Chapter 2
University Governance Within an International Context

Abstract This chapter introduces corporate and academic governance within universities before setting out a synthesis of historical changes in university governance within each of the UK, the US and Australia. It concludes with a discussion of general trends in higher education governance highlighting a consolidation of power and an expansion of scope within the office of the vice-chancellor (also known as the principal or president) and his or her executive team. The chapter concludes by noting concern that strong central control risks removing authority over academic matters from those currently practising teaching and research. This is a key challenge for academic governance that is evident across Anglophone nations.

Academic and Corporate Governance Within Universities

The Anglo-Saxon model of university governance has its origins in mediaeval Europe within the University of Paris, founded in 1090, as a guild by scholars or masters 'to provide a place for them to pursue their scholarship' (Boggs 2010, p. 223). In contrast to the governance structures adopted by some other early European universities, such as the University of Bologna within which students had control of the university and employed the teaching professors (Rüegg 1992), within the University of Paris students were permitted to learn from the masters in return for payment of a fee but did not generally play a part in its governance (Boggs 2010). The centrality of the academic voice within the governance structure of the University of Paris was confirmed in 1213 when:

> … the chancellor issued a Magna Charter of the University of Paris, confirmed by the Pope in 1231, that he was obliged to obtain the vote of the professors in matters connected with appointments for the teaching of theology and canon law. (Shattock 2006, p. 1 citing Rüegg 1992)

The governance structure of the University of Paris was adopted by Oxford upon its establishment from 1096, the first of the English universities, and subsequently by Cambridge, and it 'remained the only university governance type in England for

four hundred years' (Boggs 2010, p. 3). It later formed the basis for governance structures within the US and other former British colonies (Shattock 2006). Thus, notions of university governance are steeped in history and are inextricably linked with the evolution of universities themselves (Shattock 2006). However within Anglophone nations, in contrast to continental European universities traditionally more closely aligned with the state and with academics employed as civil servants, universities in the US, UK and Australia have:

> … historically competed with one another for the best staff and students, have seen autonomy and self-government as a key to the development of institutional strategy and have had the principles of institutional identity and (relative) freedom of manoeuvre embedded in their organisational cultures. (Shattock 2014a, pp. 2–3)

Indeed, some forms of academic self-governance are deeply embedded in ideas about what it actually means to *be* a university (Rowlands 2013).

Whilst distinctions are often made between the direction setting role of governance and the implementation responsibilities of management (see for example Gallagher 2001), within this book, university governance is understood in its broadest sense to incorporate:

> … the determination of value inside universities, their systems of decision-making and resource allocation, their mission and purposes, the patterns of authority and hierarchy, and the relationship of universities as institutions to the different academic worlds within and the worlds of government, business and community without. It embraces 'leadership', 'management' and 'strategy'. … Governance does not contain in itself the sum of teaching and research, but it affects them. It provides the conditions which enable teaching and learning to take place. (Marginson and Considine 2000, p. 7)

That is, university governance generally incorporates principles and practices related to internal and external relationships, decision-making, accountability and integrity, amongst other matters. Governance establishes the internal framework within which each university operates and it encompasses not only what *is* done but what is *seen* to have been done. However, universities are not fiefdoms—their governance is also influenced and, in some instances, directed, by external agencies including the state and the various legislative and regulatory frameworks they establish.

Systems of university governance are often classified as either unicameral, where a single governing authority is ultimately responsible for determining academic and financial matters, or bicameral, comprising separate governing authorities—each with ultimate decision-making authority in their own right—for academic and financial matters. Universities with unicameral governance structures will generally retain an academic board or equivalent but its powers will ultimately be derived from the authority of the overarching governing body or council. Both models of governance, and variations thereof, are in place across Anglophone nations. For example, the governance structure of many universities in the UK and Canada might be described as bicameral (Pennock et al. 2015) whilst in publicly funded universities in the US it is generally unicameral, with recommendations from the academic senate being made to the president or board of trustees or regents for

approval. However, academic governance is not necessarily stronger in bicameral institutions since within that model it is possible to have 'a supine academic body and an autocratic executive or governing body' (Taylor 2013, p. 89). Additionally, some US academic senates within unicameral governance structures do have authority to determine certain matters in their own right on the basis of formal delegations of authority. Thus, distinctions between these two models can become somewhat blurred. It is also possible (although somewhat unusual) for a university to shift from one model to another. For example, university governance structures in the Australian state of Victoria were bicameral until recently but have evolved into unicameral structures arising from state government imposed amendments to university enabling acts under which academic boards effectively became sub-committees of university councils.

