

**University and the State in Ireland:
from a negotiated exchange relationship based on trust to
prescriptive requirements in university governance**

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Glossary of abbreviations

APU	Academic Planning Unit of Recognised College
ARAC	Audit and Risk Assessment Committee (NUIM)
ARWU	Academic Ranking of World Universities (Shanghai JTU)
C&AG	Comptroller and Auditor General
CAO	Central Applications Office
CEC	College Executive Council
CHIU	Conference of the Heads of Irish Universities
DCU	Dublin City University
DETYA	Department of Education, Training & Youth Affairs (Aus)
DoES	Department of Education and Skills
DoF	Department of Finance
FTE	Full Time Equivalent
IFUT	Irish Federation of University Teachers
IUA	Irish Universities Association (formerly CHIU)
ECF	Employment Control Framework
EMT	Executive Management Team
ERDF	European Regional Development Fund
ESF	European Social Fund
EU	European Union
GA	Governing Authority
GAF	Governance and Accountability Framework
HBR	Harvard Business Review
HEA	Higher Education Authority
HEFCE	Higher Education Funding Council for England
HETAC	Higher Education & Training Awards Council
IoT	Institute of Technology
KPI	Key Performance Indicator
MBA	Masters of Business Administration
NCEA	National Council for Education Awards
NIRSA	National Institute for Regional and Spatial Analysis
NUIM	National University of Ireland, Maynooth
NUI	National University of Ireland
NUIG	National University of Ireland, Galway (formerly UCG)
OECD	Organisation of Economic Cooperation and Development
PAC	Public Accounts Committee
PRTLII	Programme for Research in Third Level Institutions
RCM	Recognised College of St. Patrick's College, Maynooth
RTC	Regional Technical College
SEC	Securities and Exchange Commission (USA)
SMI	Strategic Management Initiative
SM/P	Strategic Management and Planning
SPCM	St. Patricks College, Maynooth
TCD	Trinity College Dublin
THE	Times Higher Education Supplement
UCC	University College Cork
UCD	University College Dublin
UCG	University College Galway
UL	University of Limerick
USNWR	US News and World Report
VEC	Vocational Education Committee

Abstract

This study examines the governance of Irish universities over the past thirty years and in particular how the governance of the Irish university system has moved from a model based on a trust and exchange relationship between the universities and the State to one where the universities are themselves State agencies, directed by a paymaster State to deliver State policy objectives in a number of areas. These include economic development, re-skilling of workers and the exploitation of academic outcomes. Looking through a lens of trust, informed by an analysis of the relevant literature, changes in governance, accountability and autonomy in the Irish State/university relationship since 1980 have been examined and documented. The emergence of professional management in universities and the related decline in the power of the academic community together with the transfer of overall direction of the institution from Senate or Academic Council to corporatist style governing bodies is documented. This is done against a background of the emerging evaluative State which measures performance against objectives which it sets down and which creates a new bureaucracy to measure, manage and control all State enterprise and investment.

The Maynooth Archive has been used as a primary source of evidence for this claim. Utilising the eight key areas identified by the OECD in 2003 as key to university autonomy, the archive is reviewed over the thirty years by an analysis of the actual decisions made and the different kinds of interactions between the State and the governing body at Maynooth. Set against a background of government investment in universities and the wide-ranging international discourse on university governance, a 'Governance and Accountability Framework' has been developed which traces the move from autonomous university institution to directed State agency.

The experience of key personnel in the Irish universities is then explored, on the basis of a series of semi structured interviews, to gain a deeper understanding of how universities are experiencing the changes that are taking place in the governance of Irish universities. Each of the seven Presidents participated in a semi-structured interview on the emerging changes in university governance and their views are analysed around a number of common themes. Similarly four key senior State personnel playing significant roles in the governance of the universities in Ireland participated in a semi-structured interview and their views are analysed using the same themes as those used to analyse the Presidents interviews. This provided an insight into the State position on the related issues of trust, accountability and autonomy.

This analysis, drawing on the insights gleaned from both the archive study and the interviews allowed for a triangulation of the theme findings leading to a conclusion that a new paradigm has emerged in the university/State relationship. This is one where the university has been co-opted by the State to deliver on key elements of the State agenda. This thesis suggests that as the State began to look at knowledge as a key factor of economic growth it turned to the universities as the main producers and disseminators of knowledge. Accordingly as the role of the university has changed so too has the regulatory and supervisory environment in which they must work. This thesis concludes that the key element, lacking from and necessary to this process, is that of trust and that the relationship between university and State needs to be reconfigured in a way that crucially attempts to re-empower the academy while recognising that sustainability is dependent on a less than benevolent State.

Introduction

There is a growing recognition in governments throughout the world that universities have a part to play in the social and economic development of local communities, regions and indeed the countries in which they are located. Some universities themselves have a global outlook. The *National Strategy for Higher Education to 2030* (Hunt, 2011) captures this sentiment when it states

Education in general, and higher education in particular, is a force for individual growth, societal progress and cultural development. Through education we find our place in the world, understand that world, and pass on understanding and our values to others. Education contributes to economic development and to the quality of life that economic development makes possible

Hunt, 2011, p. 30

Governments as a result are investing significant amounts of public monies in universities. Governments invest these scarce resources into universities to achieve public policy objectives. Hunt describes these objectives as supporting “individual well-being, to promote social equity and to enable the State to deliver on the aspirations of its citizens” (p. 30). Universities accept public monies in the knowledge that governments have public policy objectives. Universities also have their own objectives and sometimes see the public policy objective as just one objective of its endeavours. Some universities put the development of the student or scholar at the core of their purpose, others put the creation and dissemination of new knowledge whilst many combine these purposes together with objectives relating to supporting economic and social development. Meanwhile governments expect ‘delivery’ on their objectives as a result of the investment that they have made. According to Skillbeck

Universities are increasingly brought under external scrutiny and appraisal. Procedures are required of them that correspond to new regulatory environments as well as to public expectations that are increasingly diffuse and variable. The logic of production, productivity, results, performance in the market place and accountability has been superimposed on that of the dispassionate quest for knowledge and the disinterested pursuit of truth

Skillbeck, 2001, p. 23

The key research question in this thesis is to determine if there has been a change in the nature of university governance in Ireland, as exercised by the State since 1980. The international literature suggests there has been significant change in university governance and the university/State relationship over the past 30 years. This thesis will test if this has happened in Ireland. The international literature identifies a number of factors behind changes to the State/university relationship. These include escalating demands for knowledge workers by industry, government and individuals wanting to fill these roles; increasing participation rates in HE resulting in escalating costs relative to the overall national budget; globalisation of HE; and technology advances in “the delivery of post-secondary education services within countries and across borders and rendering previous forms of governmental intervention to protect the public interest obsolete” (McGuinness, 2006, p. 6).

The role of trust receives attention in the literature. This thesis seeks to identify if there have been movements in the level of trust with which the State view the universities and if this movement, or lack of it, has any bearing on the university/State relationship or the exercise of governance over the universities in Ireland. In the course of the research all factors influencing the overall governance of universities will be identified. It is not the intention of the research to attribute all of the changes that might be taking place in the exercise of governance of universities by the State to a change in the trust relationship between the universities and the State, rather it is intended to determine if a loss of trust on the part of the State is a factor in the changing university/State relationship or whether it is affecting the nature of governance as exercised by the State over universities. In addition to the key research question the thesis will examine if there is a growing burden of accountability and compliance on the part of universities to the State. The answer to this question will be used to address the issue of changes in the university/State relationship and whether or not there is a change in the nature of university governance in Ireland and, if so, whether the nature of accountability and compliance sheds any light on the trust relationship existing between universities and the State. A subsidiary research question will examine if the nature of university/State governance is having an impact on internal university governance in Ireland and how it is exercised. This will provide insights to the on the ground experience of governance in universities.

As a subsidiary research question, this thesis will address the level of State investment in higher education over the period 1980 to 2010. This will be a factor in the nature of the university/State relationship and is, according to the OECD, a key factor of university governance (OECD, 2003, p. 61).

For the purpose of this thesis the State is defined as the government, the Minister for Education and Skills in particular, the civil service and the officials of the Department of Education and Skills in particular, and the Higher Education Authority or HEA which is also known in the Irish language as An tÚdarás Um Oideachas or simply An tÚdarás. This definition is consistent with the State as defined by Salter and Tapper where the UK funding agencies are described as “little more than the creatures of the ministers and their departments” (Salter and Tapper, 1995, p. 66). As a subsidiary research question, the nature of the role played by the HEA in the governance of universities and how it has evolved from 1980 to 2010 will be considered.

Government refers to the elected government of the jurisdiction. Government sets policy for the nation and prioritises resources to implement its policy.

The HEA act as an intermediary body between the Government, the Minister for Education and Skills and his department on the one hand and higher education institutions on the other hand. The HEA is required to assign resources to higher education institutions, including the universities and to seek accountability for the use of these resources by the institutions, such use being measured against public policy objectives as defined by government.

The university sector refers to the seven institutions identified as universities in the Universities Act, 1997. The Higher Education or HE sector refers to the seven universities, the 13 Institutes of Technology and a handful of teacher training colleges, all of whom receive an annual State grant through the HEA. This is not intended to simplify the concept of higher education on the higher education sector. An OECD definition of higher education states

“higher education” refers to universities and other tertiary institutions that award degrees and advanced research qualifications. Such programmes normally

involve at least three years of full-time study and are designed to provide sufficient qualifications for entry to professions with high skill requirements and to research programmes. In some countries, universities and other higher education institutions also provide programmes that would be classified at a lower level than a degree...The fact that the concept of higher education is not clear-cut is itself an indication of the complexity of the issues.

OECD, 2003, p. 61

For the purpose of this thesis governance is defined as the means by which society and the State can be assured that the universities are delivering on their mission and that the resources provided to the universities are being used for proper purposes. According to the OECD (2003) “

governance comprises a complex web including the legislative framework, the characteristics of the institutions and how they relate to the whole system, how money is allocated to the institution and how they are accountable for the way it is spent, as well as less formal structures and relationships which steer and influence behaviour

OECD, 2003, p. 61

In the public sector context governance involves the setting of policy by government, the creation of regulations by public servants to guide organisations on the implementation of public policy and accountability for outcomes to the State by the organisation in receipt of public funds for the delivery of public policy objectives. Governance of universities has been more complex than other public organisations because of what is referred to in the literature as ‘university autonomy’.

Universities have enjoyed a traditional autonomy (Neave, 1988; Salter and Tapper, 1995), however they are increasingly expected to or perhaps required to account for the use of public monies that they have received. Autonomy is “the right to self-government” (Salter and Tapper, 1995, p. 59). Accountability is “the requirement to demonstrate responsible actions to some external constituenc(y)ies” (Berdahl, 1990, p. 171). This can take many forms but primarily includes two accountabilities. Firstly universities must demonstrate that they have exercised “propriety and value for money

in relation to public funding” (Shattock, 2006, p. 32). Secondly universities must show that their activities are assisting governments achieve public policy objectives. This latter accountability is often couched in the language of performance measurement and outcomes. Accountability can therefore be seen 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, p. 2). Both of these accountabilities are enshrined in law in Ireland. The Universities Act 1997 guarantees autonomy to universities. Section 14(1) states

A university, in performing its functions shall-

- (a) have the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of its internal and external affairs, and
- (b) be entitled to regulate its affairs in accordance with its independent ethos and traditions and the traditional principles of academic freedom, and in doing so it shall have regard to-
 - (i) the promotion and preservation of equality of opportunity and access
 - (ii) the effective and efficient use of resources, and
 - (iii) its obligations as to public accountability

Universities Act, 1997, p. 12

Section 14(1)(b) (ii) and (iii) give legal effect to the ‘propriety’ accountability outlined above. The support of government policy is addressed in Section 12 of the Act which lays down “the objects of a university” and Section 34 which addresses the preparation of a strategic plan to support the aims “and for carrying out the functions of the university” (p. 28) and the requirements to report to the State set out in Section 35(5) and Section 41.

Systems of governance are created and operated to ensure the university can deliver on its objectives and account publicly for both its use of public monies and the outcomes resulting from the investment made by governments. There is a body of evidence to demonstrate governments are investing ever increasing amounts of public money in universities (Drucker, 1993; Skillbeck, 2001; OECD, 2004; Kamenetz, 2010). It has

been suggested that the burden of accountability on the part of universities to the State has grown, particularly since the 1980s (Braun, 1999; Skillbeck, 2001). This development is connected to a growing performance culture in public management generally (Hood, 1991). Some writers have documented changes in the traditional autonomy of the university as an institution and related this change to greater student numbers, growing public resources and an expanding demand from governments that universities assist in the delivery of economic and social development locally, regionally and nationally (Berdahl, 1990; Salter and Tapper, 1995; Kogan, 1998; Mora, 2001; Duderstadt, 2002, 2003; Dill, 2011; and others). Scott has written that the

Collegial university governed by the academic guild assisted by low profile administrators has been succeeded by the 'managerial' university dominated by an increasingly expert cadre of senior managers

Scott, 1993, p. 47

In recent times some academics have wondered if the perceived growing burden of governance and accountability placed upon universities by governments is a result of a diminution of trust between the institutions of the State and universities (Goedegebuure and Hayden, 2007). Trow (1996) has suggested that a university is connected to its society in three fundamental ways; accountability; markets and trust. He argues a heavy accountability burden is inconsistent with trust.

Trust is important. According to Fukuyama

One of the most important lessons we can learn from an examination of economic life is that a nation's well-being, as well as its ability to compete, is conditioned by a single, pervasive cultural characteristic: the level of trust inherent in society

Fukuyama, 1995, p. 7

Fukuyama therefore links a nation's prosperity with trust in society. Governments are increasingly looking to universities to advance many agendas important for the development of society (Duderstadt, 2002, 2003; Hunt, 2011). It is therefore important that trust exists between government and the universities given the role both must play in a modern society. In this study trust is examined from a number of angles; the newborn baby and the ways she learns to trust the carers around her (Kramer, 1999, 2009); how members of similar social networks trust each other (Bourdieu, 1985, 1999);

trust as a form of social capital is examined using the writings of Coleman (1988), Putnam (1993), Fukuyama (1995), and Portes (1998); trust between the citizen and State agencies is examined using the writings of Hardin (2006); trust and its relationship to honesty and accountability in organisations is examined from the perspective of the organisation and its culture (O'Toole and Bennis, 2009; Podolny, 2009); and possible conflicts arising in the academy (Fleming 2010); finally the consequences of dishonesty are examined taking a brief look at Bernie Madoff and his massive embezzlement of monies from a tight knit social group (Henriques, 2011).

Governance is important. The joint HEA/CHIU publication *The Financial Governance of Irish Universities, Balancing Autonomy and Accountability* (2001) states “Most bodies have a mixture of rules and trust in appropriate proportions and thus can only work with open governance; in bodies which are opaque in their governance, rules become an essential sheet anchor” (p. 15). According to Cadbury “good governance is an aid to effectiveness” (in Davis, 1999, p. ix). Governance is required when the owners of an entity and the management of an entity are different people. Accountability by the managers is a cornerstone of governance. Cadbury states “openness and transparency are the governance watchwords and ethical standards are the basis on which lasting governance systems are built” (in Davis, 1999, preface). The university therefore is governed to allow accountability to its owners. Mora (2001) suggests the community are the true owners of the university. Governments step in and create mechanisms for accountability to take place to governments as custodians on behalf of the community. In this study these mechanisms are referred to as the ‘governance architecture’. Various emerging governance architectures will be discussed in this study. The environment in which these governance architecture emerge will also be discussed including an increasing desire on the part of governments “for a smaller and stronger State, to be realised through reductions in public spending, denationalisation and privatisation, a blurring of the boundaries between the public and private sectors, and the incorporation of market values and mechanisms into public organisations” (Henkel, 2008, p. 1) and an increasing desire on the part of the university to be seen to be relevant locally, regionally, nationally (Kerr, 1963) and globally (Mora, 2001). Finally the discourse on governance has a new theme in recent years, a theme based on ethics, society, interrelationships and a challenge to the concept of maximising shareholder value (Deakin and Konzelman, 2003). This challenge has grown out of corporate failures

such as Enron and Marconi, with Deakin and Kenzelman (2003) proposing that these were failures of governance and purpose as much as business failures. The potential impact of this latest discourse will be discussed in the findings of this thesis.

