institutions with individual responsibility for their performance** (Lanzerdorf 2006: 108).

Another argument was that with the increasing number of students, universities should therefore be larger organizations, which needed more personal decision-making structures and more equitable participation of the different staff categories. Until the end of 1999, “UOG 1993” had not been adopted in all universities (especially in the largest: Vienna, Graz, Innsbruck, and Salzburg). The country-wide implementation ended in 1999. Meanwhile, in 1998, the first attempt to give full legal entity to universities took place. But it was pointed out that the adjustment provided schools with choices. Universities could keep their old structures, and changes required the consent of the senate. The proposal especially helped small universities that wished to go forward against bigger schools, which would implement the changes much more slowly. Universities could choose whether to participate in the reform or not.

The most important consequence of UOG 1993 was the strengthening of the positions of rector and deans, who became more powerful figures within the organization than before, although their power was softened (compared to what the government initially proposed) by the significant influence of the collegial bodies. By and large, this direction of change reflected the mainstream development in European countries in the 1980s and 1990s. The first attempts to involve external stakeholders were made, even though the academic community strongly opposed any form of governing body that would engage representatives of external stakeholders. As a result, these governing bodies were introduced as advisory bodies with no organizational power. The concept of reforms was underpinned by the NPM approach to universities and heavily influenced by the Anglo-Saxon

policy. UOA 1993 made the first step by only signaling forthcoming deep structural changes in university governance. UOA 1993 was just an intermediary statute, and managerial revolution was just around the corner. The reform outcomes also brought some rather unexpected but important alternations. Beyond the main stream of modernizations to governance structure, the new approach to universities revolutionized the academic community. Hans Pechar (2005) identified these changes, drawing attention to a new wave of senior academics who became more sensitive to external needs and pressures:

They could no longer be regarded as the groups that represents the internal interests of academe, but increasingly they were viewed as mediating power block between internal and external pressure. (Pechar 2005: 280)

4.6. The reform triad

Another shift in higher education policy was heralded when the parliamentary elections in Austria were held in Austria in 1999. The program of reforming higher education outlined a radical move toward deregulation and decentralization of universities. This was associated with the internationalization of European higher education and the fact that Austrian universities did not meet government expectations as to international visibility. Government plans were to establish complete institutional autonomy, provide agreements on the financing of universities, enact new regulations associated with hiring new employees, decrease the bureaucratization of university administrations, implement regular evaluations, and enhance the individual profiles of universities. The most important change in higher education in the last decade was the University Act published in August 2002, which is known in the literature as the “**Reform Triad**,” which included **(1) university autonomy, (2) the deregulation of the personnel law, and (3) the definition of university profiles**. The University Organization and Studies Act was passed by OVP Education Minister Elisabeth Gehrler in August 2002 (Lanzendorf 2006: 110). Universities gained full organizational autonomy and were transformed into legal entities under public law and divested from the federal administration system. The aim was to **create “university enterprises”** in the future, which would be in the position to access new funding sources in addition to the money received from the federal government (Kasparovsky, Wadsack 2004: 12). Essentially, the universities became **legal entities under public law, having their own legal personality**. They could act free from any instructions and regulate their specific matters autonomously, although the federal minister could legally supervise their activities. There are no provisions for the federal minister to perform any other type of supervision, for example, to review whether their activities are appropriate and economical. **Universities became free to design the structure of their organizations** (including faculties, departments, institutes, university libraries, and service facilities). The state is obliged to provide the universities with funds. The responsible federal minister enters into a performance agreement with every university for a term of three years (first effective in 2007). The university

provides the draft of the performance agreement, which is subject to negotiation.² Approximately 20 percent of the budget is determined by indicators. The statutory budget regulations of the federal authorities are not applied. **Twenty percent of the total budget for all universities is allocated in line with a formula, based on performance indicators and indicators for the objectives of society. Eighty percent of the total budget is distributed among the different universities on the basis of negotiations of their performance agreements.**

In the future, the three-year global budget of the individual universities will thus comprise a formula-based budget and a negotiated budget (basic budget). The universities submit their proposals for the performance agreements, which are based on the framework laid down by law. The reforms were built on the assumption that universities must seek to attract additional funding sources both from the free market and also the public realm. Since they have become fully fledged legal entities, they may acquire property, conduct research on a commission basis, and use this income for meeting their tasks as universities. It is worth mentioning that universities are able to establish credit with private banks, but the government accepts no liability. On the top of that, the universities are obliged to introduce a university-specific accounting system, which replaces the government's cameralistic style of accounting and is guided by commercial accounting principles. They must present to the Federal Minister of Education, Science, and Culture an opening balance sheet. The federal minister is required to report to the National Council (Kasparovsky, Wadsack 2004: 20-21).

The university is the employer of its staff. Under the UA 2002, new staff is contracted by the rector at the request of the head of the institute. **Staff is employed under the private law contracts, which implies a high degree of flexibility but also insecurity of employment relations.** Before the UA 2002, professors were employed by the minister and had civil servant status. Under the University Act of 2002, the heads of university administration are directly responsible to the rector (not to the federal ministry). **Heads of organizational units must be university professors, appointed by the rector at the proposal of the chair holders of the organizational units.**

4.7. The university governance structure

The "Universities Act 2002" contains detailed tasks of the governing bodies and officers at the universities. **The senior governing bodies of the university are (1) the university council, (2) the rectorate, and (3) the senate.**

² Similar performance agreements are underway in the Netherlands.

Table 3. Main Bodies of the university structure in Austria

University Council
Rectorate
Senate
Deans
Faculty Senate

The membership of more than one of these senior bodies is impermissible.

The university council is the far most important governance body. It consists of five, seven, or nine members, who shall be past or present holders of responsible positions, especially in academic, cultural, or business life, and whose specific knowledge and experience are such as to enable them to contribute to the attainment of the objectives and the fulfillment of the tasks of the university.

Forty percent of them are appointed by the minister, 40 percent are appointed by the academic community (the senate), and one person is appointed by a joint decision of the appointed members. In regards to tasks performed, **the university council has strategic and supervisory functions. It elects and dismisses the rector and the vice-rector(s).** The strategic tasks primarily relate to the approval of the development plan, the intra-university structural organization (organizational plan), and the drafting of the performance agreement with the federal authorities, as well as to arrange for external evaluations and to be involved in decisions on the range of studies and in the drawing up of curricula. The supervisory functions, including supervision of legal matters and efficiency, include the preparation of the performance report and the knowledge survey, and the closing of accounts. Among **the main tasks prescribed to the university council**, one should underscore:

- (a) approving the development plan, the organization plan, and the draft performance report;
- (b) electing the rector from a short list of nominees proposed by the senate and the vice-rectors, after receiving the senate's opinion thereon;
- (c) concluding the performance agreements with the rector and the rectorate;
- (d) dismissing the rector and the vice-rector(s);
- (e) approving the establishment of companies and foundations as well as shareholding in companies;
- (f) approving the guidelines for financial management, the financial statements, and the intellectual capital report of the rectorate and forwarding the same to the federal minister;
- (g) appointing an auditor to audit the financial statements of the university;
- (h) approving the assumption of non-current liabilities and empowering the rectorate to assume such liabilities up to a certain limit without seeking the prior approval of the university council;
- (i) approving the proposed budget;
- (j) preparing an opinion on the performance agreement prior to its conclusion by the rector within three weeks.

The rectorate (one rector and up to four vice-rectors) is the operational body of a university, and all university facilities are under its control. All central executive tasks are vested in the rectorate, among which the most important is preparation of an organizational plan. However, the plan shall require the approval of the university council. The rectorate shall ensure that sufficient resources are allocated to such organizational units to enable them to fulfill their tasks. The chairperson and spokesperson of the rectorate is the rector. Under the "University Act" 2002, **the rectorate** must draft a development plan for submission to the senate and the university council. Moreover, the rectorate presents a draft performance agreement and development agreement for submission to the university council. Within the framework of managerial responsibility, the rectorate also appoints and dismisses the heads of organizational units, concludes target agreements with the heads of organizational units, prepares a draft budget for submission to the university council, and manages the budget. Last but not least, it exercises a wide range of operational duties, such as admitting students, determining the course fees, collecting tuition fees in the amount provided for by the statute, and establishing and discontinuing study programs. **The rector** is the chairperson of a rectorate. He or she represents the university vis-à-vis the federal minister when entering into performance agreements, appoints the university professors on the basis of proposals by an appointment committee, and signs the employment contracts of the university staff members and is their highest superior. The rector acts as the superior of all university staff. **The rector is selected from a short list of three candidates proposed by the senate and is appointed for a term of four years.** Only individuals with international experience and the necessary abilities to manage a university's organization and finances may be selected as rector. The university council is responsible for the announcement of the contest. A reelection is permissible. It is worth acknowledging that **the rectorate is the main executive body at the university, employs the most central executive functions, and is responsible for running the university. However, regarding key decisions for the university, it is directly accountable to the university council.** There are 18 to 26 members **of the senate** who serve a three-year term. The university senate consists of representatives of all internal stakeholders of the university, and specifically (if the senate consists of 18 members), nine senior academic staff, including heads of organizational units with research and teaching responsibilities; four representatives of the group of associate professors as well as the other scientific, artistic, and teaching staff; four representatives of the students, and one representative of the nonacademic university staff (more: Kasparovsky and Wadsak 2004; Pechar 2005; 2005b)(Pechar & Pellert, 1997).

The university senate performs a number of important duties, among which the most important are:

- (a) **enacting and amending the statute** as proposed by the rectorate;
- (b) **approving** the draft development and organization plan, changing the size of the university council, and electing its members;

- (c) **participating** in procedures for the dismissal of members of the university council, the rector, or vice-rectors;
- (d) **appointing** collegial bodies with or without decision-making power;
- (e) **approving** the implementation of decisions by collegial bodies with decision-making power.

In short, the university senate has a supportive role that helps the representatives of the academic community and provides member of the senate an opportunity to participate in major decisions concerning internal university matters. In comparison to the past arrangements of university governance, the new role of the senate is rather limited.

In conclusion, it should be noted that since the 1970s, the governance structure of Austrian universities has undergone a fundamental transformation from a "corporation of professors" to a "university as public entrepreneurial organization." The new model is based on managerial self-governance, which encompass **the leadership triad: the university council, the rectorate, and a disempowered senate**. The UA 2002, §19 stipulates that each university must establish rules for election of the university council, the rectorate, member of the senate, and other bodies in its statutes. A very important change under UA 2002 is that the position of rector is a full-time job. **The only preconditions for becoming a rector are international experience** and the capacity to assume the organizational and financial leadership of the university (UA 2002, §23). **Rectors no longer have to be an academic or have working experience at the university** where he or she is going to work. Also, the role of deans has been strengthened by UA 2002. They have to conclude performance agreements with the rector for their departments and with the heads of the institutes that belong to their departments. They also distribute the available resources according to the performance of the institutes and develop strategic plans for the departments. In managerial self-governance in Austria, we can observe a change in the style of leadership. The individual styles of governance rectors and deans will be decisive for the intra-university consequences of the new state-university relationship (Lanzendorf 2006: 123). Rectors and deans cannot obligate professors to engage in certain activities, but they can put pressure on them by means of performance-related resource allocations.