Historical Changes in University Governance Within the UK, the US and Australia

Within civic universities in the UK and those nations whose university governance structures were aligned with this model, such as Canada, Australia and New Zealand, historical changes in university governance have tended to show a cyclical pattern (Scott 2001). For example, Moodie and Eustace describe how in the nineteenth-century British university, university councils were ascendant and academic boards were merely advisory (1974). However, between 1900 and the early 1980s, academic boards were at the pinnacle of power and influence due to a trend towards greater academic self-government and a largely government-funded expansion in the higher education system which meant, in turn, that there were fewer difficult financial decisions for councils to make (Shattock 2006, 2012). At that time councils' powers were reduced by insistence upon the need to consult academic boards and by the granting of specific decision-making powers to the academic board, including regarding senior academic appointments and certain financial matters (Moodie and Eustace 1974). This was the period of collegial governance, when universities were seen to operate as communities of scholars dominated by professors researching and teaching together in collegial ways; in turn, universities were run by academics as leaders (the concept of 'first amongst equals') rather than as chief executives (Rowlands 2013). However, from the 1980s onwards, the cycle shifted inexorably back towards the university council, wherein:

> … the power of academically dominated senates has been paralleled or replaced by councils, boards or trustees who incorporate representation from the world of business, public services and politics. These and their chairpersons in particular reinforce the corporate nature of the reformed university. (Bleiklie and Kogan 2007, p. 479)

The twenty-first century has seen a continuation of the ascendancy of the university council. Although governance reforms across Anglophone nations have varied, in general they have led to a greater emphasis on independent, external

members of university councils with a particular focus on legal, financial and business expertise. Correspondingly, university councils play (and must be seen to play) a much greater role in institutional strategy, accountability and financial sustainability (OECD 2007). At the same time, in nations such as the US and Australia, some state governments have positioned themselves to make overtly political appointments to university governing bodies. For example, it is claimed that the boards of some US public universities have at times become 'politicized and intrusive' (Rhodes 2001, p. 13) and that as a result these boards act more like conduits for 'larger political disputes' than protectors or buffering agents (Lyall 2001, p. 20).

However, it is also argued that it is now executive dominance, rather than the university council or the professoriate that defines the character of the contemporary university (Marginson and Considine 2000). This is supported by recent OECD findings which show the increasing importance of senior managers or executives and, in particular, that of the vice-chancellor, whose focus has broadened dramatically from academic leadership to strategic business management (OECD 2007, p. 49). As a result, academic boards in many universities are no longer a key element in the decision-making process because, regardless of what is officially recorded in their statement of powers or shown on organisational diagrams, the real decisions are made elsewhere (Shattock 2014b).

Despite this, it is misleading to suggest that all universities within Anglophone nations have experienced this evolution from academic self-governance to managerial control. Newer universities, such as those established in the UK and Australia from the 1990s, were likely to have been founded with stronger corporate-style governance and executive authority from the outset. Even within the group of somewhat older universities, there are those whose academic governance has never matched the romanticised ideals widely portrayed (Rowlands 2013). Additionally, some universities, including the University of California Berkeley, have retained a model that is largely one of academic self-governance.

Governance Developments Within the UK Higher Education Sector

Although governance within the universities of Oxford and Cambridge continues to follow the collegial governance tradition established by the University of Paris (Tapper and Salter 1992) almost one thousand years ago, a number of distinct governance models currently operate across the UK university sector. These derive, in part, from a complex history:

> The forms of university governance in the UK do not spring from a single tradition as they do, for example, in the US or in most Commonwealth countries. In the UK there is the distinctive Oxbridge model, the mediaeval (or 'ancient' as it is now called in Scotland) Scottish model, the civic university model and the post-1992 higher education corporation (HEC) model. (Shattock 2006, p. 5)

However, leaving aside the Oxbridge and ancient models (for which there is generally no equivalent elsewhere), Shattock argues that the constitution of the civic universities of England formed the basis for the dominant bicameral or two-part governance model within the UK and other former British colonies (2006, p. 9). Within this model the university council (known as a 'court' in Scotland), was responsible for finance and administrative matters and had a 'lay' or disinterested external majority. The senate (academic board equivalent) was the sovereign or supreme academic authority (Taylor 2013). Indeed Shattock notes that between 1945 and 1980, the period of traditional collegial governance, 'no governing body would act in a major policy issue without consulting the senate and most policy issues were in practice initiated at the senate level' (Shattock 2014b, p. 127). However, senates were large, with an entirely academic membership (generally only the most senior academics) (Shattock 2014b), did not meet frequently, and so universities relied upon an extensive system of committees to organise their collective affairs (Dearlove 2002, p. 258). They were chaired by the vice-chancellor in his or her capacity as 'chief academic and administrative officer' (Shattock 2014b, p. 127).

A fourth UK governance model was created by legislation in the early 1990s when polytechnics became universities (Shattock 2006). Within these new higher education corporations (known colloquially as the post '92 universities) what is effectively a unicameral structure was adopted under which comparatively smaller '[g]overning bodies were given … responsibility for the determination of the educational character and mission of their institutions and academic boards were restricted to advising their governing bodies on academic developments and resource needs, not direct, but through the vice-chancellor' (Shattock 2006, p. 15). Under this model, academic boards have both a narrower role and are more limited in their authority than their equivalents within the civic university model (Knight 2002).