The university is important and “a vital institution for society” (Dill, 2011, p. 14). This was reflected in an Irish government publication *Charting our Education Future, White Paper on Education* (1995) which captured the essence of the university when it stated

Higher education promotes social wellbeing through preserving, widening and advancing the intellectual, cultural and artistic accomplishments of society; through rigorous, sustained and critical evaluation of the past, the present and possible futures of society; through commitment to the highest standards of research in the various branches of learning; and through equipping society with the particular skills and qualities necessary for economic growth and prosperity

Department of Education, 1995, p. 87

Universities value their autonomy. This is defined as “the capability and right of an institution to determine its own course of action without undue interference from the State” (OECD, 2003, p. 62). OECD go on to state “such autonomy is a relative concept, which exists to different degrees in different contexts” (p. 62). Autonomy is discussed in this thesis from two perspectives. In Chapter 1 autonomy is discussed from the perspective of changing governance architectures documented in the literature and how they have begun to impact on university autonomy as traditionally defined and understood. In Chapter 4 the extent of university autonomy that exists in Ireland is documented and placed in a typology of governance with the relative nature of autonomy in 2010 compared to an international survey of autonomy published in 2003 using eight decision-making elements.

Berdahl (1990) has noted “the terms ‘autonomy’ and ‘accountability’ at first glance do not seem to present semantic problems. Taken most simply, autonomy in its complete sense means the power to govern without outside controls and accountability means the requirement to demonstrate responsible actions to some external constituenc(y)ies” (1990, p. 171). This thesis will explore the autonomy/accountability dichotomy and whether it has any relevance in university governance today.

This thesis charts the changing nature of governance of Irish universities. It approaches the issue from two complementary perspectives. It draws attention to the challenges of reconciling what might appear to be the competing demands of accountability for expenditure of monies provided from the public purse and university autonomy. The thesis also draws attention to what might also appear to be another competing demand; the desire of government to use universities to support the delivery of public policy across a broad agenda covering education, enterprise, culture and society and the autonomy of the university to determine its own strategic direction and focus areas. Both apparent competing demands are placed in a dialogue of trust and trusting relationships. Whether governance arrangements can be built on a foundation of trust is considered.

These issues are important. In January 2011 a report was published by the Government of Ireland setting out a national strategy for higher education in Ireland for the next 20 years (Hunt, 2011). This document is viewed as the first comprehensive strategy for higher education in Ireland since the foundation of the State. The report includes objectives for higher education across a number of broad policy areas including teaching and learning, access to higher education for non-traditional students and disadvantaged sections of society, research and innovation, enterprise and employment, engagement and internationalisation. To facilitate ‘delivery’ governance and accountability are considered and changes are recommended. The report states

Institutions will be autonomous, collaborative and outward looking, effectively governed and fully accountable for both quality and efficiency outcomes. They will respond flexibly to the changing needs of the economy and of society. Higher education institutions will recruit, develop and retain high-quality staff, fully accountable for their performance to a strong and dynamic leadership

Hunt, 2011, p. 27

The report goes on to state “the institutions will form a coherent and inter-related system and collectively will have the requisite critical mass for optimal quality and efficiency” (p. 4). Funding and expectations will be aligned “with clearly defined structures for system governance and accountability” (p. 4). Whether institutional autonomy as traditionally understood is consistent with “system governance and accountability” (p. 4) is considered. The issues identified in the *National Strategy for*

Higher Education to 2030 (Hunt, 2011) will be considered in the light of emerging global challenges for the university generally which will be examined in Chapter 1: Literature Review.

The structure of this dissertation is as follows:

Chapter 1 reviews the literature on trust, trust and society, honesty and accountability and links emerging themes in this area to the university. The history of governance in the university is outlined from the middle-ages through to emerging governance architectures which are identifiable in the early 21st century. The impact of governance in the private sector on public sector governance in general and university governance in particular is explored. Important distinguishing features in university governance suggesting themselves in the literature are noted. Emerging challenges facing the university on a global basis are documented and their possible impact on governance architecture discussed.

Chapter 2 deals with the history of the universities in Ireland. Public governance in Ireland, in particular the Strategic Management Initiative is examined. The impact of this on the governance architecture of universities is discussed. Developments in the governance architecture, from the *Universities Act 1997* through various joint reports published by the Higher Education Authorities and the Irish Universities, are documented and analysed in the light of the changes in governance taking place in the wider world. The existence of a binary system of higher education in Ireland is briefly noted including the different levels of academic and institutional autonomy in both sectors. Two important reports impacting on university governance and accountability in Ireland are discussed. The first is the OECD report *Higher Education in Ireland* (2004) which examined the entire spectrum of tertiary education in Ireland and made a number of suggestions for improvement. The second is the *McCarthy Report* (2009) on public sector expenditure and public sector employee numbers which recommended the closure of the buffer body between the universities and the State and the absorption of university governance into the Department of Education and Skills. Recent legislative change, *The Institute of Technology Act 2006* and the *Financial Measures Miscellaneous Provisions Act 2009* are also discussed. These Acts made fundamental changes to the governance and accountability arrangements for universities. Finally the

'National Strategy for Higher Education to 2030' (Hunt, 2011) is discussed from the perspective of the proposed changes to the governance architecture for universities in Ireland.

Chapter 3 describes the methodology followed and the methods employed in carrying out the research. The methodology used is mixed methods and the methods employed were i) traditional historical analysis of archive records held at National University of Ireland, Maynooth with confirmation of the findings with senior executives in other universities; ii) using the findings from the archive analysis and comparing them to a pre-existing OECD survey on university autonomy carried out in 2003; iii) comparing the changes in governance over time identified in the archive with the related quantum of government investment in higher education and iv) qualitative analysis of interviews held with the Presidents of the seven universities and representatives of the State sector.

Chapter 4 reviews the archive of the governance structures at National University of Ireland, Maynooth and its predecessor organisation, the Recognised College of St. Patricks College, Maynooth. It examines the nature of governance and accountability at four points in time, 1980, 1990, 2000 and 2010. Governance as operated at Maynooth and between Maynooth and the State is placed in typologies of governance in each of those years with the movement over the period analysed in light of the earlier literature review. The 2003 OECD report on university autonomy is used to weigh the extent of university autonomy at each of the points in time. The impact of changes in public sector management generally on the operation of governance and accountability, as experienced at Maynooth, is discussed. Conclusion are drawn on the nature of governance in the Irish university sector in each of the years examined based on the findings from the Maynooth Archive review and validation of governance with other key actors throughout the period.

Chapter 5 examines semi-structured interviews carried out with the Presidents of the seven universities in Ireland during the summer of 2011 and the four interviews with leading representatives of the State are also examined. The responses to difference questions are triangulated in an attempt to understand how the interviewees view the relationships between trust, autonomy/accountability axis, role and purpose of the

university and fitness for purpose of the governance architecture. Some discussion takes place in this chapter on the responses received to the interview questions with some references to the literature as appropriate.

Chapter 6 discusses the findings from the research results outlined in the previous two chapters and a number of conclusions are drawn. The issues emerging are compared to the issues arising in the review of the literature. A significant conclusion is reached in relation to trust, or the lack of trust, in the relationship between the university and the State and whether it is an important factor given the emergence of a new type of relationship between the State and the universities as agencies of the State.

Chapter 7 concludes the thesis with a summary of the findings and recommendations.

This study is intended to make a contribution to the university governance debate in Ireland. Strategy for Irish higher education and within that the Irish university sector is largely determined by Irish policymakers. Education is not a policy concern of the European Union (EU) because successive EU treaties treat education policy as a national competence. Clearly the funding of education, including third level education is a concern for the International Monetary Fund, the European Central Bank and the EU, the international agencies underwriting the Irish economy at the present time. Ireland has lost its economic sovereignty following the meltdown of the Irish banking sector and Irish economy in 2008. Despite this Irish policymakers set national priorities within overall expenditure limits. Improved governance arrangements could provide the confidence for the Government of Ireland to increase or at least maintain at current levels the public investment in Irish universities.

This study has confirmed that the burden of governance and accountability has increased substantially in Irish universities since 1980. Other writers have identified a perceived increasing burden but this study confirms the growing burden in Ireland. This study attempts to quantify the extent of the increased burden in Ireland over the past 30 years. This will be useful as governance arrangements are examined in the Irish public sector generally following the financial meltdown of the Irish economy in 2008 and specifically in Irish tertiary education following the publication of the *National Strategy for Higher Education to 2030* (Hunt, 2011).

The importance of a trusting relationship within a regulatory framework has been identified in this study. This consideration will provide a reference point for policy makers and legislators when examining any governance arrangements between publicly funded entities and the State which funds them. This has been an important missing link in the governance debate in Ireland up to now.

This study builds on a number of existing publications on the governance of universities and the relationship between the university and the State in other countries. It goes deeper than previous studies into the governance relationship between Irish universities and the Irish State and puts trust at the centre of the study of the architecture of governance. As a result this study provides new insights into university governance which will have resonance throughout the global university system. This study therefore adds to the canon of work on the topic of university governance.

This study makes recommendations for improved university governance in Ireland. These recommendations will assist policy makers develop new systems and processes of governance in the years ahead. The study also identifies areas where further research could usefully be carried out to further enhance the governance discourse in Irish universities. This will help future education research scholars identify suitable topics for investigation and further add to the body of literature in the area.

Finally this study identifies a paradigm change is taking place in Irish university governance. This change refers to the increasingly problematic nature of understanding the State/university relationship from the perspective of the autonomy/accountability dichotomy. This thesis concludes that a new order is emerging where the universities are being co-opted to the machinery of the State as public bodies with public policy objectives and subject to direction by central State planners and policy makers. Co-optation by the State of the universities for this purpose has not resulted from the free exercise of autonomy on the part of the university but by government taking advantage of a “dependent” university system (Kogan, 1998) and government changing the rules for the governance and management of universities including fine-tuning “additional procedures and criteria of assessment as the need arises” (Neave, 1998, p.278). In this context co-optation means that the government colonises an existing organisation which

is serving a public good and moulds that organisation for the achievement of public policy objectives. This thesis argues that one of the key drivers of this change, and one of the key factors influencing the State as it directs the universities for State purposes is a loss of trust on the part of the State in the universities. In making this finding a subtle difference is drawn between ‘trust in the universities’ and ‘confidence in the universities’. The State is confident that the universities can and will deliver State policy objectives, such confidence being derived from the infrastructure and expertise of the universities and the provision of substantial State resources as a *quid pro quo* for this delivery. However a governance system of shared objective setting, accountability for outcomes, accountability for probity in the use of public monies and the achievement of value for money, and heavy regulation will be used to closely monitor the universities as they set about the public policy objectives of the State. Demonstrable achievement of public policy objectives will bring financial rewards, failure to achieve will bring penalties. Trust simply does not arise. There is no trust.

Chapter 1 Literature review

Trust and the university

1.1 Introduction

This chapter explores the concept of trust as a human construct, beginning with the nascent trust of a child in those charged with minding and rearing her. The individual one to one nature of trust is examined. Trust is then related to social capital and the concept of trust is then expanded to include institutional trust and its abuses. Dimensions of trust identified include: natural trust (psychological, with a physical basis in the brain), trust between individuals (again psychological with a physical basis in the brain and often triggered by similarities or apparent similarities but built upon as a learned experience), trust between individuals and institutions (experiential), trust in the State, honesty, accountability, trust and society, trust and social capital. A fall off in trust in corporations and academic institutions following the 2008 financial meltdown of banking and the global economy is noted.

A review of the literature on trust will be used to establish that trusting relationships exist at a number of levels. Figure 1 sets out a ‘trust landscape’ which will be referred to in the thesis.

Individual	→	Individual
Individual	→	Institution/Organisation
Institution/Organisation	→	Individual
Institution/Organisation	→	Institution/Organisation
Individual	→	State
Institution/Organisation	→	State
State	→	Institution/Organisation

Figure 1: Trust landscape

The governance of universities through the ages is examined below to determine if there is anything to suggest that the perception of a decline of trust is justified. Typologies of

governance evident in university/State relationships are examined. The history of the governance movement is outlined culminating in the emergence of new managerialism as a governance code for universities. Whether new managerialism is appropriate for the governance of universities is discussed in the light of those things that make the university different from other forms of organisation including institutional autonomy, academic freedom and tenure together with the moral nature of the endeavour, removed as it is from shareholder value and profitability. The current issues and challenges facing the university in the global, connected world are explored.

1.2 Trust

Trust is essential. Without trust the human species simply could not have survived. According to leading organisation analyst and social psychologist Roderick M. Kramer (2009) we are wired to trust from birth. He states

It all starts with the brain. Thanks to our large brains, humans are born physically premature and highly dependent on caretakers. Because of this need, we enter the world “hardwired” to make social connections. The evidence is impressive. Within one hour of birth, a human infant will draw her head back to look into the eyes and face of the person gazing at her. Within a few more hours, the infant will orient her head in the direction of her mother’s voice. And, unbelievable as it may seem, it’s only a matter of hours before the infant can actually mimic a caretaker’s expression.

Kramer, 2009, p. 70

Kramer documents how trust works for individuals. We are more likely “to trust people who are similar to us in some dimension” (2009, p. 70). Physical touch is also significant in trust. Kramer cites psychologist researchers Lisa DeBruine and Dacher Keltner to conclude “It often doesn’t take much to tip us towards trust” (2009, pp. 70-71). Kramer argues we have a “presumptive trust” (2009, p. 71). This is where “we approach many situations without any suspicion” (2009, p. 71). He argues this approach has served us well in that “things seldom go categorically wrong when we trust, so it is not entirely irrational that we have a bias towards trust” (2009, p. 71). Kramer states that trust “entails a state of perceived vulnerability or risk that is derived from individuals’ uncertainty regarding the motives, intentions, and prospective actions of others on whom they depend” (1999, p. 571). According to Matthews (2010), Kramer believes trust “consists of a three part relationship involving properties of the

truster, attributes of the trustee and specific context over which trust is conferred as a way to move forward” (Matthews, 2010, p.47).

Kramer notes that “trust entails risks” (2009, p. 74). He believes individuals should approach other individuals with caution. He states

Salting your world with lots of small trusting acts sends a signal to others who are themselves interested in building good relationships...it leads to more positive interactions. It works because it’s incremental (and thus manages the risk intelligently) and contingent (that is, tied to reciprocity).

Kramer, 2009, p. 75

This reflects the concept of trust as a human choice behaviour. Trust is therefore rational and thought of as something that can be observed. This rational trust has been defined by Schelling (1960) as “a conscious calculation of advantages, a calculation that in turn is based on an implicit and internally consistent value system” (p. 4). According to Kramer, Hardin has argued trust has two central elements. “The first is the knowledge that enables a person to trust another. The second is the incentive of the person who is trusted (the trustee) to honor and fulfil that trust” (Kramer, 1999, p. 572). This is an important observation. Hardin (1992) states that “One’s trust turns not on one’s own interests but on the interests of the trusted. It is encapsulated in one’s judgement of those interests” (p. 153). He goes on to state “Trust is a three-part relation: A trusts B to do x (Baier 1986, 236; Luhmann 1979, 27). Typically I trust you to do certain kinds of things. I might distrust you with respect to some other things” (Hardin, 1992, p. 154). Trust involves giving autonomy to another to affect the interests of the trusting party. As we have seen there can be risk involved. According to Hardin, one’s experience of trust and the trustworthiness of other parties in the past will affect how you trust or distrust that party in the future. He states “experience moulds the psychology of trust” (p. 155). It follows that if one trusts another and the other does not reciprocate in the expected fashion then trust will turn to distrust. Hardin (1992) identifies a difference between trust and trustworthiness. He cites McKean (1975) and states “it is not trust per se that is the collective good in his account, but trustworthiness” (Hardin, p. 159). This places an onus on the trusted party to act appropriately.

Hardin (2006) notes that individuals can trust each other. He also asserts that individuals can trust institutions. For example individuals trust various forms of court in the judicial process and accept findings made as honest and acceptable. Hardin states “Creating institutions that help secure trustworthiness thus helps to support or induce trust” (p. 159). Hardin does identify declining trust levels amongst ordinary citizens in government over a period of the last fifty years. He does not judge whether the citizen is correct in not trusting the State. He does argue that there are times when “we should be less confident of the people than the government” (Hardin, 2006, p. 170). In this context he argues bad law was being made in California by successive referenda on issues that were too complex to communicate in the timescales allowed. The media became the main drivers in these debates and perverse decisions resulted. There are echoes of critical theorist Jurgen Habermas (1987) and his views on the mass media in Hardin’s findings referred to above. Hardin also identifies a situation where citizens do not trust government or public institutions but do trust the individuals within government or the institutions with which they have dealings.