5. From “corporative university” to “corporate university”

The analysis of higher education reforms in Portugal, the Netherlands, and Austria shows that the reforms progressed in a similar direction and also passed through similar stages in restructuring university governance. It is no surprise that in the analyzed countries, circumstances under which the reforms of higher education were implemented reveal some distinct differences due to peculiar political and economic situations. Reforms were also implemented at different periods of time, namely between 1990 and 2005. **Despite all the differences, there is a common element in the reforms, in particular, regarding changes in university governance. In addition,** Bleiklie and Kogan (2007) noted that the patterns of new organization arrangements and the major reasons that led to the reforms are similar in each case. One of the major comprehensive documents published recently in this matter, “*Progress in higher education reform across Europe. Governance and Funding Reform,*” (European Commission 2008) also finds a common pattern in changes of university governance, identifying major drivers for changes in university governance in Europe in the 1990s. This pattern was the foundation for reforms in the Netherlands, Austria, and (to lesser extent) in Portugal.

5.1. Background of the reforms

The researched countries exhibited some major similarities of socio-economic circumstances under which the reforms of university governance took place. Despite local peculiarities, the reforms have grown on common political soil and also had similar aims to achieve. Many scholars (e.g., Kwiek 2000; Esping-Andersen 1990) see it as a more fundamental change of the welfare state that revolutionized the public sector. At the end of 1980s, most European countries reported significant cutbacks in public spending that also touched the university sector. Therefore, good and stable relationships between the states and universities underwent serious turbulence. Pechar provides a good description of the political climate in Austria before the reforms took off (2003:81):

Life became more difficult for all stakeholders, and relations between the representatives of the government and the higher education community deteriorated. The former has no interest in being engaged in the ugly details of executing cuts and became quite sympathetic to the arguments for increasing the autonomy of higher education institutions.

Very similar observations can be made in the Netherlands, and to some extent in Portugal, where the welfare state tottered to its foundation. The failing welfare state led inevitably to a situation in which governments saw themselves as less responsible for higher education as an absolute duty (Peter Scott 1995: 80). But

governments could not just ignore their internal situation in higher education because expansion of higher education in all three countries was in an advanced stage, which put universities under strong political and economic pressure. In all our reference countries, the heavy presence of detailed state regulations in higher education has been reported, as in many other parts of the public sector. In addition, a far-reaching conservatism in various aspects of education and management was present, in particular, in adjusting education to the needs of the labor market. Furthermore, weak horizontal diversification and a strong feeling that education provided by universities did not address the needs of the external world (market) posed serious questions about the accountability of higher education and the role of the government in the provision of higher learning. A large part of the blame was pointed at the deliberative university governance model, unclear accountability, and weak links with the outside world. The first attempts to reform governance in higher education were undertaken in the 1980s, but beside some adventurous policy papers, little had been done to address the major problems of university governance. Growing criticism of universities underscored that the deliberative model of university governance relied on cumbersome and time-consuming method of decision-making. But deliberation holds the benefits of democracy (Bohman and Rehg 1997; Habermas 1984), including consensus-building capacity, superiority in comparison to bargaining, mutual learning, deeper integration, and legitimate governance (see more: Hoareau 2012: 530). But in the 1980s, the deliberative university governance model was seen as outdated, inefficient, inward looking, and trapped by a time-consuming and too-cumbersome decision-making process. While the mainstream thinking in the 1980s begins to be dominated by the assumption that higher education institutions operate in increasingly competitive and transitional environments. And to succeed in these markets, higher education needed corporate actors instead of a fragmented power structure. Schools, they said, needed to be able to compete for scarce resources (de Boer, Enders, & Leisyte 2007). The government found it hard to communicate with universities and, as in the Netherlands, “*was slightly frustrated by not having a clear address to do business with*” (de Boer 2009: 34). But also in Portugal and Austria, there was a widely shared feeling that universities were too inward driven, with a nontransparent structure of governance that was decoupled from reality. The elite universities were driven by professional accountability, but with the massification of higher education, an inward-looking system could no longer work. The concept of universities as loosely coupled systems, institutions of representative democracy, or simply republics of scholars (Bleikle, Kogan: 2007) based on a consensus culture appeared to be highly ineffective in the fierce international competition for scarce resources. Therefore, governments encouraged to link them with wider society and also engage them in economic development by encouraging them to supply a skilled workforce and provide research-based expertise. Finally, as early as in the 1980s, the first symptoms of a new phase of internationalization of higher education began to emerge, which was particularly important for the universities in the Netherlands and Austria that enjoyed a solid international reputation. It became clear that universities could no longer rely on

the welfare state and public funding supplied by the nation-state. With a globalizing world, a wide range of new transnational opportunities started to emerge, but unlike the stability of welfare state, these opportunities were available only on a competitive basis. Gradually, international benchmarking also became an issue, although world university rankings are a product of 21st century. Generally, the advent of some kind of international benchmarking was somehow inevitable. As Harry de Boer (2009: 33) claimed, “games without frontiers” required new rules, new institutional settings, and a rethinking of traditional university governance. Despite different national academic traditions and dissimilar institutional environments, one can easily identify striking similarities in the reform processes. Failing welfare states, strong economic recessions, poor responses to societal needs, unclear accountability, and opportunities as well as pressures of globalization changed the universities’ external environment. There were external change drivers that forced governments to undertake the required measures in order to adapt universities to the growing challenges. Various aspects of higher education simply did not suit the competitive and more international environment. The main criticism (that came largely from outside the university) of higher education was that university governance was generally seen as a weak spot and was not fit to enable and facilitate universities’ performance in an increasingly competitive world. Thus, it should be no surprise that university governance hit the front page of higher education reform agendas as a major obstacle for strengthening excellence and securing the university’s socio-economic relevance.

5.2. Implementation context

Responding to growing political dissatisfaction with the performance of higher education, governments in all three countries undertook some measures in order to modernize the university governance model. But the move from paper to practice was a very challenging, contentious, and often hostile activity (Trader-Leigh 2002) that could easily be squandered by poor implementation.

It is hard to design public policies and programs that look good on paper. It is harder still to formulate them in words and slogans that resonate pleasingly in the ears of political leaders and the constituencies to which they are responsive. And it is excruciatingly hard to implement them in a way that pleases anyone at all, including the supposed beneficiaries or clients.
(Bardach 1977: 3)

Policy implementation varies significantly between the reference countries due to different political and social contexts, national academic traditions, and various institutional settings. In addition, some policy problems are too complex to formulate clear goals in a short- or medium-term perspective. De Boer, Enders and Weserheijden (2007: 99) summarize the problem: “*We would like to have measurable, clear and specific goals to assess the implementation of a program but usually we have to cope with the opposite.*” There is a large body of literature

on implementation, starting with a classic piece of work by Cerych and Sabatier (1986), "*Great Expectations and Mixed Performance: The Implementation of Higher Education Reforms in Europe*," followed by book edited by Ase Gornitzka, Maurice Kogan, and Alberto Amaral "*Reforms and Change in Higher Education*." (2005). These works show that, to a large extent, every implementation process is unique and brings some skepticism toward "*a list of conducive factors conducive to the achievement of reform objectives*." The issue of policy implementation has become a separate and serious field of study. But due to specific goals of this analysis, the process of implementation will not receive much attention, but we will only give some consideration to the implementation context. The reforms were inspired and largely driven by governments. Frankly speaking, they were also implemented from the top down and largely against the wishes of the academic community, in particular, against university professors whose positions deteriorated as a result of these reforms. It is worth recalling two extreme examples that help depict the social climate in which the reforms were implemented.

Universities at that time, however, had not reckoned on the independent role of government. At the university of Nijmegen, the rector announced during a meeting that the consultation on university governance should be wound up before the deadline determined by the minister expired. Questioned whether the minister agreed, the rector answered (under applause) "this is for the minister to decide, but we are not so much concerned with this" (Janssen & Voestermans, 1984: 163). These and other anecdotes suggest that the university community excluded any governmental interference except as codifying what had been decided by the universities. (de Boer, Maassen, & de Weert 1999: 399)

Similar anecdotal stories that illustrate the former role of the government in higher education can also be found in other countries. For example, in Austria, a group of professors undertook a legal battle with the government and fought to the bitter end in order to prevent university reform efforts. But they failed to stop the process of modernization of university governance.

Despite the lack of a common theoretical framework as to the process of implementation, the reforms in higher education shared a similar implementation context and goals (though various elements of the reform agenda received different priorities in different countries). It is significantly important to underscore that in all three countries, reforms of university governance were initiated by national governments. They were all consequences of growing political dissatisfaction with university performance and a lack of public accountability. Public discourse was dominated by hard criticism of higher education and the assumption that new times requires completely different or simply "modern universities." Reforming universities held a variety of agendas, among which the most important were increasing the institutional autonomy of universities, increasing their social and political accountabilities, and most importantly, modernizing the university

governance model. This new approach also assumed that governments would be most effective if they remained at a distance in relation to university governance and that the new legislative framework should allow universities to be fairly autonomous. This policy model initially implemented in the Netherlands was named “steering at a distance” (de Boer, Leisyte, Enders 2006) and later spread to many continental European countries, including Austria and later on, Portugal.

5.3. Major aspects of the university governance agenda

In the last three decades, the reform agenda covered a wide range of different aspects, often very specific within national political and institutional contexts. Despite all these peculiarities, the reforms had a common core, governance. In all three reference countries, university governance became the central issue for higher education reforms. For the purpose of this study, we identify three aspects of governance – based on individual case studies – that we found most significant. These aspects were shared in the transformation of governance in the Netherlands, Austria, and Portugal. In no particular order, they are: (a) autonomy of universities, (b) the institutional structure and decision-making process, and (c) involvement of external stakeholders in running universities on various organizational levels.

5.4. Autonomy of universities

One of the overarching trends in European higher education governance concerns the enhancement of institutional autonomy. Governments granted more institutional freedom because they believed this strategy would lead to increased effectiveness and efficiency, and universities would become more responsive to societal needs. University autonomy is a broad concept that involves a variety of different issues tailored to institutional and national contexts and conditions. In etymological terms, “autonomous” refers to the power to rule oneself. Applied to the university, it means the freedom to make decisions and subsequently to become independent vis-à-vis economic, political, or ideological external powers, (Prado 2009: 11–12). Overall, the extensive literature on university autonomy deals with theoretical disputes, and there are also a number of empirical studies. A number of attempts have been conducted aimed to conceptualize university autonomy. For the purpose of this study, we will select one, “*The report on higher education reforms in Europe*,” (volume 1: Governance) to distinguish the dimensions of autonomy: (a) organizational autonomy, (b) policy autonomy, (c) financial autonomy, and (d) interventional autonomy. This typology seems to be the most adequate theoretical framework for exploring the recent reforms of university governance in the three countries.