The higher education environment within the UK changed distinctly following the election of the conservative Thatcher Government in 1979 marked by 'cuts on university budgets, themselves an indication of Government dissatisfaction with the way universities were run, and the assertion of a more market-orientated system of higher education' (Shattock 2002, p. 237). In 1985 the Jarratt report was the final in a series of studies of university management and was aimed at promoting efficiency and good governance. In particular the Jarratt report noted that:

> Senates are the main forum for generating an academic view and giving advice on broad issues to Councils. They should also continue to play an essential role in decisions affecting academic questions. … Large Senates are not the best places in which to undertake planning and resource allocation … It does seem to us that the relative decline in the exercise of influence by Councils has increased the potential for Senates to resist change and to exercise a natural conservatism … it may well be … that a degree of tension between them [councils and senates] is necessary in the circumstances facing universities, and can be creative and beneficial in the long term. (CVCP 1985, p. 24)

The report's recommendations required that:

(a) Councils to assert their responsibilities in governing their institutions notably in respect of strategic plans to underpin academic decisions and structures which bring planning, resource allocation and accountability together into one corporate process linking academic, financial and physical aspects.

(b) Senates … continue to play their essential role in co-ordinating and endorsing detailed academic work and as the main forum for generating an academic view and giving advice on broad issues to Council. (CVCP 1985, p. 36)

The Jarratt report recommended the establishment of a planning and resources committee within each university, reporting jointly to council and senate, which would integrate academic, non-academic, financial and physical planning and provide a bridge between the legitimate roles of council and senate. The report also recommended the appointment of heads of departments by university councils on the recommendation of the vice-chancellor (a big shift from traditional means of appointment or election by their fellow academics), fewer and smaller committees and more delegation of authority to officers of the university (CVCP 1985).

Thus, the Jarratt report had profound implications for university governance, and was in large part responsible for commencing a significant shift in power from academic boards to university councils. Dearlove argues that:

The Jarratt Committee (1985) challenged the conventions that were part of the traditional two-tier system of university governance, as well as the broad trend of university constitutional development over the twentieth century, a trend that had seen the democratisation of academic governance and the withering away of the power of lay members and Councils. The Committee regarded universities as 'corporate enterprises' that needed to engage in strategic, academic and financial planning. (CVCP 1985, p. 22; as cited in Dearlove 2002, p. 261)

Shattock suggests that the 'the role of governing bodies continued to be enhanced to the exclusion of senates' in subsequent higher education review documents such as the Dearing report (1997) and the Lambert report (2004) (Shattock 2006, p. 14). This period heralded the beginning of significant government or state interest in university governance and the corporatisation of that governance through the imposition of new public management (NPM), involving efforts to 'make government more business-like' in the belief that this would increase financial efficiency and effectiveness (Pollitt and Bouckaert 2011, p. 1). NPM had commenced in public administration in the UK during the 1980s and was mirrored in other Commonwealth nations and elsewhere under the guise of corporate managerialism (Deem et al. 2007). Two further trends in higher education in the 1980s and 1990s, massification and marketisation, also had significant implications for university governance, in part because they tilted the balance of university business away from '"internal", essentially academic, issues to "external" issues concerning institutional positioning, mission and even survival' (Bargh et al. 1996, p. 3). These developments occured within Anglophone nations more broadly and, indeed, globally (Altbach et al. 2010). They have contributed to the significant role of governing bodies within university governance at the current time because the focus

of government (and, as a result, of university management) has shifted towards financial and reputational rather than academic matters.

It is within this context that in 1995 the then named Committee of University Chairmen [now known as the Committee of University Chairs, (CUC)], the group representing chairs of UK university councils and which 'has as its first aim supporting the higher education sector to develop the highest standards of governance' (CUC 2009) published a formal *Guide for Members of Higher Education Governing Bodies in the UK*, which it subsequently revised in 1998 and 2000 (Shattock 2006, p. 51). In 2004 the Guide, which was principally concerned with the role of the governing body in university governance, was expanded to include specific examples of good practice and a voluntary Governance Code of Practice (CUC 2004). In 2009 the Guide was updated, to reflect that the Code had been formally approved by the CUC (2009). In 2014 the CUC published a more concise *Higher Education Code of Governance*, which supersedes the previous Code and which sets out seven primary elements of governance for university councils of which number four suggests that governing bodies should '… receive[s] assurance that academic governance is effective by working with the Senate/Academic Board or equivalent as specified in its governing instruments' (CUC 2014, p. 9). The Code subsequently provides a number of guidance notes with regard to the implementation of this element, addressing the student experience, the centrality of the academic board and collegiality, and academic freedom (CUC 2014, p. 20).