Two oddly contradictory claims are made of citizens’ actual trust in government. They are said not to trust government in general but typically to trust the individual agent of government with whom they personally have dealings.

Hardin, 2006, p. 167

Hardin also documents trust by institutions in individuals. He draws on the work of Portes and Sensenbrenner (1993) and documents how Cuban immigrants in Florida in the 1960s were able to source loans from local banks purely on the word of mouth reputation for previous business acumen in Cuba. These loans “were invariably repaid and their recipients often went on to great prosperity” (Hardin, 1992, p. 170)

It is interesting that Bourdieu worried about a breach of trust when publishing, with others, a series of sociology case studies in France in 1993. A 1999 translation has Bourdieu writing in the introduction as follows

How can we not feel anxious about making private words public, revealing confidential statements made in the context of a relationship based on trust that can only be established between two individuals

Bourdieu, 1999, p. 1

It is interesting Bourdieu sees trust as existing between individuals. This one to one trusting relationship is also observed by Hardin. This one to one trust is the trust we are “hardwired” for at birth as documented by Kramer. However other relationships on the trust landscape cannot be ignored.

1.3 Trust and society

Fukuyama addresses this issue from the perspective of an economist. He states “economic activity represents a crucial part of social life and is knit together by a wide variety of norms, rules, moral obligations, and other habits that together shape the society” (Fukuyama, 1995, p. 7). Using four vignettes of late twentieth century economic life he states “one of the most important lessons we can learn from an examination of economic life is that a nation’s well-being, as well as its ability to compete, is conditioned by a single, pervasive cultural characteristic: the level of trust inherent in society” (Fukuyama, 1995, p. 7). His vignettes deal with four large scale business decisions where a more optimum short-term decision presented itself. However two parties to the business, management and workers or investors and companies, joined together with short term sacrifice for long term success. “The economic actors supported one another because they believed they formed a community based on mutual trust” (Fukuyama, 1995, p. 8). One of his vignettes refers to the Ford Motor Company adopting lean manufacturing techniques at its Highland Park and River Rouge auto plants near Detroit from the Toyota Motor Company of Japan. The traditional Ford approach was based on defined jobs and hierarchical structure of workers, supervisors, managers and so on. Ford, because it emerged as a significant volume employer in the 1920s, was traditionally highly unionised and unions defended the status quo. River Rouge was the location of a famous industrial dispute in 1932 when four workers lost their lives having been shot at by State police seeking to break a worker picket. Toyota had invented a manufacturing process called ‘lean manufacturing’. This is where the worker is the key resource in the production process. They bring the production process to a halt if there is a problem.

Those people operating the line are forced to fix these problems at their source rather than allowing defects to be incorporated into the final product. Thus, for example, in a traditional mass production factory a worker has every incentive to bolt on a door panel even if it is misaligned. In the lean

production facility, the line would be stopped until the problem with the door panel was fixed...

Fukuyama, 1995, pp. 258-259

Fukuyama concludes “it is no accident that lean manufacturing was invented in Japan, a country with an extremely high level of generalised social trust” (1995, p. 258). He notes an MIT study which suggests that the technique is a general management approach and not culture dependent. Fukuyama disputes this, noting that efficiency levels in Japan are higher than in Japanese owned lean manufacturing plants in North America and significantly higher in Japanese owned manufacturing plants in Europe. Indeed lean manufacturing plants owned by US car manufacturer have a similar performance to Japanese owned plants in the USA. Fukuyama argues that the USA is culturally closer to Japan than Europe in that it has a more developed sense of community. In fact he argues command and control manufacturing – the assembly line – was “an aberration in American history” and that lean manufacturing was the USA’s “authentic alternative set of cultural roots” (p. 266), a culture of societal trust.

Fukuyama goes on to document poor economic performance resulting from societies where mutual trust was not present. He states “The problem is one of a deficit of what the sociologist James Coleman has called “social capital”: the ability of people to work together for common purposes in groups and organisations” (Fukuyama, 1995, p. 10).

Coleman argues that people recognise and associate with the norms and values of the society with which they are familiar. People will subvert their personal ambitions for the greater good when working within these societal norms. Out of such values trust emerges.

Putnam defines social capital as “features in social organisation, such as networks, norms, and trust, that facilitate coordination and cooperation for mutual benefit. Social capital enhances the benefits of investment in physical and human capital” (Putnam, 1993, p. 2). Trust is at the heart of social capital for Putnam, and social capital is at the heart of civic and economic success. Writing about the evolution of regional government administration in Italy over the first twenty years after power was devolved to 20 such regional governments in 1970 Putnam claims he and others identified the real reason for successful government as against unsuccessful government. He states

“strong traditions of civic engagement – voter turnout, newspaper readership, membership in choral societies and literary circles, Lions Clubs, and soccer clubs – are the hallmarks of a successful region” (Putnam, 1993, p. 3). He links social capital to civic engagement.

Fukuyama, Coleman and Putnam suggest that trust is important and has value. They all agree trust exists at many levels and the concept of trust by institutions in institutions is therefore real. Fukuyama defines trust as “the expectation that arises within a community of regular, honest, and cooperative behaviour, based on commonly shared norms, on the part of other members of the community” (Fukuyama, 1995, p. 26). He goes on to state “Social capital is a capability that arises from the prevalence of trust in society or certain parts of it. It can be embodied in the smallest and most basic social group, the family, as well the largest of all groups, the nation, and in all other groups in between” (Fukuyama, 1995, p. 26). This suggests that the university, the university system and the State are also capable of being trustworthy and trusting in each other. Fukuyama addresses the economic advantages of trust. “People who do not trust one another will end cooperating only under a system of formal rules and regulations, which have to be negotiated, agreed to, and enforced, sometimes by coercive means. This legal apparatus, serving as a substitute for trust, entails what economists call “transaction costs”. Widespread distrust in a society, in other words, imposes a kind of tax on all forms of economic activity, a tax that high trust societies do not have to pay” (Fukuyama, 1995, pp. 26-27).

Pierre Bourdieu described social capital as “the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance or recognition” (Bourdieu, 1985, 248). According to Portes, Bourdieu produces “the most theoretically refined” (Portes, 1998, p. 3) understanding of social capital in the broad discourse. There are two elements to social capital for Bourdieu “first, the social relationship itself that allows individuals to claim access to resources possessed by their associates, and second, the amount and quality of those resources” (Portes, 1998, pp. 3-4). Social capital for Bourdieu implies reciprocity. This can be interpreted as trust. Again Bourdieu deals with trust by individuals in individuals from similar backgrounds and with similar world views.

Coleman raised the prospect of institutional trust and social capital before other writers such as Fukuyama and Putnam. According to Portes, Coleman was confused by a number of elements relating to social capital. These were those making claims to social capital, those donors willing to give access to their social capital and the resources themselves. This contrasts with the clarity of thought found in Bourdieu. However according to Portes “Coleman’s essays have the undeniable merit of introducing and giving visibility to the concept in American sociology, high-lighting its importance for the acquisition of human capital, and identifying some of the mechanisms through which it is generated” (Portes, 1998, p. 6). Coleman documents how the fear of community ostracisation ensures New York Jewish diamond traders can do business with each other without recourse to cumbersome legal contracts (Coleman, 1988, p. 99). This has strong echoes of Fukuyama transaction costs in untrusting societies.

Kramer notes that social connections create a ‘transitive trust’.

It’s not just the biases inside our heads that skew our judgement. We often rely on trusted third parties to verify the character or reliability of other people. These third parties, in effect, help us “roll-over” our positive expectations from one known and trusted party to another who is less known and trusted. In such situations, trust becomes, quite literally, transitive.

Kramer, 2009, p. 72

Kramer argues transitive trust “can lull people into a false sense of security”. The New York Jewish community were large scale victims of fraudster Bernie Madoff who exploited social connections to that community. When Bernie Madoff was convicted following a Securities and Exchange Commission investigation his hedge funds had a €65billion hole. He was jailed for over 100 years.

In the aftermath of the economic meltdown of 2008, with dishonesty and chicanery exposed throughout the world of finance, no villain put a human face on the collapse the way Madoff did, perhaps because his crime encompassed far more than just the financial crisis. It was a timeless drama in itself, a morality play as ancient as human greed, as poignant as human trust.

Henriques, 2011, p. xxi

Henriques tells the story of a man who showed absolute sincerity when being completely dishonest and misleading. It is interesting the very community Coleman suggested were so bound together by social capital, that the fear of ostracisation from the community effectively ensured honest behaviour, was the community with the biggest financial exposure to an apparently sincere fraudster, one of their own. It is also interesting that the Securities and Exchange Commission, established by President Roosevelt to “rebuild trust in business” (HBR Editors, 2009, p. 73) following the financial crisis of 1929 had carried out numerous reviews of Madoff’s businesses in the previous sixteen years and given them, and by extension him, clean reports, reports which themselves conferred a sort of transient trust on Madoff, allowing him to swindle other victims (Henriques, 2011). Madoff was first investigated in 1992, a full 16 years before his illicit schemes were finally closed down. Henriques has shown that the businesses were already in trouble in 1992 and that Madoff had established his dishonest endeavours (2011).

Glen Loury (1977) also addresses the issue of social capital. He studied racial economic inequality in the United States in the late 1970s and he suggested the evident inequality amongst the African-American population as against the White American population could continue indefinitely without direct intervention by policy makers. Anya Kamenetz picks up on this theme when writing about the USA in the 1930’s. She states “A college degree was now the passport to the middle class” (Kamenetz, 2010, p. 13) and the middle class live what Life Magazine called, as cited by Kamenetz “the American Dream” (Kamenetz, 2010, p. 11). Portes suggests social capital is a traded transaction. He states “donors provide privileged access to resources in the expectation that they will be fully repaid in the future. This accumulation of social chits differs from purely economic exchanges in two respects. First, the currency with which the obligations are repaid may be different from that which they were incurred in the first place and may be as intangible as the granting of approval or allegiance” (Portes, 1998, p. 7). Again the expectation that the “chit” can be called in can be considered trust. The college education, paid for in money, effort and often family sacrifice comes with the expectation that the recipient/learner will live “the American Dream” and will be part of a social network of alumni and others associated with the university. It is therefore reasonable to assume that trust has a social context, that collective or institutional trust exists and that institutions themselves can trust and be trusted.

Trow (1996) picks up the theme of trust and society in the university context. He states the university is connected to society in three fundamental ways; through accountability, market forces and trust. He defines trust as “the provision of support by either public or private bodies, without the requirement that the institution either provide specific goods and services in return for that support, or account specifically and in detail for the use of those funds” (Trow, 1996, p. 3). Trow goes on to argue that the passage of the British university system from an elite system to a mass system has been accompanied by a reduction in trust on the part of the State in the universities (ibid. pp. 9-10). He links the decline in trust to the emergence of new types of institutions “many of which cannot claim the academic authority of elite forms of higher education” (p. 10) and to spiralling investment demands associated with massification. The restoration of trust in the universities, on the part of the State and society, rests with delivering quality outcomes for students and others in society. Neave (1998) also addresses trust in the context of the university/State relationship. He states that the power “to confer trust” rests with the State and this makes the university/State relationship unbalanced. Again Neave (1998) argues the demonstration of quality outcomes is the means to regain trust although he does warn that the State can, and often does, redefine what constitutes such quality outcomes.

1.4 Honesty

Another key aspect of trust is honesty. Trust and honesty go hand in hand. In arguing for “a culture of candor” O’Toole and Bennis state “We won’t be able to rebuild trust in institutions until leaders learn how to communicate honestly – and create organizations where that’s the norm” (O’Toole and Bennis, 2009, p 54). They go on to argue that “prudent leaders will see that increased transparency is a fundamental first step” (p 56). They raise interesting issues about organisations needing to be honest with themselves if they are to be publicly transparent and trustworthy. They define transparency broadly, as the “degree to which information flows freely within an organization, among managers and employees and outwards to stakeholders” (p 56). The flow of information outwardly to stakeholders is the exercise of accountability. Until recently accountability was largely about the disclosure of financial information to investors.

While such honesty is obviously necessary, that narrow interpretation produces an unhealthy focus on legal compliance to the exclusion of equally important ethical concerns, and on the needs of shareholders to the exclusion of the needs of other constituencies

O'Toole and Bennis, 2009, p. 56

In a Harvard Business Review survey of its readers carried out in January 2009 21% of the respondents had less trust in academic institutions following the autumn 2008 financial meltdown of the global economy. Whereas this was not as significant a drop as the loss of trust in senior management in US companies registered at 76%, it would be wise for academic institutions not to ignore the development. Clearly some respondents associated academic institutions with the economy.

I'm angry about the inattention to ethics and values-based leadership in business schools. We didn't need the current meltdown to tell us that; the Enron and WorldCom scandals proved it more than seven years ago

Podolny, 2009, p. 63

Podolny reports extracts from public letters to the New York Times printed in March 2009. The newspaper had reported financial difficulties in funding the humanities as a result of the financial crisis. "The letter writers alluded to the fact that by studying the arts, cultural history, literature, philosophy, and religion, people develop their powers of critical thinking and moral reasoning" (Podolny, 2009, p. 63). Business schools do not teach these subjects and MBA graduates "made shortsighted and self-serving decisions that resulted in the current financial crisis" (Podolny, 2009, p. 63). This points to a tension between the traditional role of the university as an educator, perhaps a creator of an informed citizen as against a modern day university which produces trained human resources for the economy. There is a concern that universities and third level institutions focus too much on servicing the needs of the economy for human resources and "emphasise career and not enough one's role in society. HE is in danger of becoming training and not education" (Fleming, 2010, p. 122). In order to identify why universities have found themselves in this position, it is important to trace the evolution of the university from its origins to the present day, and to identify shifts in governance and accountability across the ages.

1.5 University history and governance

Mora (2001) in exploring the history of the university states “the history of universities can be broadly divided into three periods” (Mora, 2001, p. 96).

	<i>Period One</i>	<i>Period Two</i>	<i>Period Three</i>
Timeline	Middle ages to eighteenth/nineteenth century	Eighteenth century to late twentieth century	1980's to the present day and into the immediate future
Mission	Diffusion of knowledge	Diffusion of knowledge Advancement of knowledge	Diffusion of knowledge Advancement of knowledge Exploitation of knowledge
Locale	Monastery	Campus evolving to being a hub for economic development of the region. Laterally collaborative for research purposes.	Campus but connected to the region and to other universities and the social world through multiple collaborations and alliances.
Activity	Face to face/ one to one. Small libraries.	Class and laboratory teaching; laboratory research; library.	Virtual delivery with some class and laboratory work; on-line with less emphasis on library.
Governance	Simple, often sponsored by local elites; traded goods. No outside governance or oversight; no accountability.	Initially collegiate self governance along faculty lines; later political involvement with academics due to massification and public investment/expenditure. Emergence of common objectives and lookalike mission statements. Growing accountability for financial management and outcomes.	Independent state oversight; contract between institution and state; HE system with national and global objectives. Further specialisation; civic engagement; Unique, focused mission. Transparent, candor based institutions.
	Autonomous in academic affairs	Autonomous in academic affairs	Autonomous in academic affairs.

Figure 2: University through the ages

The **first period** came into existence in the middle ages and he describes them as “autonomous corporations of students and masters” (Mora, 2001, p. 97). The internal governance was set up by the academics. They were self-financing depending either on property or student income. These universities were very much stand alone and removed from the localities in which they were located. Teaching was one to one between the master and his student. As Mora noted the institutions were autonomous. They catered for an elite. According to Kamenetz

From the 1600s on, colleges had enrolled a small number of rich elites, joined by a tiny percentage of the poor who were extremely smart, ambitious or just lucky.

Kamenetz, 2010, p. 13

Mora believes “intellectual vitality was probably not a prominent feature of the old university system” (Mora, 2001, p. 97). He goes on to argue that enlightenment, the emergence of encyclopaedias and modern science were disconnected from universities. Kamenetz agrees with this analysis when she says that, in America, colleges were often

established because each unique grouping or denomination wanted its own college. She states “each Protestant denomination in each colony wanted its own” (p. 2). She calls these early colleges in America ‘colonial colleges’. As regards academic standards she states

Any college that trumpets its centuries-long tradition of academic excellence, however, is lying. Colonial colleges were established long before high schools, so they often filled classes with barely literate fourteen- or fifteen-year-olds. Throughout the nineteenth century, nowhere were really challenging intellectual demands placed upon [students]

Kamenetz, 2010, pp. 2-3

Kamenetz, like Mora does not accept that the university of the first period were great centres of learning

One of the biggest historical fictions about college is that it purveys some kind of unbroken academic tradition: “the liberal arts”, “core curriculum”, “the classics” or “the canon”. Today’s definition of the liberal arts tend to emphasize elements like critical thinking, clear writing, and deep, layered reading of texts. These are all important skills for an age of information. They have little to do with anything taught in the old days. From the 500s through the 1800s, in Europe and later in America, the major pedagogical methods were memorization and recitation. ...The less intellectually inclined ignored their classes and rushed to private tutors at the end of the semester to cram their way through exams.