One of the pillars of university governance reform is aimed at granting full legal autonomy by transforming universities into independent entities under public or (in Portugal) private law. If there is an aspect of autonomy that was chiefly strengthened, it was **organizational autonomy** – “*the capacity of public universities to decide for themselves on their internal authority, responsibility and*

accountability structure without any external interference” (Governance Reform Report 2009: 34). Notwithstanding supervision of the national government, universities (in general) were made easier to steer and gained capacities for action on the corporate level. By and large, the issue of organizational autonomy played a significant role in designing the overall content of reforms in all analyzed countries. “Freeing university” from unduly detailed and cumbersome state regulation was the leading idea behind strengthening university autonomy. Taking into account the changing social and economic conditions under which universities performed, governments decided to deregulate higher education and grant more autonomy for universities. This policy was based on the assumption that overregulated universities cannot take full advantage of their capacities. So far, only a few countries in Europe have implemented reforms that have seriously transferred power to the university, leaving it to universities to decide on their internal structure. Most countries kept some governmental regulations concerning internal governance structure. In all the reference countries, governments expanded university autonomy in determining individual institutional strategy, staff policy (with the exception of Portugal), and some aspects of salaries. Universities became more responsible for their performance, although the skeleton of governance structure and the decision-making process were determined by national legislation. Governments aspired to have their say on the main features of university structure, but at the same time, they did not want to interfere in the day-to-day business. By doing so, they allowed universities (Austria and the Netherlands) to change their legal status (this was optional for universities in Portugal). The aim was to move universities beyond the borders of the traditional public sector, where they had been subject to detailed state regulation. In other words, governments wanted to build the core organizational structure and set rules of internal governance. Simultaneously, they wanted to equip universities with a large amount of autonomy on an operational level in order to free them from their large bureaucratic burden. Traditionally, in all three countries, universities used to be an integral part of the public realm, where they were closely linked to the state’s administration. Being more loose from their public administrations, universities received more operational freedom in day-to-day business. In Austria, universities were transformed into independent entities under public law. In Portugal the amendment opens the possibility of independent legal status for public institutions, namely as public foundations governed by private law. In the Netherlands, universities turned into “public entrepreneurs, “managed professional public organizations (Hinings, Greenwood, & Cooper 1999), or just “more tightly coupled systems” (de Boer, Enders, & Leislyte 2007). However, they did not act as “really private corporations.” By expanding the organizational autonomy of universities, governments wanted to enable them to make the best possible use of their individual (intellectual and financial) resources, assuming that university management knows best in which direction its organization need to develop. Universities were largely freed from a number of public sector internal regulations (in particular related to funding) that constrained universities in their daily business. This opened a wide range of opportunities for institutional

profiling, both in teaching and research, and it also helped to absorb considerable amounts of resources through new contractual activities that helped to increase university budgets. It was warmly welcomed by governments (to a large extent in the Netherlands and Austria), as they had experienced serious cutbacks in higher education that left universities in an unfavorable situation. The government wanted universities to diversify their income sources and particularly to attract funding from the private sector because (at least in the Netherlands and Austria) there was a strong assumption that university funding was too dependent on the government’s budget.

The second dimension of university autonomy is **financial autonomy**. It is generally defined as a key characteristic of autonomous organizations, comprised of a number of factors, among which is the freedom to decide on the internal allocation of funds, diversification of income sources (for example through tuition fees and other private contributions), building up reserves, and also borrowing funds on the capital market (2008: 11). Most governments implemented the financial autonomy of universities through **formula-based, lump-sum budgeting** that allows universities to decide the internal allocation of financial resources. The formulas were primarily for calculation purposes only, and the universities were free to use their resources according to their priorities. There is no doubt that in the last two decades all three research countries have implemented funding reforms that grant considerably more financial freedom to universities. This financial autonomy can be measured in a variety of different ways. We adopt (following the Governance Report) two key variables: **level of autonomy and level of flexibility**.

The first refers to a multiple index based on four items: internal allocation of funds, borrowing funds on the capital market, building up reserves, and spending on operational grants. Austria and the Netherlands in 2008 were classified as countries of high-level financial autonomy. In particular, reforms in Austria expanded financial autonomy to universities because in 1995 it was still ranked as a country with universities of a low-level financial autonomy. The central governments expanded financial autonomy of universities, allowed them to take out loans, and provided them the right to earn their own income and create a financial surplus. Universities are funded by the federal government in the form of **formula-based lump sum budgeting**, which was split into two parts. The first part (80%) is based on contractual agreements, and the second (20%) is classic formula-based funding. A performance contract is concluded for a period of three years under public law. The funding is given on the basis of performance contracts. As Nickel and Affeld claim (2006: 9), contracts are negotiated between the ministry and the universities without uniform criteria for the calculation of funds. This issue is twofold. On the one hand, such a method of funding provides some room for applying different practices to achieve given tasks within a fixed budget, though on the other hand, the autonomy of the university is limited to the criteria set in the contracts. There are eight fields of university performance that have been specified by the federal ministries responsible for higher education (where

contractual management is applicable). **Within this framework, universities define their plans, targets, indicators, and time frames.** The remaining 20 percent of university budgets is funded through formula-based mechanisms, which are applied to three indicator groups: (a) teaching, (b) research, and (c) social goals. Another way of measuring financial autonomy is checking the **level of financial flexibility**, or the degree to which the university enjoys grant flexibility to cover different categories of expenditures. All three countries report a high level of flexibility, which translates into freedom to use grant money for whatever purposes is needed. As in the previous case, Austria has experienced the biggest increase in flexibility, considering that Austrian universities were classified as having low-level flexibility in 1995 and high-level flexibility in 2008. In other words, governments' focus shifted from input to output control, delegating responsibility for the way money is spent on university managements' shoulders. It translates into a great diversity of internal models for fund allocation, ranging from sophisticated performance-based approaches to more traditional methods of funding. In all, the research country universities received more financial autonomy and managerial freedom to link resources to institutional strategy. Governance reforms are regarded as positive or even “a blessing for higher education,” but to be fair, the positive outcomes are also a result of large investments in the past.

The third dimension of autonomy is **policy autonomy**, which refers to the ability of public universities to constitute their own academic community in terms of student and staff selection and to determine their teaching and research programs. In regards to student selection, universities in the Netherlands, Austria, and Portugal have some limitations in comparison to the Polish public universities. Austria and the Netherlands have low autonomy as it relates to selecting the number of study places. For the purpose of this study, an important issue is autonomy as it relates to staff selection and setting salaries. The reforms introduced in the last decades deregulated staffing matters to a large extent. Universities are free to appoint academic staff members, determine their job descriptions, and set their salary levels. And in this respect, universities in the Netherlands and Austria enjoy the highest degree of autonomy, while in Portugal they have very limited space to manoeuvre on staffing matters. In the reform countries, this shift in autonomy was significant, and university management was quite pleased with these developments, although deregulation implied worsening employment conditions for academics who saw their salary become more related to performance. Another aspect of policy autonomy is the ability to determine teaching and research programs.

The last aspect of autonomy is so called “**interventional autonomy**,” defined as the extent to which organizations are free from ex post accountability requirements (Verhoest et al. 2004). Overall, European universities have experienced a growing demand for reporting about various aspects of their activities. Making comparisons between countries is a difficult task, but in the case of The Governance Report, the research team developed an index based on six items: obligations to develop

strategic plans, reporting requirements, and to establish external and internal evaluation schemes for teaching and research. Based on this index, Portugal and Austria enjoy a high level of autonomy, while universities in the Netherlands have a medium level of autonomy. The last decade is characterized by a growing demand for reporting on various aspects of university activity. The philosophy of steering at a distance requires extensive reporting on various aspects of university performance. This applies mainly to research performance, which has become intensively measured and assessed by a wide range of bibliometric instruments. These reports create room for collecting data for both internal and external purposes.

Summing up, there has definitely been a change in defining the autonomy of universities. In general, universities received bigger institutional autonomy, in particular, in terms of organizational, financial, and policy (related to staff) dimensions, while the interventional autonomy has largely decreased. Among the three research countries, Austria and the Netherlands strongly comply with this trend, while autonomy of Portuguese universities has not changed that much, despite the reforms. It appears that the direction of change in Portugal is similar to other countries, but because the reforms were launched much later, the process is less advanced.

5.4.1. Autonomy in staff policy

Autonomy in university staff policy has significantly changed, with countries making significant steps toward deregulation of this aspect of university governance. In each of three analyzed countries, the reforms aimed at lifting (at least) some regulation, leaving the university freed to make decisions regarding staff issues. It was important due to fact that higher education in Europe has deep roots in the public sector and also shares a number of characteristics with government, including stable employment conditions. Going beyond the past legacy was quite a challenge because universities continued to remain under public law (with an exception of some institutions in Portugal) and within the public realm. But in all the studied cases, they wanted to establish their own policy in terms of recruitment, types of positions, employment conditions for different categories of employees, levels of salaries, etc. The reforms wanted to *modernize employment relations* and delegate as much power as possible to the university level. There is little doubt that all the countries shared a similar direction, although the outcomes were considerably different. Autonomy in staffing can be analyzed in four major aspects:

- (a) establishing salary scale;
- (b) determining the individual basic annual gross salary;
- (c) determining bonuses and additional increments;
- (d) defining promotion criteria.

Complete autonomy in all four aspects of staff policy has not been achieved in any of the three researched countries, but the reforms unquestionably aimed at

expanding institutional capacity to determine human resource developments. According to the matrix established by Eurydice (2008), the most liberal measures to decentralize staff issues have been undertaken in Austrian universities, in which only *determining the individual basic annual gross salary* is set on the national level. Less decentralized policy was introduced in the Netherlands, where determining the individual basic annual gross salary and setting the “salary scale” are determined on the national level. In both countries, academics have lost status as “public servants,” and their employment contracts have been renegotiated under private law. In contrast, Portuguese universities, which opted to stay under the public law, remain as public sector organizations with the rules set on the national level.

5.4.2. Autonomy in research and teaching

The last distinguished aspect of university autonomy refers to the capacity of public universities to control their teaching programs and research profile. In all three countries, there has been quite a radical move toward expansion of institutional freedom in profiling and choosing the most appropriate way to achieve excellence in research and teaching. Strong state regulations have become the subject of massive ideological critiques, and instead of top-down regulations of university performance, states have more of a “supervisory role,” which allows them to play an influential but indirect role. Most countries have swapped the traditional state control to a more “steering at a distance” model by setting the objectives (ideally with cooperation from the university) or matching objectives with the level of public funding. This trend – initially accepted with some resistance from academic community – led to the horizontal and vertical diversification of higher education institutions. It applies to research and teaching aspects of university performance. As a result, universities have become more autonomous in building their research and teaching profile.

In Portugal, the state tries to disseminate information in order to correct for information asymmetry between service providers and users. It publishes documents and standardizes indicators in order to equip secondary schools graduates with information to help them make the right choices as to their future careers. Autonomy is particularly relevant in the Portuguese situation, which has shifted from a supply-side to a demand-driven market due to a low fertility rate and a falling number of traditional students. As a result, more higher vocational courses that provided degrees directly relevant for the labor market were established.

The reforms involved founding external quality agencies responsible for education in the Netherlands (QANU - Quality Assurance Netherlands Universities), in Austria (AQA - Austrian Agency for Quality Assurance) and in Portugal (A3ES - Agency for Evaluation and Accreditation of Higher Education). The role of the agencies is to provide independent quality assessment and accreditation of higher education institutions and their performance. There are two major reasons behind transferring the authority of evaluation and accreditation of higher education institutions to external quality agencies: the first is a liberal u-turn in public policy

to roll back the frontiers of the state. Proponents want the government to stay away from the detailed issues of service delivery and focus on the outcomes. Secondly, the Bologna Declaration signed by European leaders required education programs to be defined through comparable learning outcomes. As one can imagine, the idea of external evaluation did not receive applause from the academic community. To the contrary, the development of evaluation and accreditation schemes was seen as a fashion trend. It was not appreciated as an opportunity for universities to profile themselves and develop new education programs. The biggest controversy was sparked in Portugal, when the process of reforms was initially (after a long and painful saga) named a “from learning to walk to dysfunctional teenager,” (Rosa & Sarrico 2012: 251-257) leaving some hopes that one day it would grow and become mature and responsible for its actions. It is difficult to compare the outcomes of reforms in all three countries because they are at different stages of implementation, but there are some signals from the evaluations of reforms (Netherlands) and estimations by experts (Portugal and Austria). In the Netherlands, the external accreditation mechanisms seem to be the most developed. In all three countries, internal mechanisms of quality assurance have undoubtedly been strengthened. With the experience of approximately a decade to draw on, there is little doubt about improvements in accountability and quality of teaching. In a highly competitive environment, universities have become more accountable through better and more reliable information about their performance. The governments have addressed market failure and reduced information asymmetry. It is no less important that the reforms generally led to improvements in the quality of accredited degree programs, but they also improved the higher education system as a whole. Rosa and Saricco (2011: 261) summarize the consequence for Portuguese universities, but this conclusion could be expanded to include Dutch and Austrian higher education institutions: *“Given massification in Portuguese higher education, what is relevant to the graduate labor market is less the possession of a degree, than the perceived quality of that degree.”*

The competitive mechanisms were deployed, but the university sector is different than the private sector. Academic competition is based on academic judgments, peer review, and the generally strong involvement of other actors (competitors) on the supply side. It does not make overall competition less fierce, since it is shaped by the race for scarce resources, such as money and prestige. In regards to research, the impact of delegating more autonomy on the institutional level could be more difficult to estimate since there were other parallel processes in action at the same time. It remains clear that Dutch universities took full advantage of autonomy and managed to increase their institutional capacity by building their individual research and teaching profiles. The growing diversity of education programs provides better opportunity for graduates and makes the universities more flexible in terms of building their educational and research programs that they offer to the private sector. It also helped them to attract third-party funding. For Dutch universities, the contracted activities made up almost 30 percent of their institutional income.