The CUC encourages university councils in England, Wales and Northern Ireland to adopt the *Higher Education Code of Governance*. Compliance is voluntary, although, for example, the Higher Education Funding Council for England (HEFCE) strongly advises English university councils to adopt the Code and report their compliance with it (or otherwise) in their university's annual report or audited financial statements as part of the 'statement on internal control (corporate governance)' that universities are required to provide (HEFCE 2015b). There is a separate Scottish Code of Good Higher Education Governance, published by the Committee of Scottish Chairs.

However, after a decade of strong focus on university governance in the late 1990s and early 2000s centred around the role of university councils at the expense of academic boards, it is argued that the emphasis of government and regulating bodies is now firmly on leadership and management as a way of achieving the twin goals of efficiency and value for money (Middlehurst 2013). Not surprisingly, this change is reflected in a concentration on leadership and management within universities themselves, focussed on the role of the vice-chancellor and his or her executive leadership team. As Shattock notes, this is a group that in recent years has expanded in size and scope almost exponentially in light of concerns about long-term financial sustainability (2013). However, Shattock also cautions that although these general trends are observable across the UK, and are arguably mirrored elsewhere, what is happening within individual universities can vary greatly (2013).

As noted in Chap. 1, responsibility for higher education has been devolved to governments in England, Wales, Scotland and Northern Ireland, with the exception of some aspects of research funding which follow a UK-wide model. The following discussion about recent higher education developments with significant governance implications refers specifically to the English university sector.

In its 2011 White Paper *Higher Education: Students at the Heart of the System*, the UK government announced the establishment of a new regulatory framework for higher education for England, incorporating a 'risk-based approach to quality assurance' (BIS 2011a, p. 52). Preliminary details of this framework were announced in August 2011 in the form of a consultation draft, which incorporated a subsection on 'Governance and academic management' within the 'Criteria for the award of taught higher degree awards and powers' (BIS 2011b, p. 43). The draft framework included references to requirements relating to 'academic leadership', 'governance', 'academic standards', 'academic policy' and 'academic risk' (BIS 2011b, p. 43) and suggested that HEFCE could serve as an 'independent lead regulator' (BIS 2011b, p. 8), with a role that would include assessing whether each university meets the criteria for 'good governance' (BIS 2011b, p. 24). There was no mention of the role of academic boards anywhere within the draft framework.

In 2011, HEFCE established The Regulatory Partnership Group (RPG) 'to advise Government, HEFCE and other national agencies on policy, strategic and operational issues arising from the development of the funding and regulatory arrangements for higher education in England' (HEFCE 2014b). The RPG published an Operating Framework for Higher Education in 2013, setting out 'how higher education providers in England are held to account and regulated' (HEFCE 2013, p. 2). The framework requires outcome agreements as a condition of government funding (Middlehurst 2013). With regard to university governance, the operating framework states that it is 'designed to complement effective corporate governance of higher education providers' by HEFCE (HEFCE 2013, p. 6). To this end, the 2014 'Memorandum of assurance and accountability between HEFCE and institutions: Terms and conditions for payment of HEFCE grants to higher education institutions', which remained current at the time of writing, sets out the specific responsibilities of each higher education institution towards its governing body, effectively prescribing each university council's role and function (HEFCE 2014a). These responsibilities must be seen by HEFCE to be met in order for the institution to be eligible for funding. They include the requirement for an 'effective framework—overseen by its senate, academic board or equivalent—to manage the quality of learning and teaching and to maintain academic standards' (HEFCE 2014a).

Most recently, HEFCE has worked with the higher education funding bodies of Wales and Northern Ireland to produce a proposed common framework for quality assessment across these countries (HEFCE 2015a). However, in late 2015 the government published a higher education green paper, *Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice*, which proposed, amongst other matters, the disestablishment of HEFCE and a simplified higher education regulatory environment (BIS 2015). The green paper foreshadowed the

establishment of a new body, the Office for Students (OfS), whose functions would include the distribution of that public funding which is provided for teaching and oversight of higher education quality assurance (BIS 2015). In addition, OfS would require all providers to meet minimum baseline standards for financial sustainability, management and governance, amongst other matters (BIS 2015, p. 60). The green paper states that OfS would have a duty to 'respect academic freedom and institutional autonomy' (BIS 2015, p. 60). The green paper was succeeded by the *Success as a Knowledge Economy: Teaching Excellence, Social Mobility and Student Choice* white paper and the Higher Education and Research Bill, which have retained the provisions relating to the Office for Students and a new Teaching Excellence Fund (TEF) (BIS 2016). At the time of writing the Higher Education and Research Bill was being considered by Parliament. There are significant implications for university governance arising from these proposals.