Kamenetz, 2010, p. 3

First period universities were therefore probably not that reflective of the centres of excellence associated with modern universities. However they had the trust of the communities they served precisely because they were often established to preserve the culture of the society and to serve the local elite. Governance was based on a collegial community of scholars controlling the curriculum, to the extent that one existed and the community itself and its neighbours and students providing enough resources for the scholars themselves to survive and thrive.

The **second period** can be traced to the eighteenth and early nineteenth century when the State began to take an interest in universities. The State began to fund universities to achieve State objectives. The academic staff were still largely autonomous and free to determine how the institution governed and managed itself in achieving the State’s

objectives. Several types of university existed including the German Humboldtian model with a focus on research and what Mora describes as the French Napoleonic model with a focus on teaching and scholarship. The purpose of the French universities at this time was to “serve the State by educating its officers and promoting economic growth by training the necessary elite” (Mora, 2001, p. 98). The French model as described by Mora loosely reflects the Idea of a University put forward by Newman in the mid nineteenth century. According to Rhodes (2001), Newman saw that

the arts – liberal, traditional, scholarly – were not only the heart of the university, they were the university. It was the arts that formed and shaped the gentleman, and it was the gentleman – informed, humane, reflective, enlightened – who defined and embodied the professions. It was not the professions that molded the man, it was the man that made the profession.

Rhodes, 2001, p. 48

Rhodes goes on to argue that Newman’s idea was just that, an idea never actually reflected in reality, even “Oxford with its cloistered halls and dreaming spires was never quite so pure, so free of professional entanglement as he remembered it” (Rhodes, 2001, p. 44). Readings (1996) believes that the university at the start of this period was characterised by the Kantian idea of reason and the Humboldtian idea of culture. At a time when the emerging symbols of modernity were the nation-state, the university and the industrial corporation (Wittrock, 1993, p. 361) different national university traditions were emerging. Newman was representative of a teaching tradition. “Newman did not see the advancement of knowledge as a central function of the modern university. He gave no room to research per se, suggesting that teaching was the principal function which defined the essence of the institution” (Peters, 2010, p. 152). Newman himself wrote

That it is a place of teaching universal knowledge. This implies that its object is, on the one hand, intellectual, not moral; and, on the other, that it is the diffusion and extension of knowledge rather than the advancement

Newman, 1852, p. xxxvii

Mora acknowledges a third model developed in the eighteenth century. This is the Anglo-Saxon model. This model “has a British and an American variant” (Mora, 2001, p. 98). The UK university was one where “the State refrained from interfering with universities and, they therefore, retained the traditional status” (Mora, 2001, p. 98).

Mora does not define traditional but implies such institutions were largely directed by academics governed by their own view of the world and academic needs as against the requirements of the State or the economy or any market. The Anglo-Saxon university was governed by academics divided along discipline or faculty lines. Kant addresses the organisation of the university in *The Conflict of the Faculties* which was first published in 1798. Universities at this time were as autonomous as “only scholars can pass judgement on scholars as such” (Kant, 1979 trans., p. 23) and catered for a small but growing elite in society.

The US variant is modelled on Harvard where the university “was an autonomous institution governed by a Board of Regents made up of non-academics belonging to the community the university was to serve” (Mora, 2001, p. 98). Mora argues that universities in the USA have an economic role in supporting local economic development. The first Morrill Act of 1862 saw over 17,000,000 acres of land sold to endow new State colleges. “Over the next century sixty-nine American universities were founded with the proceeds of this and the second Morrill Act of 1890” (Kamenetz, 2010, p. 5). Morrill “was an advocate of universal education, even for women and former slaves” (Kamenetz, 2010, p. 5). These new universities, established with State funding had specific obligations to support local and regional economic development. The State endowed universities with land to “guarantee their autonomy. The interests of the community in the university were represented by a Board of Trustees and academic freedom was guaranteed by awarding tenure to Professors” (Mora, 2001, p. 98). The Anglo-Saxon university was therefore autonomous, albeit with the US variant being focused on economic development. Rhodes also identifies the economic role of American universities. He traces this role to three pieces of legislation. The first was the Morrill Act of 1862 which provided for “the liberal and practical education of the industrial classes in the several pursuits and professions of life” (Rhodes, 2001, p. 5). The second piece of legislation was the Hatch Act of 1887 which “provided federal funds for research and experiment stations” (Rhodes, 2001, p. 6). The third piece was the Smith-Lever Act of 1914 which “provided additional funds for extension programmes designed to bring to their communities the benefits of campus based research” (Rhodes, 2001, p. 6). These legal instruments were a key factor in the emergence of what Rhodes calls “the American University”.

By the final quarter of the nineteenth century the general form of the American university had taken shape. It had become a learning community with a largely residential campus, embracing both a college of the liberal arts and sciences and graduate and professional schools, devoted to both teaching and research, committed to widening access and expanding public service. That structure continues into the twenty first century.

Rhodes, 2001, p. 7

At the end of the nineteenth century the dominant model of the university was one dedicated to both teaching and experimentation. The institutions were still largely autonomous but public monies were beginning to pour into the universities to meet national objectives.

The twentieth century was a period of massive change in universities. “In 1900, about half a million people worldwide were enrolled in colleges. A century later the number was 100 million” (Schofer and Meyer, 2005 as cited in Kamenetz, 2010, p. vii). The twentieth century is an era of massification and specialisation and ends with competition for students, staff, resources and reputation. Berdahl (1990) cites Trow (1974) describing the transition from an “elite to a mass system (that is, growing from educating under 15% of the college age cohort to a figure somewhere between that and 50%)” (Berdahl, 1990, p. 171) According to Berdahl, Trow describes “universal access” as where “some state jurisdictions now send over 50% of their high school graduates onto college” (Berdahl, 1990, p. 171). It is interesting that Trow saw the college cohort as exclusively high school graduates and did not recognise that an emerging adult education and life long learning cohort would seek growing participation in the years ahead (Drucker, 1993; Schuetze and Slowey, 2002; Duderstadt, 2002; Kamenetz, 2010).

At the end of this second period the university is still very much in its campus setting but is collaborating with other universities and corporations in carrying out research. It is delivering lectures and carrying out laboratory work in the traditional, instructional way. Supports are available to students from new technologies such as on-line lectures and tutorials and remote access to library collections. In the US

One in five of the nation’s eighteen million college students took at least one online class by the fall of 2006, according to a study by the Sloan consortium, but technology hasn’t yet changed the prevailing model or

brought down costs in higher education as it has for so many other industries.

Kamenetz, 2010, p. ix

Massification and specialisation are having a real impact on governance. States are becoming significant funders of higher education with ever-increasing levels of public monies being invested in universities. Governments are beginning to expect a return on the investment in terms of societal impact and the delivery of public policy objectives. Accountability for performance is becoming a vexed issue between the universities and the State. Because of this development universities are beginning to take on a similar look to each other as they attempt to emulate what successful universities have done, something C. Christensen and Eyring (2011) have called “Harvard imitation” (Introduction, p. xxx).

Berdahl (1990) summarises the changes in the 1800s and 1900s which led “to sharply increased tension between autonomy and accountability” (p. 171). He provides three major reasons for this. Firstly “from the German universities spread the greater importance of science and research as basic components of higher education, and governments began to see the direct links between universities, economic growth and military strength ” (p. 171). We have already seen the importance of the Humboldtian approach. Secondly, he suggests “the Morrill Land Grant Act of 1862 broadened the curriculum...led to diversification of higher education institutions, a larger and more heterogeneous student body with higher State costs, and ultimately brought forth the notion of university public service” (p. 171). The final suggestion relates to a general change in governance within governments. He mentions “widespread tightening of public accountability practices, particularly those related to the expenditure of tax dollars” (p. 171).

Mora goes on to argue that the **third period** began to emerge in the late 1990s and early twenty first century. He states

“The explanation both for changing attitudes towards universities and converging systems of university management and organisation is that we are witnessing the birth of a new kind of university, which we may call the universal university”.

Mora, 2001, p. 100

Changes are taking place in the world that have a real impact on peoples' lives. Globalisation, the process whereby time overcomes distance, is having a significant impact on all areas aspects of life, cultural, political and economic. Peters (2010) sees it driving "World Economic Integration" (p. 163) at an ever increasing pace. According to Peters the main causes of globalisation are "technological change in telecommunications, information, and transport" together with "the (political) promotion of free trade and the reduction in trade protections" (p. 163). The key elements are

- the organisation of production on a global scale
- the acquisition of inputs and services from around the world, which reduces costs
- the formation of cross-border alliances and ventures, enabling companies to combine assets, share their costs and penetrate new markets
- integration of world capital markets
- availability of information on international benchmarking of commercial performance
- better consumer knowledge and more spending power, hence more discriminating choices
- greater competition from outside the established industrial centres

Peters, 2010, pp. 163-164

Peters outlines some impacts of globalisation on ordinary workers. These include declining pay for unskilled labour, a requirement for better quality workers, "people and ideas assume greater significance in economic success", higher unemployment amongst unskilled workers and the creation of new type of corporation "whose business is knowledge and ways of handling knowledge and information" (p. 163) and employing knowledge workers. This in turn has created challenges for the university and its governance.

Kerr coined the phrase "multiversity" in 1963. He was writing about the emergence of a national university rising above the local and regional. He was talking about the breadth of subjects, the levels of degrees being awarded, undergraduate, masters, PhD, the growth in research and experimentation, increasing societal engagement and the contribution to the economic success of the nation. Mora is taking this further with the universal university.

This convergence in university governance models in different countries is characterised by greater State intervention. The State is trying to make universities responsive to societal needs. The universal university means a university for all in society and not just the elite as well as a university reaching out to the global world rather than the local, regional or national world. Mora argues that change is happening on a universal basis and is necessary. Access is an important agenda.

In 1935, for example, a study showed that 57 percent of young men with above-average income and high test scores attended college, while only 13 percent of their poorest classmates with the same test scores went there.

Kamenetz, 2010, p. 13

After the Second World War and the subsequent promotion of college attendance as a betterment for the overall society in America and the provision federal funding to students, massification of the US university system emerged. According to Peters it is the emergence of globalisation that breaks the link between reason and culture and creates a modern “university of excellence” (Peters, 2010, p. 155). Public servants and university administrators promote excellence and “bracket the question of value in favour of measurement and substitute accounting solutions for questions of accountability” (Peters, 2010, p. 155). Peters, and Reading (1996), believe the excellence agenda is just the “bureaucratization of the university” (Peters, 2010, p. 11). Skillbeck too identifies massification and the development of new disciplines as impacting on the university

The logic of production, productivity results, performance in the marketplace and accountability has been superimposed on that of the dispassionate quest for knowledge and the disinterested pursuit of truth... No longer the province of intellectual and social elites, the university collectively are open to a much greater proportion of the population than ever before. There is, too, a wider cross-section among the academic staff with a corresponding diversity of backgrounds and interests. The opening of the universities to the world, together with the scale, the resources needed and the impact of their operations, has meant that governments are increasingly attentive to their costs, procedures and results

(Skillbeck, 2001, p. 23).

The universal university concept, and its importance in achieving public policy objectives including economic objectives presents a number of challenges to higher

education. Before addressing these challenges it would be useful to know how governance has evolved to where it is today, before the challenges are addressed and the governance arrangements are further reformed.

1.6 The university in flux: models of relationships

Clark (1983) attempts to establish a typology of governance systems in higher education, as outlined in the following diagram:

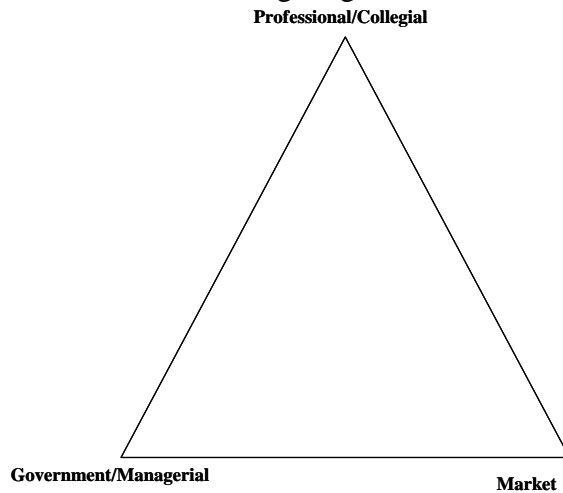


Figure 3: Clark's triangle of co-ordination

Clark proposes that the co-ordination of higher education is organised in a triangular space consisting of three dimensions of government, market and academic oligarchy (Professional/Collegial). Government can vary from centralised State authority to less State intervention. Market can have different degrees of market influence. Academic oligarchy reflects different degrees of collegial behaviour and involvement of professional academics in the management and governance of universities. According to McNay (1995) “the key word for the collegium is freedom” (p. 106). Writing about Clark's triangle he stated Clark viewed “liberty as an objective of university provision” (p. 106). He was addressing institutional freedom from outside controls “and academic autonomy” (p. 106). The government/managerial reflects the bureaucracy of regulation and compliance with regulation on the one hand and the use of measures and negotiation to determine actions on the other hand. Markets are about reputation, choice of students and collaborators, distinctiveness of institution and ultimately branding. Dill (2011) states Clark's model

is clearly derived from the earlier American Institutionalised School of political economy, which perceived organisational change to be a result of the complex interactions among the regulations of the State, the forces of the market and social norms

Dill, 2011, p. 2

Dill argues the forces of government regulation and control, market forces and sectoral norms are at play in public sector reform generally as well as reforms aimed at higher education. He is arguing the governance transformation that has taken place, and continues to take place in higher education is also occurring in other publicly funded endeavours.

Van Vught (1989) takes Clark's triangle and reduces it to a two dimensional relationship, the State on the one hand and higher education institutions on the other. He identifies a 'State Control Model' and a 'State Supervising Model'. The State Control Model has a strong State bureaucracy on the one hand and a strong academic community on the other hand. The State interferes to "regulate the access conditions, the curriculum, the degree requirements, the examination systems, the appointment and remuneration of academic staff etc" (Van Vught, 1994, 331). The academic community regulates the internal academic affairs of the university including teaching and research. The weakest link in this model is the administration functions in the university. According to Braun "the governance system is driven by the double authority of scientists and State bureaucrats/politicians" (Braun, 1999, p. 5).

The State Supervising Model has a strong internal administration function and a relatively weak State bureaucratic involvement. The State is remote. According to Van Vught

The State sees it only as its task to supervise the higher education system, in terms of assuring academic quality and maintaining a certain level of accountability. Government does not intrude into the higher education system by means of detailed regulation and strict control

Van Vught, 1994, 333

Kogan (1998) states that the move from the State Control model to the State Supervisory model is "a movement underpinned by the ideology of economic rationalism and privatisation" (p. 125). The collegial academic community has a

different role in such a model where the State begin to ‘steer’ as against ‘direct’ or ‘control’. The academics remain responsible for matriculation, curriculum, academic standards, research and awarding degrees. However institutional decision-making is largely in the hands of central university management.

Writing twenty one years after documenting his triangle of co-ordination Clarke states

Two hybrids now count most in the university world: one where centrality consists of State agencies and a second in which universities themselves assume primary command and make a wide range of mutual adjustments in related markets

Clark, 2004, p. 180

According to Skillbeck (2001) there is an international convergence in the relationship between the university and the State.

The combining of a steering/funding role for the State with self-governance and increasing independence in decision-making by the institutions to balance academic autonomy, has emerged as the common basic pattern. Autonomy in academic matters remains largely intact, although it can be affected by resourcing priorities and management styles.

Skillbeck, 2001, p. 110

Braun (1999) links university governance transformation to issues arising from increased student numbers and “increasing diversification caused by the growing number of higher education institutions” (Braun, 1999, p. 1). In America alone “In 2007, 4,352 accredited public and private degree granting institutions enrolled 18.2 million students...enjoyed total revenues of more than \$410 billion” (Ferrall, 2011, p. 1). The comparable figure for student numbers in 1970 was 7.4 million (Kamenetz, 2010, p. 19). As a result of growth and specialisation Braun argues that governance is changing as a result of “the administrative strategies of the “New Public Management” or the “new managerialism” (Braun, 1999, p. 1). Braun proposes “The new managerialism can, therefore, be regarded as a governance model in its own right which has come to the fore since the 80s” (Braun, 1999, pp. 6-7).