5.5. Governance structure

Ideas about the organization and governance of universities have changed over the last few decades. Reforms of university governance have deeply revolutionized the patterns of institutional management. By and large, most European countries have gone through similar stages, although reforms were often launched in different timeframes (Neave 1992: 84-127). Our research shows that the three research countries reveal no difference.

Analysis of the developments in higher education in Europe after WW II allows us to distinguish three major models of internal university decision-making structures. The three types of universities are: (a) the corporative university, (b) the democratic university, and (c) the managerial university. The literature review shows that there is a changing pattern of institutional management that has been reflected in most European countries. European universities have undergone fundamental transformation from corporative organizations of senior professors to democratic institutions that were “loosely coupled” to “tightly coupled” systems based on a managerialist canon that encompasses strong institutional leadership.

Despite the fact this study covers developments in higher education in approximately the last two decades, it is worthwhile to quickly examine the overall process of transformation of institutional governance of universities in Europe. The first phase of institutional management was the “corporative university,” with dominating roles for professors, who effectively ran the universities. This model of university is called a *republic of scholars*, in which both leadership and decision making are based on collegial decisions made by independent professors. But universities have traditionally been public institutions that were steered, controlled, administrated, and funded by the state (or on its behalf). It was an integral part of academic tradition in both Austria and the Netherlands, although in Austria, the organization of universities resembled the Humboldtian model, while the Netherlands was inspired by the Napoleonic model. In Portugal, the dictatorial regime added some autocratic elements to higher education institutions, such as appointments of rectors and faculty heads by ministerial orders (Lima 2011: 288). Nevertheless, we can conclude that all of the models of institutional arrangements were characterized by far-reaching decision-making powers for the state in all academic matters and also close and strong ties with the state. It was an example of professional self-regulation, under which academics ran their own teaching and research operations. But almost all nonacademic and organizational aspects of university life fell to the discretion of the state. The governments were responsible for budgeting, organizational structure, and staff. This mixture of collegiality and bureaucracy was called “**duplex ordo**” by de Boer; these parallel power structures were a major source of tensions at universities.

The second phase of transformation of the university took off around the 1970s and 1980s and caused democratization of the university. Democratization of

the university was linked to enhancing democracy in society at large (Habermas 1967; de Boer, Massen & de Weert 1999). In the Western World, the 1970s are generally regarded as the heyday of academic democracy, and many countries (including the Netherlands in the 1970s, and Austria and Portugal in the 1980s) were being democratized. The notion of democracy carries different meanings to different people, but in the case of the university, it translates into (more) equal representation of students, junior academics, and nonacademic staff in collegial bodies next to the senior academics (professors) and obviously their participation in running the university. Having said that, it must be underlined that internal and external autonomy are justified by reference to a mix of principles and concerns (Maassen and Olsen 2007). Referring to Austrian reforms, Pechar claims that the reforms were underpinned by values that reflected the spirit of the times: “openness” and “democratization” of higher education (Pechar 2005a: 1). This applied to the increase of student and junior academic participation in the decision-making process and their growing role in university governance structure (Pechar 2005b: 4-5). Rosemary Deem (1998: 48) defines the system as “*the collegiality of academics of equal status working together with minimal hierarchy and maximum trust, and the rather “hands-off” but also gentle governance practices.*” This democratic shift reflected the spirit of the times. The university as a democratic institution relied on collegial bodies composed of various internal stakeholders. The students revolts began the process of democratization of universities, aiming to increase the participation of various internal stakeholders in university governance. The university as a democratic institution was very much a political institution, with a prime focus on wide participation in the process of university governance. Running a university was dominated by a continuous search for compromises in order to win a majority (often shaky). It made the decision-making process cumbersome and extremely ineffective, and to add insult to injury, the managerial system was designed to primarily satisfy the demands of various interest groups within the organization. This model of institutional management of democratic universities was more oriented on process and participation (inclusion of different actors) than on performance and outcomes. It was built on the principles of collegiality.

In this [collegial] world governance is the prerogative of the gifted amateurs, who occasionally may need to call upon their officials (or outside advisors) for technical and professional advice. Almost by definition, college business proceeds at a steady, even humdrum, pace: eschewing both leadership and managerialism but dominated by the routines of committees and open to the delaying tactics of the obdurate individual or clique. Tapper (1998: 145)

Therefore, it reflected a traditional public sector philosophy. In all three countries, democratization of university management made an important imprint on its legacy but did not really fit the new philosophy of “steering from a distance,” which wanted universities to be more responsive. All three research countries have experienced the process of democratization of the university, and there were striking similarities

in logic (and principles) and only minor differences between countries. The most radical form of democracy at universities was reported in Portugal. It was clearly a revolutionary response to the regime of Antonio de Oliveira Salazar and an extreme model of the “corporative university” was replaced by another extreme model, the “democratic university.”

This moment of self management, combining the revolutionary practices of radical democracy with direct participation, transformed universities into political arenas, ideological battlefields, or places of conflicts.

(Lima 2011: 289)

In the third phase, new ideas about university management have altered the political rhetoric and discourse about issues concerning higher education (Neave 1998, 2002). George Krucken (2011) observes that the traditional forms of university governance have come under strong political and economic pressure. The capacity of governance by the academic community lost its political legitimacy and public confidence. Both the corporative and democratic model of universities were perceived as a community of scholars (although with different notions of scholars), researchers, and teachers running universities in a collegial way.

The third phase is linked to a much broader transformation of the public sector by transferring private sector managerial techniques into the public sector and voluntary organizations (Reed and Anthony 1993, Clarke et al. 1994, Clark & Newman 1994, 1997b). It also aimed to attempt to inject private sector values, managerial regimes, and organizational culture into the public realm. Clark and Newman (1997a) claim that “new managerialism” can be detected in the forms of organizations, their cultures, and also in their managerial narratives and techniques. The managerial revolution in higher education stormed through most of the European countries, but de Boer (2003: 92) also observed some national or regional specificities in responding to this ideological shift in higher education; but the general logic of the new institutional managerial order remained similar.

The principle of “new managerialism” tried to transform the democratic university into an entrepreneurial one, which in all of the countries involved **a transfer of power from collegial bodies to the individual positions** of university managers at a different level. Collegial bodies were stripped from managerial power and redesigned into more advisory boards with little to say besides giving advice. This power transfer suggests new institutional arrangements with a distinct private sector vertical management structure. In this respect, it is worthwhile to acknowledge that the Dutch government also introduced the **toppling model of appointing managerial positions** within universities. At the top of the university power structure stands the rector, who is accountable to some form of supervisory board functioning under different names in different countries. This form of accountability comes from the fact that rectors are appointed/ dismissed (not elected as in the democratic model or appointed by the government)

by supervisory boards (or university councils) that are comprised of a mixture of internal representatives and more powerful external stakeholders. By and large, supervisory boards played a key role in a new management structure; their role is evaluated in a separate section.

With the spirit of the private sector, **a strong focus on measuring almost every aspect of university performance** also came along. It covered institutional, departmental, unit, and individual levels of performance. Ultimately, it became a powerful managerial tool in pursuing organizational goals and also (some would claim, primarily) effectiveness, efficiency, and economy of university performance. This was a significant step toward evidence-based management, which is built on solid quantified data. However, some critics would rightly acknowledge that not everything that counts is measurable, and not everything that is measurable counts.

Finally, another aspect of the managerial canon that has been introduced relates to the **modernization of employment relations**. Although conditions of employment show some distinct national peculiarities due to various academic traditions, there has been a strong trend toward more flexible and less secure employment. Each of the researched countries have exercised power in a distinct way in this regard, either by delegating almost all the power regarding staff issues to individual universities or by simply employing staff under private law contracts, which implies a high degree of flexibility but also insecurity in employment terms.

It needs to be underscored that the introduction of managerial approaches was not a smooth ride in any of the reference countries. To the contrary, it was a rather difficult, painful, and controversial process in which universities and academics struggled with their newly gained freedom (de Boer and Goedegebuure 2007: 48).

5.6. The increase of a number of actors involved in university governance

The last aspect of transforming university governance was the increase of the role of external stakeholders involved in the university governance. In all the research countries, a significant change in public policy aimed to **increase public accountability of universities** and establish an effective balance between academic excellence and socio-economic relevance. Simply, national governments want to see more direct interactions between universities and society, which is at odds with the traditional notion of the university as an elite institution, independent from outside demands. This policy shift was unavoidable due to the fact that universities were required to produce knowledge of relevance to society at large and also to deliver graduates that would be able to fuel the development of the post-industrial economy.

The involvement of external stakeholders in university governance was institutionalized in the form of supervisory boards or boards of trustees.

This relatively simple innovation meant significant change for universities mainly because the executive management of universities has become accountable to supervisory bodies comprised of external stakeholders. This is a revolutionary change compared to a democratic university, which encompassed internal accountability because academics (mostly university professors) and students elected the rector. This change has generated far-reaching consequences. Accountability is generally defined as "the obligation to report to others, to explain, to justify, to answer questions about how resources have been used and to what effect" (Trow 1996: 310).

Romzek (2000), who offers the most comprehensive method for analyzing types of accountability relations, identifies four types of accountability: hierarchical, legal, professional, and political. The three countries have shown a swing from professional to political accountability in universities. Romzek (2000: 26) claims, *"Professional accountability systems are reflected in work arrangements that afford high degrees of autonomy to individuals who base their decision-making on internalized norms of appropriate practice."* And Huisman and Currie (2004:531) add to this way of thinking that political accountability provides university managers *"the discretion or choice to be responsive to the concerns of key interest groups, such as elected officials, clientele groups, and the general public."*

From an institutional point of view, universities in all three research countries were equipped with external bodies. It was a radical change and a new phenomenon because supervisory boards (as boards of curators) had previously existed only in the Netherlands. The growing influence and increasing numbers of various (external) actors involved in university governance has made the university governance structure more complex than it was in early 1980s, when Clark (1983) described three modes of university coordination. This complexity stems from the fact that the modern university has more functions to perform than in the past because it has become an integral part of the post-industrial economy and society. Universities are confronted with a number of (sometimes conflicting) internal and external expectations concerning their economic relevance and academic excellence. It has made university governance complex and political accountability extremely hard to handle. By involving representatives of external stakeholders in supervisory boards, universities are meant to be more responsive to the needs of society. Different countries have applied different regulations and compositions to external supervisory bodies, but they all share some distinctive features that need further examination.