Governance Developments Within the US Higher Education Sector

As noted in Chap. 1, responsibility for education within the US, including for higher education, rests with the states (McLendon and Ness 2003). Whilst the vast majority of states have established statewide higher education systems (Lyall 2001), external governance of higher education is highly decentralised and there is no standard model upon which higher education systems are structured (Hamilton 2004). Moreover, there is great variation amongst the states with regard to both degrees of autonomy and external governance (Aghion et al. 2010), with some having established formal governing agencies and other states putting in place 'agencies to plan or co-ordinate publicly-funded institutions' (Dill 2014, p. 167). Thus, Austin and Jones describe unified systems, in which a single governing board is responsible for all higher education institutions in the state and for representing those institutions in interactions with the legislature; federal systems with a separation of powers between a coordinating board at the state level and institutional governing boards; and segmented systems in which there is no statewide board at all (2016, p. 111). A minority of states have granted constitutional autonomy to certain publicly supported universities (Dill 2014, p. 167).

It is argued that academic governance within the US is more institutionally focused than is the case in countries where national higher education regulators, ministries and/or policy agencies play a significant role in shaping or directing university decision-making (Dill 2014, p. 166). This is not to suggest that US universities are completely protected from national influences. Thus, federal policy and/or legislation on such matters as the environment and anti-discrimination, amongst others, and the private sector, do influence some aspects of university decision-making both directly and indirectly (Dill 2014).

Shattock writes that governance arrangements of the 'great' US public universities comprise:

> … a formal structure of a governing board with unicameral powers and with a president serving 'at the pleasure of the board' (that is without tenure in the post) but, underneath, a complex academic committee structure (and sometimes a formal senate) exerting huge influence on what the board decides. (Shattock 2006, p. 18)

Although there is a long history of shared governance in US higher education institutions (Birnbaum 2004) understandings of shared governance vary widely. For example, whilst, Duderstadt describes a tripartite arrangement under which '… shared governance allocates public accountability and stewardship to the governing board, academic matters to the faculty, and the tasks of leading and managing the institution to the administration' (2004, p. 140), for Hamilton, shared governance is more about 'the concepts of academic freedom and peer review' than a particular governance structure (2004, p. 96). Tierney underscores such differences in perspective by arguing:

> … shared governance is a term that is casually used with implicit meanings and little intellectual rigour. Indeed, more often than not, authors who use the concept neither build on previous definitions nor bring into question what has been incorporated into, and what has been excluded from, the term … Even those critics who wish to dramatically change governance processes quite frequently cling to the desire to call those changes a permutation of shared governance. (Tierney 2004, p. 86)

The cornerstone of US-style shared governance is the 'Statement on government of colleges and universities' which was jointly formulated by the American Association of University Professors, the American Council on Education (ACE), and the Association of Governing Boards of Universities and Colleges (AGB) in October 1966, aimed at clarifying the respective roles of governing boards, faculty, and administrations (AAUP 1966). The Statement provides that:

> … faculty has primary responsibility for subject matter, curriculum, methods of instruction, research, faculty status and aspects of student life clearly related to the education process. The governing board and administration have primary responsibility for finances, including maintaining the endowment and obtaining needed capital and operating funds. Shared responsibility exists in the strategic issues of framing long-range plans, budgeting (the allocation of financial resources), determining both short and long range priorities, and presidential selection. (Dill 2014, p. 172)

Except for minor amendments to remove gender-specific references from the original text, the Statement 'remains as a template for a cooperative system of governance for higher education…' (Burgan 2004, p. xii). According to Birnbaum, it 'formally articulated and legitimated the faculty role in academic governance for the first time' (2004, p. 5) and also set out 'the importance of faculty involvement in educational policy more generally, including setting institutional objectives, planning, budgeting, and selecting administrators' (Birnbaum 2004, p. 6). However, in 1999 the body representing university and college boards of trustees in the US, the Association of Governing Boards (AGB), issued its own report on shared governance, the 'AGB statement on institutional governance', which 'addresses

institutional decision making from the governing board perspective and takes into consideration some of the changes in the landscape of American higher education since the "Statement on government of colleges and universities" was issued in 1966' (AGB 1999, p. 2). Burgan suggests that the AGB statement (which was updated most recently in 2010) is 'seeking to include more "stakeholders" in governance processes and accord[s] faculty only a subsidiary role as one amongst many interested parties. This view strongly asserts the managerial prerogative…' (2004, p. xiii). In essence, it is suggested that the response from the AGB seeks to 'rationalize governance by reducing the involvement of faculty in institutional decision making' (Birnbaum 2004, p. 6). However, it is also argued that whilst such proposals to alter shared governance presuppose that changing governance structures (and in particular those aspects that affect faculty participation) will improve institutional performance, there is little evidence to support this claim (Birnbaum 2004, p. 10).