Almost everywhere notions like management by objectives, contractualisation, service-orientation, efficiency, institutional autonomy,

steering at a distance etc. now belong to the daily discourse on reform of the organisation of research and education in universities

Braun, 1999, p. 2

Braun proposes a new governance model, a cube of governance (1999, p. 7) which places new managerialism as a governance approach in addition to market, academic collegiality and State control (p. 7). Diversification and the emergence of vocational learning have played a part in this change. Braun's cube adds a bureaucratic element to the three elements in Clark's triangle, academic collegium, State/government and markets. New managerialism is the bureaucratic approach and is reflected in measuring the impact of policy. The State is a separate element in the cube of governance, continuing to be responsible for policy setting. This model has strong echoes of Ashby (1966) who stated the university thrived when the political world, the bureaucratic world, the academic world and the markets were all aware of their role and that constant communication and education was required to keep these four pillars in balance. The university head has a key role to play in keeping the balance.

Braun's description of new managerialism is similar to that described by Grummell and Ryan that "management systems focus on the product of the Education, rather than the process – performance measurement, efficiency, accountability and audit culture" (Grummell and Ryan, 2008). Peters refers to this as the 'audit society'

It does not enable us to make judgements of value or purpose; it does not help us to answer questions of what, how or why we should teach or research; it can provide us with no direction, but serves only to maintain and monitor the system in the 'audit society'

Peters, 2010, p. 155

Skillbeck presents arguments in favour of 'managerialism'. He acknowledges that it is term used by academics in particular "to attack a style of governance and decision-making which they believe excludes them from major institutional decisions" (p. 116). Procedures have been changed to "concentrate power at the top" (p. 116). An academic's primary loyalty is to scholarship, truth, knowledge, the academic community at large and not to their employer university. But universities must be "more responsive, efficient, effective, accountable, transparent" and linked "better with

their communities”. There is a need he suggests, “to distinguish good governance and sound management from ‘managerialism” (p. 116).

Salter and Tapper (1995) relate the move away from consensus between the State and the universities in the UK to the oil crisis of the 1970s. From 1919 through to the 1970s the University Grants Committee (UGC) reported to the UK Treasury and represented the university sector and supported university development. Each university was supported to its needs. Multi-annual budgeting was operating from the 1940s to the 1960s (Salter and Tapper, 1995, p. 63). The system broke down due to the financial crisis in Britain following the oil crisis. Change happened quickly with allegations that the UGC was interfering in university autonomy. Salter and Tapper identified two important variables at the time. The UGC was placed under the responsibility of the Department of Education in the mid 1960s and its relationships with that Department were “more bureaucratic than personal” (p. 64). On the positive side “the relations which bound the State, the UGC and the universities continued to be based upon a considerable body of mutual trust” (p. 63).

1.7 New public management/new managerialism

Trow (1996) identified that the trust referred to by Salter and Tapper (1995) was ebbing away. He identified a growing burden of accountability in the British university system. He states “accountability is an alternative to trust, the effort to strengthen it usually involve parallel efforts to weaken trust. Accountability and cynicism about human behaviour go hand in hand” (Trow, 1996, pp. 2-3). Trow goes on to state

Related to this, and of special interest to educators; accountability to outsiders weakens the autonomy of institutions. Obligations to report are usually disguised obligations to conform to external expectations. And there is, or at least has been, a special case to be made for a high measure of autonomy for institutions of higher education

Trow, 1996, p. 4

Trow adds that “external accountability, when it applies common standards and criteria to many institutions, can work against diversity among them” (p. 4). He bemoans the fact trust is not considered a factor in higher education policy making. He argues it

should be. He states the accountability of managerialism “much more resembles the reports of a civil service in a defeated country to an occupying power” (p. 6).

Neave (1998) refers to the State managed through measurement as ‘the evaluative State’. This State by definition interferes and reinforces “State control beyond established bounds” (Neave, 1998, p. 270) and leads to contracts between universities and the State and a “cycle of negotiation between institution, agencies of surveillance and paymaster on such matters as budgets, institutional goals and degrees of their fulfilment” (p. 276). Neave sees the evaluative State as a challenge to traditional institutional autonomy. This method of governance allows the State to confer and withdraw trust as it sees fit.

It is apparent that the changes in governance in universities are part of a wider changing approach to governance in the public sector generally. There is evidence that in the education system, and particularly in the tertiary education system, this new managerialism has “shifted the focus of service delivery from one of democratic accountability in education” (Grummell, Devine and Lynch, 2008, pp. 1-2) to a more performance based approach. This suggests that university governance is being influenced by the same governance movement that is having an impact on publicly quoted companies in the private sector. Tom Christenson (2011) identifies a second wave “post new public management” T. Christenson states that new public management (NPM) took root in Anglo-Saxon countries in the 1980s. He states

specific reform measures have involved a mixture of devolution (vertical inter-organisational specialisation), increased horizontal specialisation (single-purpose organisations), a greater focus on markets, control through contracts and privatisation, stronger emphasis on service-orientation and a focus on users

T. Christensen, 2011, p. 127

He goes on to argue the first wave of NPM had systemic weaknesses which led to “the undermining of the executive political leadership’s control, capacity and ability to coordinate” (p. 127) with the surrendering of these factors to “administrators and corporate public leaders” (p. 127). A second wave of reform followed in the mid to late 1990s. “This second wave of reforms brought back some of the central control and capacity relinquished under NPM and introduced more cross-sectoral collaboration and coordination” (p. 128). He concludes

Rather than replacing NPM, the post-NPM reforms have modified some of the devolutionary features and strengthened its centralising characteristics, thus contributing to the evolution of a new complex hybrid and layered system of governance

T. Christensen, 2011, p. 128

Dill states that managerialism, the new public management and neo-liberal reforms have received wide consideration in the academic literature. However he argues that NPM can mean different things in different countries or cultures. He refers to “the new institutional economics that appear to be influencing public sector governance” (2011, p. 3). In society generally he lists amongst these as the belief that competition “is superior to State monopolies as a means of achieving the social benefits of increased innovation and efficiency” (p. 3), individual consumers are more rational than government bureaucracies, and that “transaction costs, including monitoring the self-interested behaviour of professionals, can be minimised through better specified contracts” (p. 3). In the university sector these influences can be seen by

- The facilitation and freeing of market forces by the adoption of competitive mechanisms for the allocation of government support for universities and by the reallocation of intellectual property rights
- Empowering users by mandating the provision of academic quality information to students as well as increasing utilisation of tuition fees for university funding
- Specifying contractual relations between government and the universities by tying research funding to clearly defined indicators of university output

Dill, 2011, p. 3

He argues that the role of information in higher education is becoming more and more important. Using information on inputs and outcomes has changed the way governments fund universities from simple block grants to more complex methods. These information requirements is linked back to managerialism or the perception of managerialism.

1.8 Governance movement

Before looking at governance in the university context it is worth considering the ‘why’ of governance, that is to understand why governance systems are considered necessary in organisations. According to Peter F. Drucker the emergence of the pension fund and other institutional investors as major players in the economy “makes obsolete all traditional ways of managing and controlling large business organizations” (Drucker, 1993, p. 70). He refers to the work of Adolph A. Berle and Gardner Means, first published in 1933 and refers to it as “One of the most influential American books of this century” (Drucker, 1993, p. 71). According to Drucker, Berle and Means identified that businesses had outgrown any one owner. Professional management emerged and controlled companies without an equity interest. According to the Harvard Business Review Editors a significant development in corporate trust took place in 1909

Moody’s publishes an analysis of the stocks and bonds of U.S. railroads, becoming the first to rate public-market securities. The growth of credit-rating agencies fosters trust by helping investors assess the riskiness of various assets”

HBR Editors, June 2009, p. 72

Berle and Means (1933) posed the question “To whom therefore is management accountable...and for what?” (Drucker, 1993, p. 71). According to Fama (1980) the answer lies in the principle of ‘agency’. Put simply the owners of finance capital are removed from the firm and appoint executives to manage the firm on their behalf. All involved have an interest in the success of the firm and the traditional model of employer and employee is seen to not apply in these types of organisations, at least for executive managers. He states “ownership of capital should not be confused with ownership of the firm” (Fama, 1980, p. 290). He links this discussion with portfolio theory where investors or owners of financial capital, as against owners of the firm, are diversified in order to spread risk. Therefore they have no special interest in overseeing the direction of any particular firm. The need for accountability, incentivisation and formal management processes emerges from this situation. Clearly this form of financial capital is different from the economic, social and cultural capital addressed by Bourdieu. “Much of Bourdieu’s work focuses on the interplay among what he distinguishes in, social, cultural, and economic capital” (Calhoun, Li Poma and Postone, 1993, p. 5). Agency in this instance is also different to the concept of agency attributed

to Horkheimer by McNay (1992, p. 100) where the male parent in early bourgeois society was an identified and respected figure of authority and which helped teach respect for authority to society as a societal norm, the family becoming a form of agency on the part of the State. Fama's agency is formalised, agreed and well understood by all parties to the agreement and to society. Horkheimer's agency, as described by McNay (1992, p. 100) is a theory on how society worked prior to the industrial revolution and how the authority role of one parent interacted with the intimacy role of the other parent, the mother.

The governance movement was born out of situations where ethical behaviours were not present on the part of executives and further checks and balances to assure the absent owners of financial capital that their capital was being managed honestly were therefore necessary.

There are a number of reports published by the accountancy bodies and the London Stock Exchange dealing with issues of independent directors, internal audit, director's remuneration and risk management. The genesis of these reports, the Cadbury Report (1992), the Greenbury Report (1995), the Hampel Report (1998) the Turnbull Report (1999), the Smith Report (2003) and the Higgs Report (2003) which collectively set down large parts of the code of governance for publicly quoted companies in Ireland and the UK was often financial scandal and investor losses (Cadbury, 1992, Preface). Governance in this context is about transparency, accountability, ethical behaviour, timeliness of reporting and reward for perceived success. The purpose of codifying corporate governance was to allow "companies to strengthen both their control over their businesses and their public accountability" (Cadbury, 1992, p. 11). Adherence to the code by companies and auditors "will also strengthen trust in the corporate system" (Cadbury, 1992, p. 12). Generating trust is therefore a key consideration in codifying governance.

While the accountancy bodies were driving the governance agenda in the United Kingdom and Ireland similar developments were taking place in France, Canada, South Africa, Holland (HEA, 2001, p. 20) and no doubt elsewhere. Collectively these documents and reports are sometimes referred to as the governance movement. As observed by Cadbury

The issues which arise in the governance of voluntary agencies, public sector bodies and professional organisations are broadly similar to those which arise in the governance of companies...The essential point is that good governance is an aid to effectiveness. It is not there to shackle enterprise but to harness it in the achievement of its goals. The governance movement, which started in the United States and Britain, has now spread worldwide and it is instructive to pick out the common threads that run through the codes of good governance that have been published internationally

Sir Adrian Cadbury in Davis, 1999, p. ix

Cadbury lists these threads as the existence of openness and transparency, the presence of independent outsiders on the governing body and the existence of checks and balances to ensure that too much power is not concentrated in one individual.

Under the heading of 'Reporting Practice' the Cadbury Report cites research which shows "the mostly widely read part of company reports is the opening statement, normally by the chairman" (Cadbury, 1992). He then goes on to describe the need to report to shareholders on financial performance, board strategy and directors remuneration. This report never strays beyond financial governance.

The Greenbury Report (1995) deals exclusively with directors and primarily with disclosures to do with directors, including directors' remuneration and shareholdings. Movements in shareholdings of directors are to be disclosed.

The Hampal Report (1997) was the first to suggest governance is about more than financial disclosure and financial performance. In arguing for principles of governance and not hard and fast rules that could lead to "box ticking" the report states

A company must develop relationships relevant to its success. These will depend on the nature of the company's business; but they will include those with employees, customers, suppliers, credit providers, local communities and governments. It is management's responsibility to develop policies which address these matters; in doing so they must have regard to the overriding objective of preserving and enhancing the shareholder's investment over time.

Hampal, 1997, p. 12

It is therefore evident that Hampal views good governance as contributing to shareholder value. Having mentioned the wider relationships necessary the report does not address how to bring these about, leaving it to management to develop policies for this purpose. Hampal does have one interesting recommendation, that the role of Chief Executive and Chairperson should be held separately. Cadbury had said this was desirable but Hampal goes further and suggests it is best practice.

The Turnbull Report (1999) deals with the need for a sound system of internal control. It recognises that businesses operate in the wider world. “The guidance is based on the adoption by a company’s board of a risk based approach to establishing a sound system of internal control and reviewing its effectiveness” (Turnbull, 1999, p. 4). The report imposes a demand for a system of internal financial control and a formal review of risk management. A board is required to produce an annual statement of internal control stating it has a risk management process in place which is kept under regular review. Optionally the board may report the nature of the process and the findings from the process during the year being reported upon. There is a requirement that the statement should “not give a misleading impression” (p. 11).

Of course all of these reports predate the collapse of Enron, Worldcom, Marconi and other big name companies at the start of the new millennium. These corporate collapses had real victims

Those affected were not just the beneficiaries of mainly public sector pension funds who had invested heavily in Enron stock, but also the many employees of Enron itself who were even more exposed than the pension funds were to fluctuations in the company’s fortunes, thanks in part to a ‘pensions blackout’ which prevented them from moving their section 401(k) pension plans into alternative investments during the Autumn of 2001

Deakin & Konzelmann, 2003, pp. 13-14

In the aftermath of these corporate collapses the OECD issued six principles of corporate governance. These were that the corporate governance framework should

- promote transparent and efficient markets, be consistent with the rule of law and clearly articulate the division of responsibilities among different supervisory, regulatory and enforcement authorities.
- protect and facilitate the exercise of shareholders’ rights.

- ensure the equitable treatment of all shareholders, including minority and foreign shareholders. All shareholders should have the opportunity to obtain effective redress for violation of their rights
- recognise the rights of stakeholders established by law or through mutual agreements and encourage active co-operation between corporations and stakeholders in creating wealth, jobs, and the sustainability of financially sound enterprises.
- ensure that timely and accurate disclosure is made on all material matters regarding the corporation, including the financial situation, performance, ownership, and governance of the company.
- ensure the strategic guidance of the company, the effective monitoring of management by the board, and the board's accountability to the company and the shareholders.

extract OECD, 2004, pp. 17-25

These principles focus initially on the old agency arrangements documented by Berle and Means, 1933; Fama, 1980; and Drucker, 1993. The fourth principle does recognise other “stakeholders established by law or through mutual agreement” (OECD, 2004, p. 19). Overall there is little difference with the OECD principles and the views expressed by Cadbury in 1999.

Deakin and Konzelmann (2003) documented the issues around the collapse of Enron and found that “Enron’s ‘laser focus’ on shareholder value helped neither its board nor, paradoxically its shareholders” (2003, p. 14). They concluded “The true lesson of Enron is that until the power of the shareholder value norm is broken, effective reform of corporate governance will be on hold” (2003, p. 14). They go onto argue that the immediate responses to the collapsed companies was the USA Sarbanes Oxley Act, 2002 and the Smith Report (2003) and the Higgs Report (2003) in Great Britain. These documents attempted to address the problems of corporate failures by further strengthening existing governance measures rather than viewing governance and responsibility differently. Smith and Higgs readdressed the role of the audit committee, the role of external audit, reporting, the role of the board and the chairperson, appointment and remuneration of directors and board self-evaluation of its own performance. Higgs suggests new directors should familiarise themselves with a company’s “key performance indicators” (2003, p. 75).

Following the financial meltdown of 2008, the responses in governance terms to Enron, Marconi and other failures are beginning to look misplaced in that they focused on more of the same type of governance that went before rather than re-focusing governance on sustainability. Transparency in all matters is required it is argued by O'Toole and Bennis. "Organisations that fail to achieve transparency will have it forced upon them. There's just no way keep a lot of secrets in the age of the internet" (O'Toole and Bennis, 2009, p. 56). These authors cite the case of plans to build a chemical plant in Xiamen, a scenic coastal city in China. A local blogger warned residents in 2007 of the plan. According to O'Toole and Bennis the plant would have been built without any consultation and would have appeared without residents knowing what it was, at least initially. Protests against the plant were organised.

