

*Dr. Per Nyborg,  
Chairman, Committee for Higher Education and Research  
Council of Europe*

## **Institutional autonomy**

### **Relations between state authorities and higher education institutions**

The Bologna Process is an interesting example of today's relations between state authorities and higher education institutions. European Ministers of Education meeting in Bologna in 1999 expressed the vision of a European Higher Education Area. However, the Bologna Declaration was formulated in close contact with representatives for the European universities, later to be organised in the European University Association – EUA.

The Bologna Declaration refers to the European universities as partners in the process, underlining their autonomy:

"European higher education institutions, for their part, have accepted the challenge and taken up a main role in constructing the European area of higher education, also in the wake of the fundamental principles laid down in the Bologna Magna Charta Universitatum of 1988. This is of the highest importance, given that Universities' independence and autonomy ensure that higher education and research systems continuously adapt to changing needs, society's demands and advances in scientific knowledge."

The Magna Charta is a text that was signed by the University Rectors present at the 800 anniversary of the University of Bologna in 1988. It has a moral value, but no legal force.

The Magna Charta states that

"The university is an autonomous institution at the heart of societies".

It does not explicitly say what autonomy means. However, very clearly, academic freedom is an integral part of an autonomous university:

"To meet the needs of the world around it, its research and teaching must be morally and intellectually independent of all political authority and intellectually independent of all political authority and economic power."

When university systems in central and eastern Europe started to reorient themselves after the breakdown of communism, some university spokesmen argued that institutional autonomy implied that state authorities should leave them alone. In one country, universities insisted that they should not be organised under any ministry. This did not last long, however, as the universities soon realised that they did not have any spokesmen in the budgeting process. They also discovered, that to obtain money over the state budget, they not only had to inform

the authorities about the intended use of the money, they had to realise that whatever money they received, would be for purposes that had a priority with the authorities. Also they had to account for the use of the money. Universities in the west had previously learned the same thing. Autonomy has its clear limitations.

Equally important, university autonomy is not defined only by law. Autonomy may be described as the overall ability of the institution to act by its own choices in pursuit of its mission. It is the net result of the sum of its legal rights and duties and its financial and other resources. Universities and state authorities may hopefully agree that the goal is not to maximise autonomy, but to establish a proper balance with accountability to society. To find out how far a university enjoys autonomy in relation to the state, and whether the relationship departs from a proper balance of interests, we have to look at all dimensions of the state-institution relationship, such as:

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

In the extreme case, the state could negate autonomy through *any one* of these mechanisms, in the Serbian case it was done through appointments. Or it could be done by strangulation by overall regulatory pressure: By a series of measures that individually could be justified but taken together would be oppressive. The internal election of the Rector was previously seen as an important element of institutional autonomy. Nowadays a Rector appointed by the Executive Board may be an element of a greater financial autonomy for the institution.

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

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

Over the last one or two decades, this has changed.

In many countries, higher education institutions may now have great economic freedom; they may be organised as public companies or foundations for more flexibility. However, these institutions are often led by an Executive Board, which would hire a Rector, often from outside. The academic community no longer governs the institution all by itself. The greater freedom for the institution means a higher focus on responsibility and accountability and also external participation in institutional governance.

The individual academic member may ask himself/herself if such extended autonomy is worth its price. To be sure, to enjoy great economic freedom, higher education institutions must operate in a societal context where funds are available and where there is a willingness to spend money on education and research.

However, the state may no longer feel the same responsibility for financing independent institutions, as part of the institutions' new mission is to interact more strongly with industry and international agencies, securing part of the institution's budget by contract research or by trading educational services. For good or bad, this brings the institution closer to the market.

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

Still, both the state and the universities may contribute to a positive development in state-university relations. Building a mutual understanding and trust is essential. This must be done nationally and it must be done on the European arena. As I have already said, this is at the centre of the Bologna Process. Finding the proper balance between autonomy and accountability is one common challenge to state and universities.

Important contributions to an improved dialogue between governments and the university system have been made by university organisations. In most European countries, there is a National University Rectors' Conference, in a few; the National Rector Conference spans both universities and colleges. Private institutions may or may not take part in the Rectors' Conference, depending on the status of private institutions in the individual country. In most European countries, private institutions are seen as a supplement to a national system of higher education.

The National Rectors' Conferences usually have an ongoing dialogue with the National Ministry of Education. At times, this dialogue may be strained and the mutual trust may be low. However, whenever I have taken part in Council of Europe missions relating to the state-university relationship (new university laws), the Rectors' Conference has always been a partner to our discussions with the Ministry of Education and the Parliamentary Committee for Education.

On the European Arena, the Rectors' Conferences and the European Universities have joined forces in the European University Association (EUA). EUA is the voice of European universities in the Bologna Process, taking active part in the follow-up structure in co-operation with ministerial representatives.

On the European arena, also the Council of Europe and its Committee for Higher Education and Research (CD-ESR) builds on co-operation and trust between governments and higher education systems. The CD-ESR is a meeting place for representatives both from Ministries responsible for higher education and from the academic community in the member states.

Its mandate asks the Committee to focus on:

- the development of European higher education and research on the basis of common democratic principles and of the values of the European university heritage, including the freedoms of learning, teaching and research, and the self-government of academic institutions within a democratic society;
- building a democratic, cohesive and pluralist society and in developing a mutual understanding between peoples.

The Steering Committee for Higher Education and Research gives high priority to the Bologna Process. The CD-ESR takes part in the Bologna follow-up structure, giving important contributions relating to recognition, to the social dimension, obviously also to the state-university relationship and to legislation.

One of the roles of CD-ESR in the Bologna process is to build bridges to countries not yet partners in the process. This seminar is an example. And of course, our contributions to the further development of university laws and institutional management in central and eastern Europe are important elements in this bridge-building.

The relation between the state and the institutions of higher institutions is a key point. As I have already said, institutional autonomy is a key element in the Bologna Process, where institutions are considered to be partners. As the university is assumed to have the responsibility for all its activities, it follows that it should also have responsibility for its faculties. Independent faculties within the university is too much autonomy. Very important: Autonomy must be balanced by accountability.

Greater autonomy for higher education institutions means greater accountability relating to budgets, appointments, student intake, degrees awarded. Now we are aware that it must also include accountability relating to the quality of teaching and learning.

Quality assurance is in high focus in the Bologna Process. Setting up a national quality assessment system would be the responsibility of the participating states. However, it should build on the institutions own responsibility for quality control and quality development.

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

In conclusion: What we see on the European scene, is a continuous development in the higher education sector, not towards uniformity, but towards national systems that can interact positively, enabling all to share the synergy effects.

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

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