First and foremost, their major role is to elect/appoint rectors/presidents (and other executive university manager positions) and supervise their performance. The composition of supervisory boards is different in each of the examined countries. The most external in terms of composition of these bodies is found in the Dutch universities, where all five members of supervisory boards are appointed by the minister, and they are all external to the university. In Austrian

universities, supervisory boards (called university councils) demonstrate perfect balance between external and internal representatives. University councils are comprised of equal representatives nominated by the minister and the university senate. Austrian university councils are comprised of an odd number of members (five, seven, or nine) with one seat selected by the already appointed members. In Portuguese universities, the general councils are the biggest (15 to 35 members) among the research countries, and they have the most “internal” composition as well as the most democratic way of appointing (in fact electing) members. Only between 30 percent and 49 percent of members of university councils are individuals of recognized merit with knowledge and experience (who do not otherwise belong to the institution), while the majority of members on the councils are academics and students. In short, Dutch universities reveal the most advanced and Portuguese the least advanced stage of transferring accountability from professionals to political actors. The Austrian universities keep the perfect balance between externally and internally appointed representatives. Second, these supervisory boards are complementary elements of university governance structure, and their members have a duty to perform. The implementation of supervisory bodies resulted in the transformation of public policy based on the indirect influence of a wide range of various external stakeholders. Supervisory bodies are serious units that have dedicated tasks to perform in every country, even if they meet only four times a year. Differences in composition between the countries reflect different academic traditions (Napoleonic, and Humboldtian) and distinct political legacies. Thirdly, in all three countries, supervisory bodies perform strategic functions. The list of tasks covers such important roles as appointing/dismissing the rector/president, organizing the election procedures, and approving changes in university status. In Austria and the Netherlands, where universities are much more politically accountable, supervisory bodies are also responsible for more strategic issues, such as approving strategic plans, financial plans, and budgets.

To sum up, it must be acknowledged that in all three countries, university governance played a central role and became a central goal of the reform agenda. All societies have specific characteristics that affect the dynamics of socio-economic changes. Despite some national peculiarities stemming from different political circumstances and different academic traditions, the reforms of university governance aimed to handle three main shared issues: (a) the autonomy of universities, (b) governance structure, and (c) involvement of external stakeholders in running universities. Although, institutional settings may naturally reveal some national characteristics that vary from country to country, the contents of reform agendas reveal major similarities.

6. Reforms in Portugal, the Netherlands, and Austria in the context of problems with university governance in Poland

Our interviews with Polish experts present a great variety of different opinions and views towards university governance. But the aim was not to investigate the personal views of selected individuals but instead to refer to their managerial experience and knowledge about university governance in Poland. We use them as a sounding board and as experts, not as representative sample of the academic community or of rectors (or former rectors). Therefore, this research strategy does not allow us to formulate strong conclusions as to the overall academic community in Poland. Instead, as the research aims state, we want to investigate:

- (a) if the university governance reforms in Austria, the Netherlands and Portugal can be used as a source of inspiration, roadmap, or simply as a toolkit for Polish reform efforts;
- (b) whether new institutional arrangements can effectively address problems of universities in Poland;
- (c) how these political and institutional reforms would be accepted by the academic community in Poland.

The experts (listed in the attachment) were selected as a purposive sample. They are all individuals with significant managerial experience in running universities or bodies in the higher education system of Poland. The list covers present and previous rectors, vice-rectors, and deputy ministers responsible for higher education. The key criteria for selection was extensive managerial experience in higher education; the interviewees were expected to make strong reference to their managerial experience, while elaborating on transferring innovative policy and institutional arrangements to universities in Poland. The qualitative analysis precludes a quantitative conclusion, although the aim of the research is to investigate how the reforms (the aspects selected in chapter five) can address problems in Polish universities. Our ambition was to test various reform issues against the experience of the experts in order to come up with useful propositions for reform of university governance in Poland. Experts were asked to reflect upon major issues that emerged from the desk research and to identify issues that could help Polish universities improve their performance and also what would be feasible for implementation. By doing so, we want to inform the public debate on modernization in Polish higher education since it is dominated by a type of thinking that is often called *strong conviction and little evidence*.

6.1. Existing documents

A starting point of our analysis is a brief look at two rival strategic documents under the same title, "*Strategy of Higher Education Development in Poland until 2020*," which were prepared by two competitive "camps": (1) a group of rectors under the institutional umbrella of KRASP and the Foundation of Polish Rectors (FRP) and (2) an external consortium comprised of Ernst & Young and IBnGR. There is not a significant difference between the two documents in regards to university governance, but they differ in terms of the level of analysis. The first document refers to blue sky ideas and only signals issues that need to be considered in reforming the university sector. It sheds light on directions of future possible developments. Below are two quotes from the first document that refer to university governance but also illustrate the level of analysis.

The governance of public universities will be based on harmonization, in the new framework the rector will have greater managerial power, which covers governing functions in the area of education, research and social mission of the university; and also managerial functions in regards to resources. Universities in their statutes can split supervisory power between senates and new external bodies – the board of trustees. The board of trustee will take over the competences of the Ministry of Finance in relation to university resource management. (KRASP 2009a:67)

The scope of power and responsibilities of internal authorities (senate, rector, deans etc.) will be re-defined and possibly also the way they are elected/ selected. On top of it, more effective systems of quality management will be introduced in key areas of university performance. (KRASP 2009a: 67)

The strategy of KRASP was to point out the direction of changes, paying little attention to details on the institutional level. And the devil is always in the detail. By and large, this strategy strengthened the position of rectors, giving them more organizational power, but it also reserves room for external bodies such as boards of trustees.

The IBnGR and E&Y strategy, on the contrary, provides a concrete model of university governance, which can be called an "entrepreneurial university model." It was aimed to be more accountable, quality oriented, and transparent. The structure of university governance was comprised of the following authorities:

- (a) the board of trustees;
- (b) collegiums of rectors;
- (c) the academic senate;
- (d) the employee's council;
- (e) the students' council (which also included doctoral students).

The novelty is that the board of trustees is comprised of seven members: one representative appointed by the ministry, two by the university senate, two by local authorities, and two by an organization of employers. The board of trustees is responsible for selection of the rector by appointing a special committee in which current university employees cannot have a majority. The committee conducts hearings and presents a ranking of candidates to the board with its recommendations, though the board of trustees appoints the rector.

Comparing these two documents, one can say that both documents refer directly to university governance and reflect on similar positions as to the direction of reforms. It is a surprise if we take into account that the relation between the two camps was rather hostile. The difference between the two documents is the level of analysis. The KRASP strategy sets a direction of change, while IBnGR and E&Y also offer a roadmap and detailed institutional arrangements. In a way, these two strategies were incomparable due to the gap between the different levels of analysis and conclusions. This incompatibility of the two documents might be partly blamed for the discussion drifting away from the essence. The public discourse that followed the publication of the documents revealed great dissatisfaction or disapproval of the conviction that private enterprises were to be made more responsible for providing strategic direction for higher education in Poland. Many prominent members of the academic oligarchy expressed their disappointment with the fact that it was E&Y and IBnGR who won a competitive tendering for preparing the strategic document for higher education development through 2020. By doing so, they tend to focus on organizations while the team deployed to draft the report comprised of well respected academics with academic knowledge (and rich list of publication) and managerial experience in higher education.

Instead of paying attention to the content of these strategies, most prominent members of the academic community focused on two facts: (a) the amount of money that had been paid for this strategic document (350k euros) and (b) that it was paid to a private consulting enterprise (in fact a consortium). The Ministry of Science and Higher Education, which was responsible for outsourcing this strategic document, was largely blamed for wasting public funding, supporting private consulting firms, and disrespecting academia. This criticism was not only expressed by the academic oligarchy, which traditionally has an uneasy relation with liberal government, but also by a number of representatives of the academic community.

The discussion that followed the publication of the two documents named "*Strategy of Development of Polish Higher Education to 2020*" illustrates a meaningful introduction to the analysis of experts' interviews in university governance reforms in Poland. For almost 20 years, the governments in Poland applied a policy of status quo, or "non-policy" with regard to higher education. The ministry responsible for science and higher education has been traditionally weak as a political actor and has performed mostly administrative tasks. The reform of the Law of Higher Education in 2005 was prepared by a group of rectors affiliated with former

president Aleksander Kwaśniewski, who led this project through the Parliament. After 20 years of the policy of non-policy, it should be no surprise that the academic community did not accept external actors (in particular from the private sector) to become involved in higher education policy-making. Higher education policy is generally expected to be made by representatives of the academic community or at least the Academy of Science. Higher education and science are generally seen as internal issues of the academic community, which should remain in the hands of academics.

6.2. The Law of Higher Education in Poland

The amendment of the Law of Higher Education (LHE) passed the Parliament in 2010. The green paper was very ambitious, although during the process of consultation with the academic community, it was stripped from its most adventurous propositions. It lost its sharpness in regards to the modernization of university governance, which in the end provided only for insignificant and peripheral changes. The final document that passed the Parliament includes the following novelties in regards to university governance:

- (a) Allowing universities to establish external institutional bodies – convents. Their power is purely symbolic;
- (b) Allowing universities to select the rector and deans through an open-call system;
- (c) Abolishing the upper limits of academic salaries;
- (d) Strengthening the position of the rector at the expense of the university senate;
- (e) Introducing obligatory layoff procedures for academics who receive two consecutive negative assessments;
- (f) Requiring approval from the rector for second (full-time) employment (until then, only third full-time employment had required approval from the rector);
- (g) Providing the ministry with the right to suspend rectors and other institutional authorities and delegates for a maximum of three years, in cases where the financial situation of their institution is in a critical state.
- (h) Putting a 2% cap on enrolment in full-time programs in public HEI

The new Law of Higher Education sets a clear direction for reforms, although the reforms of 2010 had a more symbolic meaning than any real impact on university governance. The ministry wanted to make universities more entrepreneurial, but the most important changes are optional, and it is up to university senates whether they are introduced. It is no surprise that most of the universities rejected entrepreneurial reforms of university governance and kept to their democratic model. As is mentioned above, the ministry initially had great and ambitious plans to incorporate deeper changes but failed due to resistance from the academic community (or its prominent representatives). The result was that there was no single university that decided to elect/select university managerial positions

through open calls in 2012. What is more, some universities totally ruled out this possibility from their statutes. And only a few academic institutions decided to establish university convents, although without any managerial power. They serve mostly decorative functions as a meeting forum for various external stakeholders.

The reforms of 2010 made two important, hard, and unconditional changes to the Law of Higher Education that had a direct impact on university governance and management. First, it made the rector more (managerial) individually responsible for the university's well-being. She or he received more managerial instruments, but the reforms also put more responsibility on the rector. The new law builds a solid foundation for institutional leadership. But the real (mental) shift was associated with allowing the ministry to suspend the rector, senate, and boards of departments (in regards to managerial issues) if the university loses financial stability and fails to provide an austerity plan. This is clearly a hypothetical scenario because conditions under which such radical steps could be undertaken are restrictive. But it aims to remind the academic community that financial stability of universities should be taken seriously into account, and universities cannot spend more than they have. At the end of the day, this is public money and public debt is at stake. Nevertheless, the announcement of the amendment (in particular the possibility of suspending a democratically elected rector) caused a public outcry, fueled by academic oligarchs who entirely disagreed with the ministry. The debate became very emotional; some of the rectors openly recalled the time of *Stalinism*, when the ministry also had power to suspend rectors (although the rationale behind it was different). The chairwoman of KRASP and the rector of The University of Warsaw responded in the following words: "*Entering of rector-commissar to university means the end of university autonomy*" (Rzeczpospolita). Jerzy Woźnicki, the president of the Polish Rectors Foundation, also reacted in similar way, warning the ministry that "*this mechanism is associated the heritage of PRL, and rector-commissar means assassination of independence of higher education institutions (...) because rector-commissar suspends university rector, senate and boards of departments.*" Public debate was dominated by emotional arguments and big ideas. But in fact, it was the clash between the public authority (the ministry) and the academic oligarchy (rector organizations) over the balance of power in higher education in Poland. More than anything else, this dispute was about a power struggle over public policy in higher education, which also covered the authority to determine the model of university governance. For years it was the academic community who had the final say, but this government had a clearly different agenda. But the struggle is not over yet, and the question still remains open as to who has the authority to decide about public policy, the academic community or the public authority. This question is highly relevant to our research and its aspiration to influence public policy with respect to university governance. One may say, that these recent amendments failed to introduce deep structural changes of university governance in Poland. It is not far from the truth, but only a part of the story. Considering Polish higher education policy in the last two decades, recent amendments to the law of higher education made a significant contribution to

the overall understanding of public policy in this area. It was a real political u-turn. Despite the rather modest changes of university governance, the ministry wanted to be seen more as an active political actor and policy maker than as an administrator. It tried to impose in public policy the meaning of old English proverb "*who pays the piper calls the tune*" but faced strong resistance from the academic community that for two decades has seen public policy being made the other way around.