Although government censors promptly shut down their websites, the protesters took photos of the demonstration with their cell phones and sent them to journalists. A million messages opposing the plant reportedly were circulated. The government eventually agreed to do an environmental impact study, and the plant was moved 30 miles out of town.

O'Toole and Bennis, 2009, p. 58

This could not have happened if a culture of candour had existed. It is also unlikely this could have happened in what Fukuyama (1995) has described as a high trust society. Technology advancement is creating societal accountability.

Thus governance can now be seen to be taking on an additional accountability, an accountability to society. Most companies quoted on the major stock exchanges of the world produce a statement on the companies wider role in society. These reports often address issues of environmental sustainability and corporate responsibility including the use of ethical supply chains and support for disadvantaged groups. Following the collapse of Enron and similar corporate failures companies are aware that profit and shareholder value are no guarantee of long term business success. Organisations have a trusteeship responsibility to wider society.

1.9 Governance and the university

In any event it is clear the governance movement as led by Cadbury, OECD and others is driving the overall governance agenda in the public sector. University governance is

also being impacted by the governance movement because of the growth in public funding being applied to higher education. Private sector governance and accountability is about financial performance related to ‘shareholder value’, about internal governance structures where too much power is not vested in any one individual manager. It aims to implement appropriate segregation of duties, having external regulation and oversight, transparency and openness on management decisions and financial standing and timely relevant reporting. Policy makers are importing governance and accountability based on these principles into the public service on a global basis. The demand for accountability is growing in line with the growth in public monies going into universities on the one hand and in line with the expectation that universities have a part to play in the economic and social success of nations on the other hand. Duderstadt comments “how they demand accountability, while perhaps appropriate for the Ministry of Transportation, may not work for universities” (Duderstadt, 2002, pp. 16-17). The purpose of the university is not shareholder value. It is clear universities are consumers of substantial public funds. It is difficult to argue with Verry and Davies when they suggest that

Universities are major users of a nation’s resources. Inefficiency in the university sector represents a real welfare loss as surely as does misallocation of resources elsewhere in the economy. In this sense, at least, higher education is no different than any other industry

Verry and Davies, 1976, p. 1

It is very difficult to argue with the accountability for the use of public funds. Duderstadt argues that universities are different.

The traditional roles of the university revolve around the core of teaching and scholarship: we educate the young, seek truth and create knowledge, propagate our culture and values from one generation to the next, sustain the academic disciplines and professions, and constructively criticise our societies. At the core our activities are characterized by critical thinking, analysis, moral reasoning and judgement.

Duderstadt, 2002, p. 5

In this description Duderstadt captures the essence of Kant, Humboldt, Newman and the founders of the American universities, both private and public. Duderstadt also recognises that more is now expected of universities by government.

...our universities are heavily involved in utilitarian roles such as technology transfer, healthcare, entertainment, national defence, and economic and international development. There is an increasing tendency for society to view the university as an engine for economic growth through the generation and application of new knowledge.

Duderstadt, 2002, p. 5

The challenge is to marry the traditional with the new. There is a fear that governments will view the university as public expenditure rather than public investment as articulated by Duderstadt “Do governments view universities as a public investment for the future, or simply another expenditure, such as spending money on roads and buildings” (Duderstadt, 2002, p. 16). If expenditure then accountability is based on the management of resources provided and the accountability is made to the Ministry. If investment then governance and accountability will be different, it will be based on how well universities ‘deliver’ on the broad agenda as described by Duderstadt and others. Trow (1996) has an issue with the ‘investment return accountability’ of Duderstadt. Trow states

Education is a process pretending to have measurable outcomes. That is what makes all measures of educational outcomes spurious. We may need to measure something to justify awarding degrees and certificates; but we need not share the illusion that our examinations measure the effects of education

Trow, 1996, p. 13

He addresses the role of the academic in “raising the horizons of our students, to encourage them to set their ambitions higher than if they had not come under our influence” (p. 13). Addressing the need to generate in graduates “the importance of initiative, originality, and the capacity to think in bold and fresh ways” (p. 13) he argues the key outcome is to “communicate the novel idea that they can have novel ideas” (p. 13). Trow does not believe this can be measured. He also argues that other organisations for social good, such as charities and voluntary organisations “outside of government that make life more civilised and compassionate” and staffed and led by university graduates have a link to the university and wonders if performance in these bodies is “to be used as performance indicators as well?” (p. 13). This shows that there is contestation between those who would engage with the State on suitable measure and those who would rather not be measured.

Some unique aspects of governance in universities namely cannot be ignored when discussing governance and accountability. Institutional autonomy and academic freedom are two examples. These two factors really do make universities different to corporations and to other bodies in the public sector. Tenure is another factor of governance in universities that is worthy of attention, although the concept of tenure is no longer unique to universities.

1.10 Autonomy, academic freedom and tenure

Duderstadt believes “that universities must have the capacity to control their own destiny, particularly during times of change” (p. 17). Autonomy means that faculty have academic freedom and universities control their own operations “including academic programmes, budgets, student selection, and faculty hiring” (p. 17). The idea of autonomy can be traced back to the early universities of the middle ages and was specifically mentioned by Kant (1979 translation, p. 23).

Mora (2001) defines autonomy as “the right of the institution, not its employees, to set its own objectives and manage its own affairs without interference from the State” (Mora, 2001, p. 103). Mora’s use of the term ‘employees’ is significant. In the medieval university the academic community was the university. By 2001 they have become employees, paid servants of the corporate university. Trow (1996) also addresses this point in relation to British universities. He argues that academic staff in British universities were “men and women who governed their own behaviour according to the dictates of conscience, or considerations of honour, or professional norms” (p. 9). He asserts that, as the system moved from being elite to mass, the British Government created a “mass degradation ceremony, involving the transformation of academic staff...into employees, mere organisational personnel” (pp. 9-10). Braun (1999) has stated the university as a corporation has emerged as a result of the growing power of university administration while the “participatory and democratic university bodies have lost some or most of their authority and competence in the decision-making process” (p. 15) and this has created a “different kind of thinking...at the base of the creation of the university as a corporate actor” (p. 15). Henkel (2008) picks up the theme of the growing university administration. She states

All universities have incorporated a more diverse workforce, including an enlarged group of “management professionals” (Rhoades, 2006), staff with advanced degrees and qualifications who are neither academics nor senior administrators, recruited to cope with new functions: income generation, knowledge transfer, academic capitalism and mediation between public, private and non-profit bodies at local, regional, national and international level.

Henkel, 2008, pp. 11-12

Henkel describes universities as hybrid communities concerned with education, research and knowledge production both on the campus and in the communities it serves (p. 12). This give some idea of the expanded mission referred to by Duderstadt (2002). However Henkel warns that the objectives to be achieved are not necessarily only within the remit of the university as the State and its agencies can “periodically revise” (p. 7) expectations. This has a real impact on autonomy to act.

Berdahl (1990) sets out two different types of autonomy, substantive autonomy and procedural autonomy. He defines these as follows

Substantive autonomy is the power of the university or college in its corporate form to determines its own goals and programmes – if you will, the what of academe. Procedural autonomy is the power of the university or college in its corporate form to determine the means by which its goals and programmes will be pursued – the how of academe.

Berdahl, 1990, 172

Berdahl (1990) argues that universities must be conscious of the different types of autonomy that might come under attack from a State bureaucracy. State limitations through control over purchasing, personnel or capital projects can be an annoyance to academics but are not at all as significant as limitations to either form of autonomy. Berdahl argues “universities are distinctive social institutions which deserve special treatment regarding their academic freedom and procedural autonomy, but that the State has a very legitimate partnership role in respect of substantive policies – which role should be expressed through a suitably sensitive mechanism” (1990, 170). Trust is required on the part of the State in the university and its moral compass to ensure it lives up to expectations on procedural matters. But Berdahl argues the State has the right to post-audit the activities of the universities. According to Berdahl such audit can take

three forms, namely: legality of expenditure, efficiency of expenditure and effectiveness of expenditure in terms of outcomes. Berdahl argues the first two are inconvenient but not a threat to the substantive autonomy of the academy. He argues the third is a real threat to academic autonomy (Berdahl, 1990).

Institutional autonomy should not be confused with academic staff member autonomy. The autonomy of the academic staff member was clearly evidenced by Mora (2001) in the medieval university. He also documents that academic staff were largely autonomous in how they set about delivering the State's objectives in the nineteenth and most of the twentieth century (Mora, 2001, pp. 97-98). Salter and Tapper, writing about changes in the university system in the UK argue that the institution or university body corporate has become more autonomous while the individual academic has become less autonomous (Salter and Tapper, 1995). The theory is that Government sets the agenda for the universities and provides the funding for the universities. The universities themselves are free to decide how to achieve the objectives or expectations of government and society. As a consequence the once traditional autonomy of the academic staff member is reduced as he or she must support the institution in delivering the choices made by the institution. Mora summarises these developments by concluding that

The relationship between government and universities had changed. The former have promoted university autonomy, believing this to be the best way of improving the service. In exchange, they have demanded greater accountability, established stricter systems of finance linked to performance and, above all, encouraged the use of market mechanisms in higher education.

Mora, 2001, p. 108

He goes on to argue that "there is a trend towards the demise of collegiate forms of university governance" (Mora, 2001, 108). Autonomy has been maintained but elective governance structures are being replaced by prescriptive structures "and their place is being taken by direct appointment to positions of responsibility by the true owners of the university system, that is to say the community" (Mora, 2001, p. 108). Mora's conclusion is based on a wide ranging international review. His findings are partly reflected in Ireland by the creation of revised governing authority structures in the *Universities Act 1997* which has business, employee and cultural representation on all

governing authorities and local political representation on most governing authorities. Finally Mora concludes that “universities are developing new forms of management that blend the necessary application of business management methods with respect for the special case of higher education” (Mora, 2001, p. 109). Amongst the management reforms identified is a greater focus on outside agents, strategic management, and a focus on leadership as against collegial decision-making. However the university organises its internal governance and management or its external oversight arrangements, it is evident that autonomy in decision making makes universities different to other government agencies.

Berdahl recognises the changing relationships between academics, institutions and the State. Following massification of higher education and understanding that universities have a wide role in the success of societies, academics and the corporate sector must realise governments will want “performance measures in higher education...traditional notion of arms-length relations between governments and the academic core of universities and colleges will have to be examined” (1990, p. 173). Berdahl proposes some ground rules in the relationship between the university and the State in order to protect the most important elements of autonomy, particularly substantive autonomy

governments in general ought to stay out of any issues that threaten to lessen the vital academic freedom of persons undertaking teaching and research at universities and colleges. Secondly, that governmental procedural controls are probably counter-productive and certainly irritating, but do not justify the same shrill note of academic outrage that might be voiced at threats to academic freedom. Finally, in the crucial domain of substantive autonomy the State and the universities must somehow form a constructive partnership in which, while force majeure obviously lies with the State, there are sensitive mechanisms for bringing together State concerns with accountability and academic concerns with autonomy.

Berdahl, 1990, p. 173

Kogan (1998) argues that “there are two ideal models of the government of higher education institutions” (p. 122). He states

The classic model has been that of self-regulating higher education institutions which sustains its own values and ways of working. Stated in maximum terms (Templeman, 1982), the academy’s desired state was one in which “academic autonomy, whether defined and guaranteed by law, by financial independence, or by customary tolerance, is thus the necessary

safeguard for the free and unfettered discharge of every university's primary duty, which is to permit intellectual non-conformity as the means of advancing knowledge"

Kogan, 1998, p. 122

The alternative ideal "is that of the dependent institution, characterised by higher degrees of dependency and sponsorship" (Kogan, 1998, p. 122). The dependent institution might have its objectives set elsewhere or alternatively, it might have no limitations placed upon it but be "unable to sustain itself on its own academic reputation" (p. 122). Kogan cites a 1988 study (Boys et al.) which "noted the vulnerability of institutions which had broadened their offerings from teacher training and now had to tailor make their courses to what they perceived to be the wishes of employers" (Kogan, 1998, p. 122). Kogan concludes that under the dependency model "the nature of higher education's relationship with Government and other sponsors is related to the kind of higher education provided" (p. 122). Kogan accepts neither model exists as a pure form and that there are degrees of each in most countries.

Dill (2011) argues that autonomy is being impacted not just by government but also by changes in the marketplace and changes in the way the academic profession regulates itself. Technology change will be discussed in the next section. Linking the writings of Hood (2004) with Clark's triangle of governance Dill notes that Hood identified three primary means of control namely oversight, competition and mutuality. He compares oversight to government regulation in Clark's triangle, compares competition to market forces and mutuality to the Professional collegial management and governance of institutions. Hood has argued that the growth of government oversight and increased influence of market forces has led to a strengthening of the academics role in the university. Dill acknowledges that this finding is counterintuitive but supports Hood's view that collegial control has increased "but in a different form" (Dill, 2011, p. 12). Dill uses the concept of graduate schools to illustrate the point. He notes

The graduate school is not a mechanism for delivering a particular doctoral degree, but rather a collective mechanism of the university's faculty for assuring the quality of research and training in all doctoral degrees. As such a graduate school is a collegiate mechanism for developing and enforcing policies and procedures on issues such as the approval of new doctoral programmes, doctoral admission processes and criteria, the award of

university-based financial support for doctoral students, the supervision and research experience of doctoral students and the review and defence of doctoral theses

Dill, 2011, p. 13

This approach lessens the autonomy of individual academic staff and professors “but increases collegial control by the overall university faculty” (p. 13). This is important. Dill states that the university has remained vital and important to society precisely because “it has the capacity as a collective community to ensure the integrity of its core processes” (p. 14). This is academic autonomy in action. Ensuring that the best of autonomy is preserved while recognising the emerging role and expectations of the State will be a particular challenge for universities.

The OECD (2003) has defined autonomy as “the capability and right of an institution to determine its own course of action without undue interference from the State” (p. 62). Against a background of changing policy issues relating to “strategic management, deregulation and accountability” (p. 62) the OECD analysed the nature of decision making in higher education institutions in 14 countries. This report analysing the freedom of institutions to

- Own their buildings and equipment
- Borrow funds
- Spend budgets to achieve their objectives
- Set academic structures/course content
- Employ and dismiss academic staff
- Set salaries
- Decide size of student enrolment and
- Decide level of tuition fees

OECD, 2003, p. 63

Based on a survey of institutions in the 14 countries, Mexico, Netherlands, Poland, Australia, Ireland, United Kingdom, Denmark, Sweden, Norway, Finland, Austria, Korea, Turkey and Japan, the OECD find that varying levels of autonomy exist over each of the decision making categories and that autonomy is strongest overall in the area of academic structures and course content as well as the employment and dismissal of academic staff. Autonomy is generally weakest in the decision making around the level of tuition fees chargeable for courses and in the borrowing of funds for investment purposes. This is a particularly interesting study as it identifies the practical issues in

decision making, and the autonomy to make those decisions and moves beyond the concept and theory of university autonomy. It also concludes that autonomy has different meanings in different contexts.

The concept of academic freedom is as old as the university. C. Christenson and Eyring (2011) argue that a former President of Harvard University, Abbott Lawrence Lowell provided the first meaningful analysis as to what was meant by academic freedom. Lowell was President of Harvard from 1909 through to 1933. Harvard professors were outspoken on both sides of the US debate on whether or not to enter the First World War during 1916. A psychology professor named “Hugo Munsterburg, a German American, who spoke publicly in defence of the German cause” (C. Christensen, 2011, p. 94) caused public outcry and demands that Munsterburg be dismissed. Lowell defended him. He addressed what C. Christensen calls two realms. In the realm of the classroom “teaching by the professor on the subjects within the scope of his chair ought to be absolutely free” (Lowell (1917) as cited by C. Christensen, 2011, p. 94). He went on to argue students should not be compelled to listen to faculty speak on matters of which they are not expert. C. Christenson states that “academic freedom in the classroom is complete but conditioned on expertise” (C. Christenson, 2011, p. 95). The second realm is the public sphere. Lowell also argued professors should be uninhibited in publishing their research “and the dissemination of knowledge requires this” (p 95). Lowell went on to address public speech on matters outside of the area of expertise of the professor.

Lowell posed the hypothetical case of a Professor of Greek who publishes an article on “the futility and harmfulness of vaccination” and cites his university affiliation, but does not identify his discipline as unrelated to medicine. In this case Lowell granted, the professor “is misleading the public and misrepresenting his university”.