As noted above, there is enormous variation in governing board types within US publicly funded universities. Some are statewide, overseeing many individual institutions within the one state, some are institution-wide, overseeing a large multi-university campus structure, whilst others may have responsibility for a single university (Rhodes 2001, p. 13). Boards of trustees or regents traditionally comprise volunteers or lay individuals who 'hold in trust the financial, physical, and intellectual assets of the institution' (Hendrickson et al. 2013, p. 221). Whilst on the one hand this model has been criticised for entrusting universities to 'volunteers who quite often lack the academic credentials or educational administrative experiences to render informed judgement over the affairs of the academy', on the other, it is based on 'centuries-old tradition and utilitarian purpose that have actually reinforced and nurtured the unstated social contract that exists between colleges and universities and the society they serve' (Hendrickson et al. 2013, p. 222). However, the selection of board members for public universities or statewide coordinating bodies is now frequently undertaken within the office of the state governor and can therefore be a function of merit or political patronage, or both (Hendrickson et al. 2013). Thus, whilst governing boards in US publicly funded research universities are traditionally 'charged with responsibility for the … long-term preservation and enhancement of the institution', it is argued that in recent decades their role has changed from advocacy and buffering against political disputes to that of 'oversight and public accountability' (Lyall 2001, pp. 19–20). The AGB sets out a list of key responsibilities for boards of trustees and these include appointing and supporting the president, monitoring his or her performance, approving long-term plans and ensuring the institution's financial solvency (AGB 2010). The list of responsibilities is similar to those adopted within other nations such as the UK and Australia. It does not include reference to academic affairs.

As noted earlier, within US-style shared governance whilst the role of the board of trustees or regents is to maintain the university's charter and fiscal health; the role of the president is to implement strategy, oversee management and sustain and generate new financial resources; and faculty or academic staff are responsible for establishing, monitoring and developing academic programs

(Tierney and Minor 2003). The key vehicle for this is the committee-based faculty or academic senate, although in practice the division of responsibilities between these three core components of shared governance varies and there is considerable overlap (Hendrickson et al. 2013). In some states the principle of shared governance is enshrined in legislation, as in the case of the *Higher Education Employer-Employee Relations Act* of California which provides that 'joint decision-making and consultation between administration and faculty or academic employees is the long-accepted manner of governing institutions of higher learning and is essential to the performance of the educational missions of these institutions' (Public Employment Relations Board 2010).

Taylor reports a number of empirical studies showing that shared governance is beneficial to (and arguably necessary for) good teaching and research within universities at various positions on the ranking scales, including those at the very top (2013). However, shared governance has also been extensively criticised for reasons including a perceived lengthy decision-making process which is considered incompatible with entrepreneurial university operations and the perspective of management (Duderstadt 2004); too many committees taking up too much academic staff time; and conversely, too many non-academic staff being involved in decision-making processes regarding academic matters (Lyall 2001). Moreover, Duderstadt identifies a fundamental incompatibility between traditional faculty culture and that which is required to manage a contemporary institution and notes that because academics tend to be more focused on their teaching, scholarship and research than on their university as an organisation, they may be less willing to engage in detailed consideration of institutional goals and strategy (2004, p. 144). He asserts that academics tend be somewhat insulated from the consequences of their debates and recommendations yet may also be unwilling to focus on those areas of decision-making that are within their expertise, such as curriculum development and student learning (Duderstadt 2004, pp. 144–155). These criticisms are similar to those levelled at traditional collegial governance.

Stromquist (2012) has identified five current trends in US higher education that are having a direct impact on faculty or academic governance. These are a substantial growth in the number of administrative staff and administrative structures, particularly at the centre of the university; the establishment and approval of university-wide strategic plans; a decline in full-time tenured or tenure-track (permanent or probationary) faculty or members of the academy and a corresponding increase in part-time, adjunct or casual academics who tend to sit outside of academic governance processes; a redefinition of shared governance to revolve around executive-level, appointed staff such as deans and provosts who exercise increasing influence or control over matters that were once determined solely by committees; and changes in operational processes to further increase power at the centre at the expense of faculty input to decision-making (Stromquist 2012, p. 29). However, not all changes in academic governance are a result of internal shifts in university operations. Thus, Dill reports trends towards the increasing influence of boards of

trustees, state governors, accreditation agencies and private donors, all of which are perceived to reduce the autonomy and authority of traditional academic governance structures and processes such as the academic senate (Dill 2014, p. 165).

Notwithstanding differences in process, general developments within university governance in the US higher appear to have much in common with those in the UK and Australia. These include the domination of university governance processes by executive-level management rather than by faculty or academics and an increase in government requirements for evidence of accountability by institutions and 'the threat of more federal involvement' (Toma 2007, p. 57). At the same time, differences in governance structures between the US and other Anglophone nations such as Australia and UK cannot be overstated.

Governance Developments Within the Australian Higher Education Sector

As might be expected given its history as a former British colony, the first universities in Australia adopted a bicameral system broadly similar to that of the civic universities in England, comprising a lay university council responsible for financial affairs and an academic board responsible in its own right for academic governance (Shattock 2006). Moreover, the cyclical pattern noted earlier in this chapter of power shifts between the university council and the academic board that was observed in the UK civic universities was largely replicated in Australia (Rowlands 2013).