To sum up, for two decades Polish governments have conducted a policy of non-policy, leaving room for the academic oligarchy to run the business. It is a tough challenge to turn from this path. The public debate over "*Higher Education strategy to 2020*" and the amendments to the law of higher education in 2010 left little doubt that there is an uneasy relation between the ministry and the academic oligarchy; the latter does not welcome external stakeholders to be engaged in higher education policy, neither as stakeholders nor as experts.

6.3. What kind of university for what kind of society?

This fundamental question is the best possible introduction to a discussion about a new model of university governance in Poland. The idea of recent reforms in Austria, the Netherlands, and Portugal was to transform universities into more entrepreneurial organizations. This was a consequence of a failing welfare state that could no longer sustain its financial commitments to further expansion of higher education and the research sector. Also, universities were seen as unable to live up to the expectations that society had. There was a great deal of dissatisfaction about university performance. In particular, the post-industrial model of economy opened a wide range of opportunities for providing contract-based services to private and public sector organizations in the area of education, research, and consultancy.

It is worth noting that during the interviews, all the experts share their views on the university expressing the classic approach applied by Maassen and Olsen who see university:

(...) as an institution which is a relatively enduring collection of rules and organized practices, embedded in structure of meaning and resources that are relatively invariant in the face of turnover of individuals and relatively resilient to the idiosyncratic preferences and expectations of individuals and changing external circumstances. (2007: 27)

They underline that well-rooted institutions "*reflect the historical experience of a community, that take time to root and are difficult to change rapidly and radically, except under special circumstances such as widely agreed-upon performance crises*" (ibidem). This point of view was very familiar to the experts, who often refer to Polish history and academic tradition regardless of their opinions on current issues. They also claim that this line of thinking about the university reflects the mood of the academic community in Poland.

The experts were sharply and fundamentally split over the definition of the university. Despite their point of view, they admit that universities in Poland are predominantly seen as political actors in which the internal balance of power is a key aspect of institutional governance. In addition, universities are established to provide and secure freedom for individual academics, who require it to be creative. So, the central value of the university is freedom, which is the foundation of any creative type of performance. As one interviewee underlined, "*The most important thing at the university is guarantees of freedom.*" Freedom of research and teaching lie at the center of the university and can be only protected by the university community. So, as one of the experts declared, "*It automatically provides the answer [to the question] about university self-governance. Must be (...) even if it limits university steering capacity. Self-governance of university community guarantees academic freedom.*" Naturally, this point of departure implies that the democratic governance model is the one and only governance mode for academic institutions. This expert provides an exhaustive explanation:

We protect academic freedom through two mechanisms: personal and normative: personal tenure - life position for privilege few, selected, outstanding academics (not for all and not too early); normative - institutional rules that provide guarantee of academic freedom, and the rules must be provided (guaranteed) by self-governing bodies that represent university community. These self-governing bodies are comprised of various representatives of university community that are necessary to prevent institutional anarchy. In short, collegial and democratic bodies are integral parts of university.

This very conservative opinion expressed by one of the key experts is not an isolated phenomenon. Although it is difficult to provide solid evidence as to its popularity, the analysis of the discourse over competing strategies of Polish Higher Education to 2020 and recent amendments to the law of higher education provides some evidence that allows us to assume that this should be considered as mainstream thinking and a popular view at least in some parts of academia. It is associated with an ostentatiously demonstrated lack of trust in public authorities, politicians, and democratically elected representatives who hold governmental positions. They are being denied (stripped from the authority) to implement reforms in higher education, or as boldly declared by one of the experts, "*Polish political class has no title to implement such changes [in higher education -authors] as it was in the Netherlands*" or "*Democratic government has no legitimacy to do anything it wants*" (KRASP). So, in this context, a natural question arrives as to the time needed for the national government to be trusted by academia. It is a good point because Poland became a democratic country in 1989, and if academics, the elites of the country, have no trust in democratically elected institutions, then who will?

The experts were sharply split over this issue, and some claim that it is not about trust; it is about the privilege of self-governance. The academics simply do not like to be told what to do by the public authority and do not want to be accountable to anyone outside of academia. They apply the notion of academic freedom to protect their corporative or professional privileges. Others say that one must take into account that a great number of academics remember communist times, when reducing the scope of academic self-governance was one of the political instruments used to fight against academia in Poland. There are various ways to explain this phenomenon, but there is no doubt that many academics simply got used to enjoying democratic privileges that allowed them to influence institutional and departmental policy. They provide them certain (often only symbolic) power and prestige. Even some experts who are known for their conservative views told us directly that *“university can be only a democratic and self-governing institution; otherwise there will be no university.”* This statement expressed by one of the key and most influential figures in Polish higher education could be shocking for many, but it says something about the type of political challenge that needs to be faced in order to reform university governance model in Poland.

In our view, one of the most important obstacles in modernization of the university governance model is that parts of the academic community in Poland have not noticed or do not want to notice that the world outside the university has undergone significant changes. Poland is a free, stable, and democratic country in which there is no serious argument that justifies treating academics as a particularly vulnerable group whose freedom to research and teach is particularly threatened.

6.4. Barriers of university development in Poland

Reforms of university governance in Austria, the Netherlands, and Portugal aimed to liberate universities from restrictions that limit their managerial capacity. So the experts were asked to identify the main obstacles to enabling Polish universities to make the best possible use of their assets and to develop their full capacity. The experts identified two main types of barriers that cause large disadvantages for academic institutions in Poland. They are internal and external barriers. Experts were sharply divided over which of them is bigger and more damaging to universities, although for the purpose of this research, this makes no difference. We investigate both types of obstacles trying to determine whether the reforms implemented in the reference countries could provide a good remedy for the problems of Polish universities.

The first type of obstacle is an external corset of detailed regulations.

The interviews left no doubts that higher education in Poland is over-regulated. The public authorities do not trust academic managers, who struggle with endless numbers of pointless regulations. The experts widely agreed that Polish universities desperately need more financial and organizational freedom. One of the main

reasons for university underperformance in research and education and other (contracted) activities is the need to comply with numerous regulations that serve no purpose. The experts understand that the system of higher education in Poland is comprised of 450 extremely different HE institutions, but the higher education policy needs to recognize the great internal diversity within the system. Public policy can no longer be made in a “one size fits all” manner, and it requires a “tailor-made approach,” at least for some types of higher education institutions. Experts agree that research universities are in the first line among those that deserve the greatest trust from public authorities. The reforms in the reference countries have at least one common goal – to increase financial and organizational autonomy – and the experts interviewed point out that it should also be the case in Poland. An extensive number of detailed regulations in higher education are a good proxy of the lack of trust that the government demonstrates toward higher education institutions. So far, we have underlined that the academic community has openly declared a lack of trust toward public authorities, but public authorities seem to demonstrate similar attitudes toward academia. And according to the experts, it is getting only worse and worse. Good examples are provided in the recent amendments to LHE that were implemented in 2010. They demanded that public universities run a separate accounting system for non-public money, and they prohibited using bank saving deposits for public money. This is completely irrational, and experts also say that this kind of regulation works against universities, but they have no option but to comply.

In all the reference countries, public policy was meant to change the legal status of universities in order to extend their autonomy, or at least (e.g., Portugal) universities were given options to decide what suits them best. Polish experts suggest that it is not legal status that blocks the development of universities but detailed regulations that restrict universities. Instead of changing the legal status of universities, they propose to relax (or even lift) financial regulations that are in the following legal acts: the law of public funding, public tendering act, and the higher education act. Experts were enthusiastic about this idea; however, they also pointed out that some regulations have to stay to conform with the strict rules of spending of the EU structural funds.

Putting my university outside the law of public finance would make my job as rector much easier.

Sorting out simple stuff requires three times more time than my neighbors from private HEIs. It takes them three days while I need an epoch because my capacity is limited by regulations. It is all because we want equal rules for the entire system of higher education, and public authority has no trust in us.

It is impossible or hard to achieve in the short term, as experts suggest, to begin with relaxing public funding of higher education. Experts who have had solid managerial experience in university business prefer to have at least *multiyear*

lump-sum budgets rather than the existing *one year line-item budgets*. It is hard to develop managerial capacity when you can only administrate university budgets. Rectors want to have more financial freedom because this critical managerial feature would allow them to exercise real institutional leadership. Concluding this part, experts agree that Polish universities need more financial freedom, as existing regulations largely limit the managerial capacity of rectors. Both the reforms in the reference countries as well as experts' knowledge and experience leave no doubts that greater autonomy for Polish universities is critically needed. There is also little doubt that this idea would be warmly welcomed by rectors of public universities, who are a very powerful group in higher education in Poland.

The second type of obstacle has a purely internal character. It is the university governance model that reduces the capacity of university management. Not all the experts were equally convinced that university governance is a barrier; some prefer to say that it does create *certain (necessary) limits*. This linguistic difference hides two extremely different points of view on the university governance model in Poland, which was boldly reflected in the experts' opinions. They are sometimes contradictory on very fundamental issues.

Let us begin by explaining that internal barriers are not similar in all types of universities. Formally speaking, the framework of governance model in public universities is defined on the national level. But as normative institutionalism exposes (see: March & Olsen 1984, 1989), these regulations are a subject of cultural interpretation in a university community that has its own deeply rooted values, norms, and routine behaviors. According to the experts, they are much more harmful in so-called traditional well-established universities than in so-called professional universities, which are monolithic, centralized, and more professionally oriented (medical universities, economics universities (business schools), technical universities, etc.). Most universities, depending of their type, can interpret (accommodate) and apply these regulations. In regards to managerial capacity, traditional, well-established universities have the most difficulty in handling the regulations. Experts note that big universities are loosely coupled organizations with a *federation of departments*, which can effectively develop their own institutional research and educational policies. The stronger the department is, the more autonomous/rebellious it becomes in regards to the central university management. Traditional universities are more internally oriented organizations in which academics play a more important role, and they desire academic freedom, institutional autonomy (often in the autarkic sense), and the right balance of internal power and democratic self-governance. One of the experts characterizes it in the following way:

(...) from one side university is a corporation of scholars. Professors rule university, but a dangerous thing is (...) that professors easily manipulate students. A pointer are poor students, who in 5 years time will leave university and they – in fact – elect the university rector (...). This is the worst possible

model because on the one hand there is a strong position of professors, on the other instrumental use of democracy which was introduced in the beginning of 1990s only because we were leaving an undemocratic, communist system.