C. Christensen, 2011, p. 95 citing Lowell, 1917, in *At War*, p. 268

Even in this case Lowell argues the professor has academic freedom provided he is sincere in the expression of his views. He argued this for two reasons. Firstly academics had an entitlement to free speech and nothing should be done to weaken this right for academics as against anyone else in society. Secondly “if universities did restrain faculty members’ communications in select instances, they would by implication be endorsing their statements in all others” (C. Christensen, 2011, p. 95).

C. Christensen also reports the American Association of University Professors took “a more temperate position” (p. 95) in 1940. They would limit academic freedom by imposing an obligation to be “...accurate, restrained, respectful” (p. 95) and ensuring that they distinguished themselves from the institutions in which they worked. It is difficult to envisage corporations with a focus on shareholder value tolerating public statements from managers that contradict the corporate position. Similarly it would be unacceptable for a staff member in a policy related Ministry, transport for example, to make public utterances at odds with government policy. Academic freedom is a cornerstone of university life and a significant reason why universities *are* different. Berdahl (1990) has also argued against any lessening of academic freedom as vital for universities, recognising that such freedom is necessary to determine course content and allow for informed public discourse.

Tenure is a term unique to the university and related institutions. A *Declaration of Principles* was issued by the newly formed American Association of University Teachers in 1915. This called for academic freedom and tenure for members (Kamenetz, 2010, p. 8). Tenure is effectively permanency of employment and acts as a guarantee of academic freedom, particularly freedom of expression of ideas contrary to received wisdom or the established view of the day. It allows for “intellectual self-determination for competent professors” (C. Christensen, 2011, p. 371). Whereas the canon of labour law around the world has added many protections for workers in virtually all industry/workplace settings, including the university, tenure as a concept remains important in academia. All knowledge based organisations, in reality all high performing organisations honour experience and longevity. Long service awards are typical in many industries. Tenure therefore is not strictly unique to universities, but rather a nuanced version of permanency. We also know that tenure has a different process in North America as against the European and Anglo tradition. In Europe tenure was intended to represent equal and full membership of an academic community but somehow, with the development of labour law, came to be confused with permanency of employment as an academic by a university. In the United States there are processes for winning tenure, very often based on published research output. In either event tenure cannot now be seen as a reason for arguing that universities are different from other forms of organisation or that they require a different governance model. In reality the growing number of contract staff and part-time staff employed by

universities is of much greater concern to academic associations and university managers than any issues arising from tenure.

1.11 Co-optation and colonisation

The relationship between the university and the State is mediated using an architecture of governance. Two key pieces of this architecture are the governing boards of the university and the buffer body established in law in most countries between the universities and the State. Writing in 1997 and referring to the then ongoing debate on university autonomy versus accountability in Australia Baird wrote

It appears possible that university governing bodies, along with other buffer organisations, will provide focal points for proposals to resolve the tensions
Baird, 1997, p. 72

At that time the Australian government was proposing a substantial change in the size and make-up of university governing bodies which would concern themselves “with issues of accountability and strategic planning” (p. 72). Baird comments that the proposals then under consideration for reducing the size of governing bodies with no representation for staff or students (Hoare, 1995) and with governing bodies focused on an accountability that “seeks to ensure that funds are spent for the purpose for which they are allocated. It also seeks to ensure value for money by focusing on effectiveness and efficiency” (Hoare, 1995, p. 42) were corporatist in nature. Baird warns against this trend. She identifies the “danger of co-option of parliamentary interests” (Baird, 1997, p. 75). She suggests the corporatist role of accountability and measurement is at odds with the trusteeship role of the university which she defines as “holding assets in trust for (long-since departed) owners or the wider community” (p. 75). This recalls Mora and his view that the community is the true owner of the university and Deakin and Konzelmann (2003) who suggest governance must address wider society objectives rather than just profit and shareholder return.

Duderstadt (2009) deals with the issue of co-option of the university by the State. Governments are changing their higher education and university policy objectives to address the issues presented by globalisation and innovation. Governments, he argues, are focused largely on high participation and the production of degree holding citizens

and “building research reputation” (Duderstadt, 2009, p. 9). He identifies an increasingly utilitarian approach to

the role of higher education in addressing the need for human capital that could overwhelm the university’s traditional social and cultural impact on society and civilisation and its transformative potential through the creation, retention and dissemination of knowledge. It is ironic that this shifts the value proposition from that of government responsible for supporting the educational needs of a society to university responsibility for addressing the economic government – an interesting reversal of traditional responsibilities and roles

Duderstadt, 2009, p. 9

The warning of co-option of the university by one dominant player over all other interested parties reflects developments in other fields of endeavour including community work. Following the emergence of what was referred to as “pockets of deprivation” (Shaw, 2003, p. 361) in Britain in the 1960s, a Community Development Project was established where many community workers were employed to work with deprived communities and bring forward proposals to improve the lives of people in these communities. It soon became apparent that many of the problems were with the State, both central and local government. This led to the publication of the seminal work *In and against the State* (1979), a publication by a group of socialist economists. According to Shaw this publication identified

State welfare workers were locked into a set of social relations that operated against working-class interests...the dilemmas this posed were particularly acute for community workers, with their historic commitment to ‘democratic participation’ and ‘self help’

Shaw, 2003, p. 363

As a result community work became “managing the social consequences of economic change – less about combating poverty and more about managing poor people” (p. 364). Community workers had a choice: be the “agent of the capitalist State involved in the process of legitimation and control” (p. 364) or opt out. The noble purpose of removing poverty and deprivation was co-opted by the State to managing problems and maximising investment returns in poor communities.

Habermas (1987) developed a concept of the lifeworld. He described it as

The background consensus of our everyday lives, the vast stock of taken-for-granted definitions and understandings of the world that give coherence and direction to our lives

Habermas, 1987, p. 131

Fleming notes that Habermas has argued that the lifeworld has become colonised by the system, that is “the State administrative apparatus (steered by power) and the economy (steered by money)” (Fleming, 2010, p. 115) who dominate the lifeworld for their own imperatives of profit and power. Colonisation is a similar concept to co-optation where the role of citizens and communities can be understood in a similar way. Writing in the Habermas tradition, Fleming (2010) states that there is a “tradition that sees education as concerned with developing in learners the kind of critical reasoning that is required for a democracy” (p. 113). Habermas (1987) distinguishes between three interrelated worlds. These are the world of the State, the Economy and Civil Society. The State is dominated by government and official agencies and is driven by power or the pursuit of power. The Economy is dominated by business striving for profit and reward and by employees striving for career advantage and improvements in their financial circumstances. It is driven by money or the pursuit of material wealth. Civil Society is dominated by ordinary citizens who operate “on the basis that the government is not fully representative of the people” (Fleming, 2010, p. 114). In addition to these three worlds Habermas has documented the existence and decline of the ‘public sphere’ and the ‘lifeworld’. The public sphere is “the civic space or commons in which adults come together to debate and decide their response to shared issues and problems” (Brookfield, 2005, p. 1134). It is the space in which adults “learn about facts, events, opinions, interests, and perspectives of others in an atmosphere free of coercion and inequality that would otherwise incline individuals to acquiesce or be silent” (Fleming, 2010, pp. 113-114). As society has grown, the ability of citizens to meet and discuss issues of concern has declined. Habermas states “the communicative network of a public made up of rationally debating private citizens has collapsed” (Habermas, 1987, p. 247). Consensus is therefore reached not by ordinary people with a full understanding of all the facts but by “a political discourse controlled by media institutions (Brookfield, 2005, p. 1135). Representative organisations often “disseminate the views of those who

occupy the top positions in these groups, whether or not those views actually reflect the opinion of members (Brookfield, 2005, p. 1136). The effect of this emerging disconnect is that ordinary citizens cease to focus on civil society and what is best for all and begin to act as individuals looking out for their own good and the good of their immediate families. Often what is good is seen in material or economic terms. Habermas argues that the lifeworld is being invaded or colonised by the State and the economy. If the lifeworld is tainted by the need for power and money “then our real needs and wishes are not identifiable” (Fleming, 2010, p. 16). Both the lifeworld and public sphere are in need of transformation. Habermas argues that the transformation can be made through communicative action. Communicative action is where citizens actions

are coordinated in order to reach interpersonal understanding in situations where the participants are not dominated by their own interest in being successful. Instead they are interested in co-ordinating their plans of actions on the basis of common understanding of situations

Fleming, 2010, p. 118

All communication must take place in a safe environment where the rationality of the argument is the only power in evidence. Mezirow, writing in the Habermas tradition describes transformative learning as

The process by which we transform our taken for granted frames of reference (meaning perspectives, habits of mind, mind-sets) to make them more inclusive, discriminating, open, emotionally capable of change, and reflective so that they may generate beliefs and opinions that will prove more true or justified to guide action

Mezirow, 2000, pp. 7-8

Relying on the critical theory of Habermas and the writings of Mezirow, Fleming seems to conclude that higher education must be a place where the decolonisation of the lifeworld should begin and the reform of the system world, the State and economy driven by power and money, should be a critical concern. “The critical role of education is to work in solidarity with workers and citizens to insert democratic imperatives into the system world” (Fleming, 2010, p. 122). He goes on “Rather than see the university as a collection of disparate departments, faculties, schools and centres there is a unifying theme and Habermas suggests we call it a lifeworld” (Fleming, 2010,

p. 122). There is a concern that universities and third level institutions focus too much on servicing the needs of the economy for human resources and “emphasise career and not enough one’s role in society. HE is in danger of becoming training and not education” (Fleming, 2010, p. 122). Creating a new lifeworld within the university is not a simple matter. Resources are required and the State is the main supplier of resources to university in the same way it is the main supplier of resources to deprived communities. Universities too face the challenge of being in and against the State.

1.12 Emerging global challenges to the university

Mora believes the university is entering a new period, the period of the ‘universal university’. Other writers have also addressed the issues and challenges being faced by the university at this time. The challenges to be discussed in this thesis are; the impact of market force technology changes; knowledge and knowledge management as competitive advantages in business; sustainability and equality of access; diversity in society; the emergence of career; credentialing; growth of league tables and ranking of institutions; societal engagement; government investment and an expected return on investment; the autonomy challenge; and resultant related governance changes arising from meeting the challenges.

1.12.1 The impact of market forces

Dill (2011) has written about government oversight changes and changes in the way academic autonomy operates. He argues the main driver of change in the university is market forces (2011). He identifies changing technology as the key driver of market force changes. He argues “new technology is also fundamentally altering the basic techniques of teaching, learning and research within universities” (p. 11). He cites Black and Stephens (2010) research into collaborative research paper publications and notes that they conclude

The rate of growth of collaboration among academic researchers correlates with the expansion of e-mail, the diffusion of the internet, and the development of low cost access to large data bases in the sciences and social sciences

Dill, 2011, p. 11

An important by-product of technology developments has been the access to publications afforded to non-native researchers. This has levelled the international research playing field and created a form of global competition among universities. The “locational advantage of academic membership in an elite university has therefore declined” (p. 11). These changes to “the technology of discovery” are mirrored in “the technology of instruction” (p. 11). Technology is changing the way universities teach and access students. Modularisation, semesterisation and continuous assessment are becoming more and more “the primary means of organising student learning” (p. 11). The real driver of this change is, according to Dill, “market forces”.

Trow (1996) addresses markets from a different perspective. Recognising markets link the university to its society he identifies the pricing of tuition in return for skills, qualifications and entry into a career as one example of a market in higher education. He also addresses other markets such as the exploitation of research and the market for staff and reputation.

1.12.2 Knowledge and knowledge management as competitive advantage in business

According to Drucker “knowledge is now becoming the one factor of production, sidelining both capital and labor” (Drucker, 1993, p. 18). This is creating a dichotomy “between intellectuals and managers, the former concerned with words and ideas, the latter with people and work” (p. 7). He goes on

To transcend this dichotomy in a new synthesis will be a central philosophical and educational challenge for the post-capitalist society.

Drucker, 1993, p. 7

Drucker addresses the whole life-cycle of schooling in and for the information age. He argues schools should focus on learning rather than instruction. He argues “schools will have to be organised for life long learning. Schools will have to become open systems” (p. 186). Learning will not stop when a person leaves school. He also argues for “a new axiom: ‘The more school a person has, the more often he or she will need more schooling’” (p. 7). Professionals will need to keep their skills up to date. He also argues “the need to make the educational system open-ended”. This is necessary to allow enter

any part of the system at any stage of their lives. He argues this because “the knowledge society can ill afford to waste knowledge potential” (p. 187). He particularly addresses school leavers who did not go to college at 18 or 19 years of age. “What distinguishes them from the young people who go to university is often only the lack of money” (p. 187). They want to return to learning. When they do return “they become challenging students if only because of their superior motivation. They now want to take on advanced work” (p. 187). Drucker develop this point by calling for “random access” to college. This equates to life long learning in that “individuals must be able at any stage in their life to continue their formal education and to qualify for knowledge work” (p. 187). Drucker makes two significant findings. The first is that “education has become much too expensive not to be held accountable” (p. 189). The second is that “schools are also becoming much too important not to held accountable – for thinking through what their results should be as well as for their performance in attaining these results” (p. 189).

The work just cited created the concept of the knowledge society and the knowledge worker. These are now common concepts in economics, public policy and the discourse on higher education. Mora, 2001; Skillbeck, 2001; Duderstadt, 2002, 2003, Shattock, 2006; Peters, 2010; Dill, (2011) all use the terms or variations of it. Some references will be discussed in the remainder of this section. However Drucker can be considered an early advocate of the concept of lifelong learning through his “random access” approach and “open-ended” system. He is addressing this issue from the point of view of skills development and re-training. In addition, Drucker can also be considered a supporter of managerialism, through his demands for accountability and performance.

1.12.3 Sustainability and equality of access

Duderstadt picks up some of these themes but considers them from the perspective of sustainability of the planet and equal treatment for all. He states

The key impact of information technology may be the development of computer-mediated communications and communities that are released from the constraints of space and time

Duderstadt, 2003, p. 43

Duderstadt (2002) examines the possibilities created by these developments for the sustainability of the planet. He notes “there are 30 million people in the world today who are fully qualified to enter a university but for whom no university place is available” (p. 12). Writing in 2002 he predicted that number would be 100 million people by 2012. Higher education is “mired in a crisis of access, cost and flexibility” (Daniels, 1996 as cited by Duderstadt, 2002, p. 13). A change of model may be needed.

Our colleges and universities continue to be focused on high-cost, low-technology, residential education and on the outmoded idea that quality in education is linked exclusively to access and extravagance of resources. Our current concept of the campus-based university could well deny higher education to nearly all of the billions of young people who will require it in the decades ahead.

Duderstadt, 2002, p. 13

Duderstadt addresses the transformation required to deliver a “university to serve a global, knowledge society” (p. 13). He feels the key role and values of a university must be retained. However judgements may need to be made on what to retain and what to jettison. He wonders how universities will prioritise

There are certain ancient values and traditions of the university that should be maintained and protected, such as academic freedom, a rational spirit of enquiry, and liberal learning. But, just as it has in earlier times, the university will have to transform itself once again to serve a radically changing world if it is to sustain these important values and roles

Duderstadt, 2003, p. 50

1.12.4 Diversity in society

Duderstadt addresses a related issue to access, that of diversity in society. In developed countries a greater focus is being placed on care for the elderly as against education for the young. Globally however, “half of the world’s population is under the age of twenty, with over two billion teenagers on the planet, most living in Asia, Africa and Latin America. Their demand for education will be staggering” (Duderstadt, 2002, p. 15). He cites Daniel (1996) by stating a new university would need to open every week in the developing world to meet demand.

Diversity does not end there. There is “increasing diversity of many of our nations with respect to race, ethnicity and nationality” (p. 15). Female participation is also growing. “The full participation of currently underrepresented minorities and women is crucial to our commitment to equity and social justice, as well as to the future strength and prosperity of our societies” (p. 15). He states, echoing Drucker “we cannot afford to waste the human talent, the cultural and social richness, represented by those currently underrepresented in our society” (p. 15). The university argues Duderstadt “has a unique responsibility to develop effective models of multicultural, pluralistic communities” (p. 16). The focus must change from “access to educational opportunity for underserved minority populations to success in achieving educational objectives” (p. 16). This “will require new policies and practices” (p. 16). Duderstadt argues information technology can be a democratising influence. He states

Since the technology provides unusual access to knowledge and knowledge services (such as education) hitherto restricted to the privileged few. Like the printing press, this technology not only enhances and broadly distributes access to knowledge, but in the process it shifts power away from institutions to those who are educated and trained in the use of the new knowledge media

Duderstadt, 2003, p41

In the broad discourse of diversity and access Schuetze and Slowey (2002) examine the concept of ‘non-traditional’ students. They state the term can mean different things depending on its context.

within the framework of the equality of opportunity discourse the term tends to refer to socially or educationally disadvantaged sections of the population, for example, those from working class backgrounds, particularly ethnic minority groups, immigrants, and, in the past, frequently women. While in the framework of the life-cycle discourse, it tends to relate to older or adult students with a vocational training and work experience background, or other students with unconventional educational biographies.