Thus, in the late 1980s the Commonwealth Government commenced moves to achieve what it saw as enhanced university governance for Australia through 'an openly corporatist model of university governance aimed at delivering greater accountability to government' by way of strengthened university councils (Baird 2006, p. 301). Baird goes on to write that:

> Since then, federal and state government normative expectations of good university governance have been progressively refined through review and legislative change. From the 1990s, university councils have become smaller, pulling back from the very large councils evident in the 1970s and, in particular, decreasing staff and student representation. (Baird 2006, p. 301)

Historically, Minister John Dawkins heralded this new era in university governance when the White Paper (Dawkins 1988) recommended a change in university council size and structure, vice-chancellors were to serve as chief executive officers and universities were to be more 'business-like' and entrepreneurial (Harman and Treadgold 2007, p. 14). Then, in 1995 the Hoare report provided a significant review of university governance and specifically addressed both the role of the university council and the relationship between councils and academic boards:

The governing body should have strong strategic planning oversight for the university. It should set the broad strategic framework within which the Vice-Chancellor and senior university administrators can operate … the governing body is not equipped to determine matters of academic policy or of academic standards. These aspects come under the responsibility of the peak academic authority.

The governing body should also be responsible for the overall review and performance monitoring of the university, relying on the advice of the academic board or senate for monitoring academic standards and performance. This should be seen as an integral part of the strategic planning and accountability responsibilities of the governing body. (Hoare 1995, p. 42)

The report also noted that responsibility for determining matters of academic policy and academic standards fell to the peak academic authority, the academic board (1995, p. 42).

Consideration of the Hoare report by the federal government was complicated by the location of legislative responsibility for universities being with the states. In any case, a change of government in 1996 meant that no formal response to the Hoare report was ever issued and implementation was not actively pursued, although the report remains a significant reference-point for university staff working in the field of governance. However, reviews in the states of Victoria and South Australia in 1997 and 1997 respectively did echo the Hoare report's philosophy with regard to the need for a more streamlined, business-like approach to university governance, particularly at the level of the university council (Rodan 2000).

A further review of university governance was undertaken in Victoria and reported in 2002, with recommendations primarily aimed at ensuring adequate oversight of universities' commercial activities. Amongst these was provision (later a requirement) for remuneration for external or lay members of Victorian university councils. This practice is now widely (but not universally) adopted throughout Australia. However, the report of the review was also significant because it considered the role of the academic board and its relationship to the university council. In particular, the report noted references to academic boards in university enabling Acts and stated that:

These powers make academic boards the custodian of universities' academic standards, which is central to their role as academic institutions. Such an important role for the academic board with the university council is sometimes described as a bicameral system of academic governance. This review believes that Victorian universities are fortunate in having their academic boards' roles sufficiently provided in universities' Acts and that therefore no change is needed. Nonetheless, the review believes it is desirable to recall the importance of academic boards in maintaining academic standards. (Moodie 2002, pp. 34–35)

In response to concerns about university governance raised in the 2002 review *Higher Education at the Crossroads*, the Commonwealth Government introduced a package of reforms in 2003 known as *Our Universities: Backing Australia's Future* (BAF). Included within the BAF reforms were 11 National Governance Protocols (NGP) which came into effect in 2004 as a component of requirements under the *Higher Education Support Act 2003* (DEST 2004). Broadly speaking, the NGP

sought to further strengthen the place of the council as each university's governing authority and to streamline councils by seeking to limit their size to no more than 22 members. The NGP were strongly corporatist in nature and emphasised, amongst other matters, councils' responsibilities for effective oversight of university commercial entities. The protocols required that each council adopt a statement of its primary responsibilities, including that the university council must oversee and monitor 'the academic activities of the higher education provider' (DEST 2004). In contrast to the recommendations of the Hoare report and the 2002 Victorian review of university governance, there was no mention of academic boards' role in advising and recommending to the university council on such matters and no mention of the academic board anywhere else in the protocols. Although initially a proportion of each university's operating grant was conditional upon compliance with the NGP, this requirement was removed in 2008, essentially rendering compliance with the protocols optional. In recognition of this the Ministerial Council of Tertiary Education and Employment approved in 2011 a 'Voluntary Code of Practice for the Governance of Australian Universities' in the form of a slightly expanded version of the NGP; indeed, in many respects the wording is almost identical. However, the National Governance Protocols, and indeed the Voluntary Code of Practice, have effectively been superseded by the governance requirements set out in the Higher Education Standards Framework by the national higher education regulator TEQSA. Initially, a provisional set of Standards was released and these included specific reference to academic boards' role in academic governance. For example, Sect. 3 of the Provider Registration Standards (PRS) set out requirements for corporate and academic governance and PRS 3.7 necessitated that:

> The higher education provider's corporate governing body protects the academic integrity and quality of the higher education provider's higher education operations through academic governance arrangements that provide a clear and discernible separation between corporate and academic governance, including a properly constituted academic board and course advisory committees. (TEQSA 2011, p. 4)

However, the provisional standards are due to be replaced by a new Higher Education Standards Framework due to come into force in January 2017 and these are designed to cover a broad range of both public and private higher education providers, many of which are not universities. Thus, whilst section 6 of the new standards requires that institutions have mechanisms in place for 'competent academic governance' and there is a specific subsection devoted to academic governance, the Standards do not require that institutions have academic boards responsible for the academic integrity and quality of the higher education so provided (TEQSA 2015, p. 12). That is, the standards specify the academic governance outcomes required but not the mechanisms by which they should be achieved. However, the new standards do require providers to undertake 'periodic (at least every seven years) independent reviews of the effectiveness of the governing body and academic governance processes and ensur[e] that the findings of such reviews are considered by a competent body or officer(s) and that agreed actions are

implemented,' (TEQSA 2015, p. 12). The new standards also require governing
bodies to uphold and protect 'freedom of intellectual inquiry' (TEQSA 2015, p. 12).

   In recent years various Australian state governments have continued trends
towards corporate-style university councils or governing bodies. For example, all
university Acts within the Australian state of Victoria were amended in 2009 to
provide that academic boards be established by university councils rather than as
statutory bodies in their own right, as was formerly the case [see for example
'Deakin University Act 2009 (Vic)']. This is an important change because it
overturns the position of the 2002 Victorian review of university governance
regarding the centrality of the academic board. In doing so, it effectively reduces
academic boards to the status of subcommittees of university councils and means
that academic boards in Victorian universities are limited to doing those things that
their university councils deem appropriate, a potentially narrower list of tasks than
academic boards themselves might choose. From 2013 Victorian university Acts
were further amended to limit the size of university councils to 13 or 14 members
(depending on institution type), the reduction in size being effected in part by the
intended removal of staff (both academic and professional) and student members.
This move was designed to bring Victorian university councils in line with cor-
porate boards, the assumption being that staff and students may find it difficult to
make objective judgements about their universities' interests and that those outside
an institution are more equipped to oversee it than those from within. At the time of
writing, the new Victorian Labor government had introduced legislation designed to
restore staff and student membership of university councils by requiring them to
each appoint one staff and one student representative.

Concluding Comments

Contemporary higher education systems are complex and multifaceted and give rise
to areas of tension within each organisation. The reconciliation of these tensions is a
key challenge. Within this environment, university governance has been the focus
of a great deal of attention (OECD 2007) and recent changes in higher education
have almost certainly led to governance reform. For example, it is argued that
massification has resulted in significantly larger and more complex institutions in
which, by necessity, collegial governance has been replaced by bureaucracy and
entrepreneurialism. Reduced government funding per student, vastly increased
numbers of students, the need to derive a significant proportion of university
income from commercial sources, and government pressure for efficiency have all
led to a streamlining of the decision-making process within universities. Moreover,
in general terms the sector has experienced substantially increased government
demands for accountability where governance serves as an intermediary between
the state and the university and facilitates expanding relationships between uni-
versities and business and industry in the pursuit of financial return (Stensaker and
Harvey 2011).

However, not all of the increased emphasis on university governance has been focused externally. Internal university governance mechanisms have also changed significantly in response, in ways ranging from an amplification and centralisation of institutional management and executive and administrative power; with reference points taken from the commercial world; and an internal accountability regime focused on performance measurement, risk management, process control and compliance. Amongst the results have been a consolidation of power and an expansion of scope within the office of the vice-chancellor and his or her executive team and a concomitant centralisation of power away from those currently practising teaching and research. Although on the face of it these shifts have enhanced the role and function of the university council, it has been argued more recently that university councils are becoming 'straw men' with the majority of external members lacking the knowledge and experience to make informed decisions, thereby increasing their dependence on strategic advice from the vice-chancellor (Shattock 2013). Australian examples of the removal of staff and students from council membership highlight this issue. The locus of power rests clearly with the vice-chancellor and the greatly expanded group of senior managers or executives reporting directly to him or her, generally comprising deputy and pro vice-chancellors and provosts (Rowlands 2015). Opinion varies regarding whether these transformations in university governance have been in the best interests of universities. Some (see for example Blackmore 2014; Shattock 2008), argue that they are not. Others see the changes as merely an inevitable outcome of a global and marketised higher education environment (see Dearlove 2002; Macfarlane 2015), or the consequence of certain ideological responses such as neoliberalism or managerialism (Bansel and Davies 2010; Slaughter and Rhoades 2004). Regardless of your particular view, these changes, and others, have profound implications for systems and practices of academic governance within individual universities. This is the focus of the following chapter.

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