On the other side, there are professional universities that seem to be more aware of their social and professional accountability. The genesis of these universities is different because most of them were established to provide education for professionals on a high level. It does have a profound influence on governing practices and the way universities comply with the framework of governance that is given in the law of higher education. It provides evidence for normative institutional theory of institutional change but also raises a challenge for policy makers and reforms. Therefore, in elaborating on reforms of university governance, we have to keep in mind that in fact we refer to diverse governance models at universities in Poland despite a uniform legal framework. It warns us about the importance of tradition and institutional culture in particular in well-established and old universities. One of the experts explains these two types of academic institutions by two perspectives of looking at universities and their role in society.

There are two perspectives that we can look at universities. The first is socio-cultural perspective in which it is important that universities exist and therefore society finance their performance without actually caring paying attention what they actually do. The second perspective is more pragmatic because it expects university to justify their social usefulness. I am in favor of the latter but I also know that I am in minority.

The interviewed experts acknowledge that well-established universities have enjoyed a long academic tradition, and they tend to be conservative toward accepting modern managerial novelties that are averse to the ideas of self-governance, collegiality, and institutional democracy. More importantly, they are associated with a strong notion of internal accountability to the academic community. And therefore, they show strong resistance toward any form of opening universities to the external world or increasing their social and political accountability. There is a big difference between universities and professional universities because the latter were regarded as being more immediately relevant for meeting social needs " while the more traditional universities are deemed to be transparent and accountable through measurable outcomes. The interviewed experts, who have both professional and managerial backgrounds in professional or traditional universities, see that difference. And it should be recognized in policy making because there are clearly two different types of institutions run by different managerial logic. Therefore, it needs to be underlined that so-called "departmental anarchy," or as one of experts dub it, "*the republic of loosely coupled departments*," applies only to traditional well-established universities, and as mentioned above, does not seem to be a big problem in professional universities. So, toppling would have a great impact on the first type of universities but would offer little change in the second. However, the experts admit that conflicts between rectors and heads of

departments and schools are not very rare, but they are often caused by a clash of personalities or private issues that have nothing to do with university management.

6.5. Transfer of power from collegial bodies to university managers

An aspect of reform that sparked the most controversy among the experts and obviously the most extreme responses is the change in the balance of power at universities. As mentioned above, the experts were sharply split about democratic notions at universities. We assume that the opinion of the experts partly reflects the mood within academia, but we are more interested in reconstructing their lines of arguments than measuring the popularity of various concepts. Experts largely agree that Polish academics got used to thinking of universities as democratic organizations, whose integral characteristic is democratic self-governance. Therefore, any political attempts aimed at changing this would be risky. Limiting the scope of self-governance at universities would spark protests in academia, who would accuse the government of authoritarian ambitions. They would often recall the communist state that also made several initiatives to reduce the scope of university self-governance. Regardless of the motives behind it, any political attempts to strip collegial bodies of their managerial power would be treated by academia as an unprecedented attack on the freedom of science. Many people still believe that freedom of science can be effectively protected only by the self-governing rules of the academic community. The experts, based on their experience, see such conservative approaches as typical for "old professors," who remember the communist times, and for them, self-governance of the university can have both a sentimental character (due to historical reasons) but also a highly pragmatic one (because it guarantees senior academics a sense of power and influence on the university). It must be said that some experts see the stressing of fundamental academic values as a pragmatic tactic directed to blocking modernization initiatives that clearly strip university oligarchs of their power, influence, and institutional privileges. *"It is all they have, so they are not going to give it away cheaply."* Therefore, some experts (others have a completely different opinion) recommend giving up institutional democracy, or university self-governance, by stripping collegial bodies of their managerial power. According to their views, the senate and boards of departments should keep strictly academic competencies.

Experts have no doubts that the managerial power of collegial bodies provides the community of scholars a sense of subjectivity at the university, and reforms of governance implemented in Austria, the Netherlands, and Portugal can be seen as violations of important parts of academia. They also agree that this is a unique privilege for academics, and it would be hard to compensate them for such a loss of prestige and influence on institutional policy, without which they would automatically become just ordinary employees of the university. This mixture of emotion and power suggests that some professors would fight for the democratic

university to the bitter end. Reformers and policy makers need to know that stripping collegial bodies of their managerial power goes far beyond the issue of university governance and touches the most fundamental values of the university, such as freedom of science and university autonomy. Due to historical reasons, these issues are extremely sensitive for the Polish academia. Experts are very divided over the issue of stripping collegial university bodies of their managerial power and transferring it to individual university managers, such as rectors and heads of departments of smaller units. This split has ideological roots. It stems from radically different views of the university, which we tried to shed light on earlier. Those experts who believe that the university is a political actor, in which freedom and self-governance are more important than effectiveness and social accountability, seem to favor collegiality over managerial canon. Others, who see universities performing in a highly competitive environment, prefer a managerial regime over collegial tradition. If the experts are split over such fundamental issues as the idea of the university, so will be academia. One may expect that the political debate that would accompany reforms of university governance will be conducted on big ideas. And one way or the other, it must address the most fundamental question about what kind of university we want in Poland and what ends it should serve. Who should it serve – academia or society? But also, reforms need to address the issue of how managerialism at universities can be a threat to academic values. Are these academic values not being seriously threatened in Austria, the Netherlands, or Portugal? If no, why are Polish universities so different from those in the reference countries?

6.6. Entrepreneurial model of university

The debate about the university is fundamental and significant for public policy, but in real terms, it could have very practical consequences for university governance and management. The reforms in the reference countries reveal a clear direction toward a more entrepreneurial model of university governance, which rests on institutional leadership and the principles of New Public Management. The interviewed experts were asked to evaluate Polish universities in regards to reforms implemented in Austria, the Netherlands, and Portugal and to provide their recommendations for changes (if needed). The entrepreneurial university can be characterized by a strong managerial position of the rector, who is appointed by an external body through open call, enjoys significant managerial freedom, and does not have to rely on the good/bad will of collegial bodies at various layers of university governance. The experts acknowledge that Polish universities are far from being entrepreneurial, though some of them do not see it as the best option for academic institutions. What is more important is that the experts often underscore that existing regulations allow universities to be entrepreneurial, but universities just do not take this opportunity. In other words, they suggest that the law of higher education provides institutional space for institutional entrepreneurialism, and there is no need to change regulations if university culture remains the same. "The amendment to the law of higher education sets an

opportunity to strengthen the position of rectors by selecting candidates through open call or by being appointed by the university senate selection committee." The article 72 LHE says that "*university rector can be appointed through election or selection,*" but it leaves it to the universities to determine the way they choose their rectors. Article 72 says: "*the way of appointment of rectors, formal requirements that need to be fulfilled by running candidates as well as election/selection procedure are to be regulated by universities statutes.*"

Despite this legal opportunity, there was no single institution that decided to be more adventurous and innovative in appointing rectors. What is more, some universities totally ruled out, even as a hypothetical path, the appointment of rectors (in the future) from their statutes. This gives food for thought about academic attitudes toward a more entrepreneurial model of selecting rectors. Instead, they use the traditional model of indirect democracy, in which rectors are elected by collegiums of electors (comprised of various university employees) and in which the senior academics hold the majority, with no single representative of external stakeholders. In other words, appointing rectors – in the eyes of academia – remains an internal issue for university employees to sort out in a democratic way. The experts tend to agree that democratic election of universities' rectors holds many drawbacks and needs to be replaced by a more merit-based appointing system. Even those experts who clearly favor the concept of the university as a democratic organization would accept a new path of selecting rectors by an external body (such as a board of trustees) if they have representatives of the university community in an adequate proportion. All the experts share the opinion that economic and social costs of running campaigns at universities are damaging for universities. And it needs to be underscored that the interviews were conducted a few weeks after such campaigns at Polish universities, so memories were fresh. The experts give a number of examples of scandalous incidents that happened during campaigns in internal elections at their institutions. These incidents largely undermined the social authority and the prestige of academic institutions in society at large. On the other hand, unless one of the most prestigious Polish universities decides to apply an innovative way of choosing its rector, other universities will not.

The idea of electing rectors by employees or keeping all this institutional politics in such a big enterprise as university is just absurd.

Some experts were very critical about the managerial power of rectors under the existing law of higher education, claiming that rectors have completely no power to motivate senior academics to deliver value for the money.

The system is based on worship of academic degrees and titles that at a certain stage of an academic career effectively prohibit university managers to make their employees accountable for their performance.

In Poland you cannot lay off a university professor even if he is lazy, does not do any research at all, and her/his teaching is below-standard, unless he commits a crime. It is frustrating for rectors like me.

The interviewed experts acknowledge that Polish universities have no option but to follow the direction of reforms, but some of them underline that *"the academic community is not ready yet for such radical changes,"* or *"reforms need to take into consideration the uniqueness of the Polish context."* Other experts presented completely different approaches, claiming that there is no rationale behind putting off reforms for the unforeseen future.

6.7. Social accountability of the university

Polish universities are inward oriented because university management is accountable to the university senate that represents the academic community. The reforms in Austria, the Netherlands, and Portugal turned the university upside down and made the university more accountable to wider society. The reforms in the reference countries were meant to build stable partnerships with various external stakeholders, in particular in the free market and in the public realm. Building such strong ties with the world outside strengthens the position of universities and legitimizes raising public financial support for universities.

Polish universities have recently experienced strong criticism due to a general feeling of their underperformance in research (measured by a dissatisfactory position in the international university rankings) and in education (major dissatisfaction from businesses about the knowledge and skills offered by higher education graduates). Leaving aside how much this claim of underperformance is legitimate, there is an unfavorable atmosphere for universities. To add insult to injury, Poland will go through deep demographic changes in the future and experience a sharp drop in the number of students. This can be an extremely difficult time for universities because the structure of their budgets largely relies on income from education services. Data shows (GUS 2014:182) that 77.5 percent (in 2013) of budgets at public universities come from teaching services on various levels (bachelor, master, doctoral, and professional courses). A lack of public accountability, lower numbers of students, and growing pressure to implement austerity plans in the public realm might seriously affect public spending on higher education. Polish universities lack public accountability and a stable partnership with external stakeholders. The experts fully share this assumption and also see it as a problem.

The recent amendment in LHE installs a legal framework to establish councils, external bodies comprised of representatives of external stakeholders. The amendment only opens the legal opportunity for establishing an external university body, but it neither ascribes it any serious role nor makes it mandatory for universities. This soft approach resulted in only a few universities deciding to set

up such bodies. One of the experts, whose university made this adventurous step, admits that it has no role in governance; it only serves as a communication platform between different external stakeholders. One of the advantages for the university is that all these various stakeholders began to understand that the university is surrounded by a wide range of different (often contradictory) expectations and must put up with them. In other words, the convent helps university management understand the expectations of employers, private sector organizations, and local government, but external stakeholders can also learn that universities perform in such a complicated environment. In general, universities do not see reasons to establish external bodies, and those that do establish them ascribe symbolic functions with no specific role in governance. It reflects the "closed" character of public universities in Poland as well as inward driven accountability. As said before, internal accountability provides the academic community a sense of subjectivity but builds a wall between university and society outside of the ivory tower. In Poland, ties between universities and society are fragile, and universities still resemble the ivory tower. Experts have similar observations and jointly add that this cultural problem has historical roots in the communist past. Communist authorities were very suspicious about the closed academic community. So under popular slogans, such as "opening university to people of different social background" or "bring it closer to working class and peasants," they tried any possible way to engage the university in their ideological revolution. And before 1989, the Polish higher education system was an elite system in Martin's Trow (1973) typology, in which accountability was not an issue at all. There was no need to build bridges between universities and society or respond to economic interests. All these factors have contributed to a highly institutionalized closed university culture in Poland that rests on mistrust of the world outside the walls of the ivory tower. Aiming to reform university governance and building social and political accountability of academic institutions reforms cannot focus on the legal aspects but should challenge the existing university culture. The latter seems to be a more challenging policy goal and may require years. It was not an easy task in the reference countries, and Portugal still has much to do in this respect. Present reforms of higher education in Poland have made a small step forward, but as elaborated earlier, university convents were introduced only as an option without any role in governance. Based on our experience in research and policy analysis, we think that this approach is too soft to increase the public accountability of public universities in Poland. A similar case can be found in appointing rectors. Due to a closed university culture and other factors explained earlier, one Polish university has postponed the selection of rectors through an open call for at least another four years. In addition, candidates from outside this particular university are not particularly welcome (if allowed by university statutes) to join the race for the rector's chair. As it was gently explained by one of interviewed experts, it would not be well taken if an outsider ran. *"This candidate would have absolutely no chance to win anyway."* Boards of trustees (under different names) are well rooted in Austria and the Netherlands, and even in Portugal the presence of external stakeholders (in the university council) is accepted, although only on a marginal basis. Our experts show

great enthusiasm for the idea of boards of trustees. Ironically, their enthusiasm only partly stems from the need for social and political accountability of public universities and partly because boards of trustees would strengthen rector positions. Boards of trustees are seen not only as a bridge to society but also as a source of stable authority that supports institutional policy run by university management. Rectors would be better managers if they were accountable to professionals instead of internal stakeholders, who are more interested in preserving their own, individual, or organizational interests rather than the university's interests.

Rectors should get managerial instruments but also should be accountable as a manager to the university senate in regards to research and teaching performance but also to board of trustees in regards to managerial issues.

Experts show no fear of boards of trustees; to the contrary, most claim that they can bring universities closer to the needs of society or at least help them to understand these needs. But some of them warn against an unduly monetary approach. This mistake was made by hospitals' boards of trustees, which are generally too narrow-minded in evaluating hospitals' performance and in overlooking the hospitals' social mission.

A board of trustees cannot be comprised of managers only (...) it cannot be simply too focused on financial issues.

The issue of social accountability of public universities is almost a taboo in public debates about universities in Poland. Slogans that refer to the social mission of the university, the social responsibility of the university, or simply the social role of the university cannot be translated into policy and an institutional setting. Some experts said directly that Polish universities do not want to be externally accountable because university senates do not want to lose their power. And those who demand social accountability of public universities are mostly individuals from outside academia who are being largely blocked by academia from having an influence on higher education. The problem of university accountability of Polish universities was perfectly described by one of our experts in following way:

From the past we took over university as a prestigious and noble institution which emanates certain ethos but it does not hold any accountability to society for its performance.

This impact of history and tradition on present institutional culture is call path dependency, but for the future of Polish universities, this logic of consequences could be damaging. Taxpayers in Poland, as in other European countries, will express a growing pressure to reduce public spending, including spending on higher education. It can put universities in a very difficult situation for at least two major reasons: (a) Polish higher education is largely underfunded in comparison to the average of the EU27 and (b) the structure of R&D is not well-balanced (60% public

funding and 40% private funding) and completely opposite to the dominant model in knowledge-intensive economies in the EU27. We have reasons to believe that both the level and structure of R&D funding will remain low and dominated by public support. Lack of transparency and accountability leave universities in the hands of academia. It remains a safe, often comfortable and autonomous institution that is likely to fail in convincing taxpayers (or politicians on their behalf) to increase public support for universities. But according to research, without significant increase of public support for R&D (up to 1% of GDP), it is hard to expect a bigger engagement of private funding in the sector. It is in the deepest interest of universities to be more accountable to society because in financially turbulent times, taxpayers would never increase financial support for institutions that lack transparency and public accountability. Similar problems have been experienced in most European countries because the time when the welfare state gave its unconditional support to universities to keep intellectual space for unhampered thinking is already a thing of the past. A number of scholars, including Marek Kwiek (2001), have announced *the end of university as we know it*.

In the reference countries, representatives of external stakeholders were invited to participate in university governance because they could contribute to better university governance, help to build a bridge between university and society, and legitimize public spending on public universities. The institutional theory of path dependency can help to explain the difficulty of changing the deeply institutionalized closed culture of university governance, but it would fail to justify (legitimize) the increase of public spending on university research and development.

6.8. How to reform universities in Poland

The interviews with experts show that, at least in some parts of the academic community, there is a growing feeling that the existing model of university governance does not fit with the growing challenges produced by the knowledge-based economy. It is not necessarily the dominant feeling, but the experts claim that it is probably the case. A similar situation was diagnosed in the reference countries, in which reforms were initiated by the governments. Of course, a lack of pressure from inside academia and a lack of feeling that something has to be changed makes the process of implementing a new model of university governance a tough policy goal. On the other hand, dissatisfaction with the performance of higher education is growing outside of academia. In public discourse, Polish universities seem to be divorced from reality, poorly ranked in international university rankings, and extremely closed. Politicians love to complain about university performance, despite the fact that most of them have no idea about research evaluations, accreditation systems, and international university rankings. Nevertheless, social and political trust in universities in Poland does not help universities to get more funding from public or private sources. The crisis of trust in universities (or even in all facets of higher education) is clearly visible, and universities cannot ignore it. We can grumble that public discourse is largely emotional and dominated by populist

arguments that serve domestic short-term party politics. If we acknowledge the crisis, however, we cannot ignore its influence on the policy agenda.

The aim of this project was to point out a direction of reforms of university governance, propose alternatives on the institutional level, and provide some advice for the implementation process. Both a large body of literature (e.g., Kogan, Bauer, Bleiklie, & Henkel 1988; Gornitzka, Kogan, & Amaral 2007) and the experience of the authors show that a process of policy implementation can be long, difficult, hostile, and will be associated with political tensions. Reforms in the reference countries (but also in most of the EU27 countries) demonstrate the direction of change, but in the analyzed countries there is a large amount of evidence to be drawn upon. Experts have doubts that university governance reforms could ever come from the bottom up. A few of them underscore that one of strategic documents (elaborated on earlier) was produced and officially accepted by the Associations of Rectors (KRAP), although others pointed out that the document is on a very abstract level that almost everybody can agree with. The devil is in the detail. In other words, it can serve as a soft guideline for future reforms in higher education, but it has limited capacity in regards to policy making. In addition, analyses of higher education reforms (e.g., Huisman, Maassen, Neave 2007; Cloete et al. 2002; Gornitzka, Kogan, Amaral eds. 2007) show that universities demonstrate big resistance to any alternations in their governance model. Based on the recent experience from the modernization of university governance proposal (as an option), Poland hardly seems to be an exception. The interviewed experts, who all have outstanding experience in higher education policy and management, warn us that reforming university governance and the introduction of the managerial canon to academic institutions will be highly unpopular among academics, in particular those who are well settled in the current system. Accountability of universities might be undoubtedly an important goal for politicians, but it is not currently an issue for the majority of academics. Lack of accountability does not affect their everyday work.

Previous experiences of reforming higher education, including universities in Poland, reveal two relevant regularities. First, they changed the system in fairly similar ways. However, the international literature (e.g., Teichler 2007: 99-107) on higher education policy suggests paying greater attention to diversification. Higher education institutions in Poland are so different that they require different measures for different types of institutions, particularly when addressing prestigious, well-established universities. Secondly, universities in Poland demonstrate strong resistance toward softly implemented reforms. If they have an option, they would rather postpone or even avoid reforms at any cost unless they bring immediate financial savings (e.g., abolishing students' paper indexes).

We stand on the position that reforms should be approached with an understanding of the institutional diversity of academic institutions in Poland. We believe that governance reforms need to be implemented individually, only in universities that

are ready to change their governance model for greater financial and organizational autonomy. Not every higher education institution will be interested in extending institutional autonomy and implementing managerial canon; therefore, we believe that reforms need to be “tailor made” rather than “one size fits all.”

By ordinance you can only regulate monolithic structures.

It is probably unrealistic to think that the government can offer universities additional funding. But as one of experts says,

However, it is sad that the amount of money for universities is unlikely to grow but (...) we [rectors: DA&BJ] are often trapped in regulations which work the same at universities and firms that builds roads. This is a fundamental misunderstanding.

The ministry should begin negotiations with individual universities that potentially might be interested in switching to a more entrepreneurial governance model. The only way to succeed is to offer them concrete benefits that they otherwise will never have access to. Here we have a dilemma because the ones most likely to accept such a shift are the professional universities, such as economics universities, technical universities, or medical universities. On the other hand, The University of Warsaw and Jagiellonian University, the oldest and best performing academic institutions, possess the greatest authority in academia. One of experts point out that authority in academia is the most valuable source of power. It applies to both outstanding individuals as well as exceptional institutions with great reputations and great academic tradition. In this purely non-egalitarian society, prominent individuals and prestigious institutions are undoubtedly powerful points of reference. One of the experts provides us with a story about implementing the mandatory State's Accreditation Committee (PKA) that initially faced strong opposition from some universities (departments). But university senates in Warsaw and Cracow decided to comply with the new rules that effectively reduce institutional autonomy of universities. Since then, all of the universities accept PKA and mandatory accreditation of teaching programs. An opposite situation took place in Austria, where the major universities have not agreed to undergo accreditation procedures run by the state's agency, which has had a big impact on other higher education institutions.

There is also another argument to make governance reforms more “tailor made” for leading universities only. These universities are by far the best performing academic institutions in Poland, and they simply deserve more trust, which translates to financial and organizational autonomy. Many studies on changes in higher education show that they occur by diffusion and imitation. This pattern has been confirmed by one of our experts, who described it in the following way:

The least prestigious the university is, the bigger the feeling of insecurity about implementing new mechanisms in institutional settings.

These academic institutions always look up to more prestigious universities and try to follow their path, or at least try to imitate it. In short, there is a strong argument to begin university governance reform with a few selected academic institutions. It still remains open whether it should be the top professional universities, which are more accountable through professional organizations and less embedded into traditional academic culture, or whether it should be the most prestigious traditional universities (Warsaw and Cracow). At this point, the first option appears to be more feasible. But it is the traditional universities that really need a change.

The interviewed experts do not show much optimism about the prospect of modernization of university governance. Referring to the reforms implemented in the three analyzed countries, the experts are in agreement that implementation will be a challenge but not mission impossible, although one of the experts confesses (based on his experience), "Rectors in Poland are not ready for such a change." In our view, there is no need to postpone reforms until rectors or the academic community at large is ready to accept a new model of university governance. Reforms in higher education – in particular reforms of university governance – spark controversy and build strong opposition, which would include academics of exceptional professional authority. Having said so, we believe that the Ministry of Science and Higher Education should approach leading Polish universities (professional or traditional), offering them greater financial and organizational autonomy in return for implementing an entrepreneurial model of university governance. Top universities can benefit the most from having greater financial and organization autonomy, but they also deserve greater autonomy, as they operate in a highly competitive international environment. This new and pragmatic policy shift can be extremely beneficial for both universities and the government, but it can only be built on mutual trust.

7. Appendix - List of Interviewed Experts

prof. dr hab. Paweł Górski

prof. dr hab. Janina Józwiak

prof. dr hab. Witold Jurek

dr Maria Hulicka

prof. dr hab. Włodzimierz Karaszewski

prof. dr hab. Józef Kubik

prof. dr hab. Zbigniew Marciniak

prof. dr hab. Jerzy Woźnicki

prof. dr hab. Maciej Żylicz

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