Schuetze and Slowey, 2002, pp. 312-313

They also identify that international comparisons can be difficult as the term “non-traditional” covers *both* different populations *and* different models of participation” (p. 313). As we have seen, the use of information technology as teaching aids coupled with

policies allowing Drucker's random access might allow greater access by non-traditional groups to higher education. Massification, or systems with high participation rates can see "the distinction between traditional and non-traditional students...become blurred" (p. 313). Before massification Schuetze and Slowey argue non-traditional was "defined negatively, as being different to those of "traditional" students" (p. 313). Accordingly

the boundaries tended to be drawn around all those who had not entered directly from secondary school, were not from the dominant social groups in terms of gender, socio-economic status or ethnic background, or were not studying in a full-time, classroom based mode.

Schuetze and Slowey, 2002, p. 313

The paper just cited looked at public and institutional policies in ten countries. The countries were Austria, Australia, Canada, Japan, Germany, Ireland, USA, Sweden, New Zealand and United Kingdom. They suggest "the figures from all ten countries indicate that expansion has not in fact necessarily resulted in wider access to higher education for all groups" (p. 313). They find

Older people without traditional entry qualifications for higher education, people from working class backgrounds, those living in remote rural areas, those from ethnic minority or immigrant groups appear to have done less well

Schuetze and Slowey, 2002, p. 313

This leads the authors to conclude that "high participation rates do not automatically imply that the functions of higher education in social selection and social reproduction are obsolete, or issues of inequality or access are features of the past (p. 314). Duderstadt, also writing in 2002 addresses the needs of one particular non-traditional group, adults, when he states

But even more growth and adaptation will be needed to respond to the educational needs of adults as they seek to adapt to the needs of the high performance workplace. Some estimate this adult need for lifelong learning at the university level will become far larger than that represented by traditional 18-to 22-year old students (Dolence and Norris, 1997).

Duderstadt, 2002, p. 4

Duderstadt is writing from the perspective of the economy and the individuals role within it. Schuetze and Slowey suggest countries such as Canada and Sweden were doing more to address the access issue. Institutions, often non-university, that were established during the period of rapid expansion “enrol a majority of students who would not have had access to traditional universities” (p. 319). As a consequence the older institutions are under less pressure to amend their institutional access policies. Following the ten country review Schuetze and Slowey conclude “that despite the dramatic wave of expansion, higher education institutions (in particular universities) in many, if not most, countries do not yet appear to have embraced lifelong learning as their core mission” (p. 321).

Schuetze and Slowey address the reforms needed to bring lifelong learning – so necessary for the knowledge society as espoused by Drucker, 1993; Duderstadt, 2002; and Peters, 2010; – to the heart of the emerging university at the beginning of the new millennium. They state “the focus of lifelong learning on the learner – instead of the institution – and on the learning process – instead of the curriculum – are central challenges to the reform of higher education” (p. 321). They propose a number of reforms. Firstly they posit “learning can no longer be confined to the traditional phases of education during youth, but must extend over the complete lifetime or life-cycle” (p. 322). Participation of youths, adults and retired people will have to be factored into institutional missions by institutional governors and management. Secondly, because learning cannot be confined to the classroom, entry to higher education cannot be denied to those who are not in formal (secondary) schooling. The dominance of students entering higher education from secondary education will decline. Methods must be found to evaluate learning in other places such as the workplace and media – this has strong echoes of Drucker (1993). Thirdly skills and qualifications gathered outside of the academy “at the workplace, through the media, in community activities or everyday-life learning” will require recognition (p. 323). This implies more assessment for entry qualifications as well as assessment of life learning “to develop procedures for their assessment, recognition and certification”. Fourthly flexibility in delivery must be introduced which “must be independent of space, time and other restrictions”. Lastly institutions must acknowledge that demand for continuing education “not only because of the trend towards a ‘knowledge based economy’ and society, but also because participation in higher education will result in greater demand for continuing education”

(p. 323). Thus the massive growth in higher education since the 1980s will itself give rise to demand for continuing education. Schuetze and Slowey recognise that a combination of *mission* to include “a more competence problem-oriented approach” as against the traditional curriculum content approach based on the canon, *access* to higher education to include life learning, *modes of study* “involving an increasing array of part-time distance, mixed-mode and e-learning possibilities” (p. 324) and student supports “such as guidance, counselling and child care which are vital if previously non-traditional learners are not to remain excluded” from universities. It is interesting that Schuetze and Slowey state one of the key drivers for change is “the impact of changing labour market requirements, with increasing professionalization, rapid change in occupational structures and rising qualification requirements for many employment opportunities” (p. 312). This reflects Drucker’s knowledge society and peoples desire to take on higher quality work. Thus Schuetze and Slowey come to similar conclusions about higher education reform to those drawn by Duderstadt and Drucker, albeit from the perspective of the marginalised on the part of Schuetze and Slowey as against the needs of society and economy as identified by Drucker and to some extent Duderstadt.

1.12.5 Career

Career has become an important determinant of student university choice. A US government report from 2006, as cited by Ferrall has “recommendations focused on the need for trained workers. It does not mention liberal education or liberal arts, let alone the need for liberally educated citizens” (Ferrall, 2011, p. 47). A UK government report from 2004, The Dearing Report, has similar leanings. According to Peters, in the Dearing Report

Knowledge is valued for its strict utility rather than as an end in itself or for its emancipatory or enlightenment effects. The globalisation of the labor function is formulated in terms of both the production of technically skilled people to meet the needs of global corporations and the ideology of lifelong learning, where individuals can re-equip themselves for a succession of jobs over a working lifetime

Peters, 2010, p. 157

An Australian government report from 1997, the West Report, examines the changing world, the emergence of globalisation and new technologies, and wonders if the

university tied to a campus location might not be the sole model for the future. This theme is picked up by Duderstadt (2003) when he discusses the changes brought about by technology, the entry into the education marketplace of specialist private providers with access to capital markets and a focus on specialist areas such as adult learning. He states that “IT-based education providers are already becoming formidable competitors to traditional postsecondary institutions” (p. 46). Duderstadt believes that we may be seeing the beginning of a global knowledge and learning industry. The challenge of credentialing reflects the arguments of Schuetze and Slowey when they address the need for universities to respond to “skills and qualifications that have been acquired in informal and non-formal learning settings...to be recognised, it is necessary to develop procedures for their assessment, recognition and certification” (p. 323). Drucker also recognised this challenge but in a less developed way. Writing ten years earlier than Duderstadt, Schuetze and Slowey he asserted that “schooling will no longer be what schools do. It will increasingly be a joint venture in which schools are partners rather than monopolies”. He identifies the workplace as a place of learning and states that “schools and employing institutions will have to learn to work together in the advanced education of adults” (p. 188). It appears therefore that the university and other parts of society will be required to work closer together in the years ahead.

The university must concern itself with society as a whole. Certainly society is interested in the university and the relative performance of universities. . In “tertiary Education for the Knowledge Society” (OECD, 2008) Santiago, Tremblay, Nasri and Arnal state:

The past few years have seen the emergence of civil society as a new player in quality assurance – albeit informally and outside the national quality assurance framework – through the development of institutional rankings and league tables for the most part produced by commercial publishing companies

Santiago, Tremblay, Basri and Arnal, 2008, p. 279

Griffith and Rask (2007) writing about the influence of the US News and World Report (USNWR) Guide to America’s Best Colleges league tables in the USA conclude “that full pay applicants are more likely to attend a school that is higher ranked by even a few places” (Griffith and Rask, 2007, p. 9). They go on to state

Our results suggest that the admissions officers and other administrators concerned with the quality of incoming classes have reason to be concerned about the school's USNWR rank because it is shown here to be an important factor in the matriculation decision of high-ability students

Griffith and Rask, 2007, p. 9

Marginson (2007) argues that rankings are here to stay and it would be better for interested parties and for civil society to agree a comparative base rather than rely on the existing rankings such as the Shanghai Jiao Tong University's Academic Ranking of World Universities (ARWU) rankings or the Times Higher Educational Supplement (THE) rankings. Against a background of examining the inconsistent ranking of Australian universities in these two leading rankings Marginson proposes the ranking methodology of the Centre for Higher Education Development in Germany as a better approach to understanding the relative positions of universities. In proposing this model Marginson argues that "it is important to secure 'clean' rankings: transparent, free of self-interest and methodologically coherent, that generate an across the board diagnostic for improvement" (Marginson, 2007, p. 141). The author goes on to state that the Centre for Higher Education Development ranking "dispenses with a spurious holistic (summarative) rank ordering of institutions and instead provides a range of data in specific areas, including single disciplines" (Marginson, 2007, p. 141). He notes one of the advantages of the Centre for Higher Education Development ranking is that it is interactive where the individual user or any potential student can decide how to weigh different factors.

Van Vught and Westerheijden (2010) believe transparency in the data used in rankings and the methodology for creating the ranking is required and developing such transparency is a challenge for universities globally. They suggest that "creating transparency entails providing information which these stakeholders need in order to form judgements and take decisions" (p. 3). The decisions can include students choosing a particular degree or a research agency deciding where to place scarce research funding. Decisions can also include "governments deciding on accountability issues relating to funding" (p. 3). The authors call for self-regulation by universities having identified weaknesses in all the major rankings and classification tools in existence today. They support the 'Berlin Principles' and state they should be adopted. These "set out to establish good practice in relation to the purpose and goal of ranking,

the design and weight of indicators, the collection and processing of data and the presentation of ranking results” (p. 20). Getting this right will be a challenge for universities in the years ahead. Van Vught and Westerheijden (2010) support a new “multidimensional European classification instrument allowing all higher education and research institutions to be classified in function of their efforts in six dimensions; research, innovation, education profile, student profile, internationalisation, and regional outreach” (p. 7). They propose one of the key benefits of such a system is that it would “focus essentially on institutional effort rather than performance” (p. 8).

It is interesting to note that the Irish Minister for Education and Skills commented on the ranking of Irish universities in a major speech on the future of Irish higher education at the Royal Irish Academy in June 2011 (Quinn, 2011). It could be suggested that the Minister and Government might be more inclined to trust a high ranked university as against a lower ranked one. How this issue will be addressed given the international discourse on the appropriateness of rankings, and particularly existing high profile rankings such as the ARWU ranking or the THE ranking will be interesting. Van Vught and Westerheijden (2010) note that these tables are “sometimes controversial” (p. 4) and have listed a number of writers who have argued with the methodologies used, including Bowden, 2000; Clarke, 2002; Wende, 2008; Dill and Soo, 2005; Gottlieb, 1999; and Yorke, 1998; (p. 4) and a number of writers who have argued against their focus on stratification against recognising diversity including IHEP, 2009; Marginson, 2008; and Van Vught, 2008. They also bemoan the fact “rankings are made from whatever indicators are measurable and available” (p. 4). It can be concluded that challenges exist in using ranking tables. How governance responds to rankings and where a university is placed on international tables will have to make careful consideration of the diversity of students attending an institution, the type and breadth courses taught, the quality of research and its funding sources, the impact of innovation on the university and its community, the internationalisation dimension and regional impact of the universities endeavours.

1.12.6 Societal engagement

The ‘engaged university’ is a topic addressed in the literature. Goddard writes of the “Civic University” (2009) which is dedicated to innovation in all areas of society

including the academy itself, research and the communities it serves. Goddard advocates collaborative efforts on the part of universities to maximise the benefits of innovation. He documented 'civic engagement' through two separate collaborations of universities, one in the north-east of England and the other in Finland. These regional collaborations with a community and regional development purpose are developed in the belief that it is city regions that will in future drive economic growth. According to the National Spatial Strategy in Ireland which designates development centres based on critical mass "it is size and concentration of population that enables a range of services and facilities to be supported. This in turn can attract and support higher levels of economic activity and improved quality of life" (NSS, 2002, p. 12). Goddard supports university involvement in such clusters for development.

Civic engagement has other meanings for many including bringing education to remote areas, re-establishing community, service learning, and innovation based on self-knowledge. All of these issues and more are addressed in a report on a Higher Education Authority funded project "Mapping Civic Engagement within higher education in Ireland" (HEA, 2009). This wider engagement is an emerging theme and a challenge for the university at this time. These issues largely fit into the regional outreach dimension in ranking tables but their impact on innovation cannot be overlooked. Other civic engagement initiatives can be identified in many universities including the designation of National University of Ireland, Maynooth as a 'Fairtrade' university in 2007. Fairtrade supply goods and services sourced directly from producers in the third world and give prices to producers that are greater than international commodity prices at the time by at least 10%. The surplus above market price goes towards community facilities such as schools, medical centres and social centres.

1.12.7 The autonomy challenge

We have seen that autonomy is considered fundamental to the university. However we have also seen that autonomy does not have a single global understanding. Berdahl (1990), Salter and Tapper (1995), Kogan (1998), Mora (2001) and Dill (2011) have all addressed the changing nature of autonomy, the decline of academic influence "upon institutional decision-making, that in its current form autonomy appears to be more dependent on the judgement of university officials than on the wisdom of university

academics” (Salter and Tapper, 1995, p. 12). Berdahl (1990) has argued “constructive partnership” (p. 173) between the university and the State is required to ensure the best of autonomy is retained. Berdahl (1990) advocates “co-ordination as the most desirable (or least undesirable) means of accomplishing this vital process” (pp. 173-174). He is addressing the operation and governance of substantive autonomy. He points out that

A State that carefully honours academic freedom and scrupulously refrains from inappropriate procedural controls may nevertheless harm its system of higher education by intervening inappropriately in substantive matters

Berdahl, 1990, 174

He then goes on to argue that the “structure, functions, membership and staffing of the buffer agency” are key to successful higher education systems. A buffer agency is an intermediary body between the universities and the central government department whose Minister has responsibility for higher education. The relationship is not just government to institution but must also include the academic oligarchy and the markets. All aspects of the relationship must be operated using a “suitably sensitive mechanism” (p. 174). Berdahl addresses the typology proposed by Clark (1983). Arguing that the three elements of Government/Managerial, Professional/Collegial and Market do not need to exist in equal measure in all systems they do need to be balanced. He states that

Political and bureaucratic co-ordination tend to overdo accountability and to be insufficiently sensitive to the needs of academe for flexibility and creativity. Collegial and academic co-ordination may be too preoccupied with the protection of autonomy and too little responsive to the public interest. Co-ordination to market forces is alleged to promote responsiveness to social demand while relieving public authority of the burden and the blame for deciding which programmes and which institutions may survive during a period of retrenchment

Berdahl, 1990, p. 174

Berdahl cites Ashby (1966) in stating “the real safeguard for autonomy lies in careful definition of “the essential ingredients” and in “ensuring that these are widely understood among the public, politicians and civil servants” (Berdahl, p. 174 citing Ashby, 1966,). According to Berdahl, Ashby listed the essential ingredients as

1. Freedom to select staff and students and to determine the conditions under which they remain in the university
2. Freedom to determine curriculum content and degree standards

3. Freedom to allocate funds (within the amounts available) across different categories of expenditure
Berdahl, 1990, p. 174 citing Ashbey, 1966, p. 296

Berdahl is clear that interference in procedural autonomy, although sub-optimal and “an enormous bother to academe” (p. 174) does not prevent universities “from ultimately achieving their goals” (p. 174). Interference in substantive matters can lead to universities not being able to achieve what they want. He states “governmental actions that affect substantive goals affect the heart of academe” (p. 174). He concludes

What is needed in this sensitive area then is negotiation of the respective roles of government and universities, leading to some form of partnership and a division of powers concerning who will make which kinds of decisions relating to the substance of academe

Berdahl, 1990, p. 174

Clark (1979) differentiated between political and bureaucratic co-ordination. The purpose of political co-ordination was to “articulate a variety of public interests” (p. 265). Bureaucratic co-ordinations was required to “compose a formal system out of fragmented parts and to provide fair administration” (p. 265). Berdahl concludes that getting the balance right between all the elements requires “subjective judgements” (p. 175) and the use of “suitably sensitive mechanisms” (p. 174). Thus Berdahl is giving some guidance on how to create a governance architecture for the modern university in the modern age.

Neave (1998) has argued that the ‘evaluative State’ and its demand for accountability is a direct attack on traditional autonomy. He argues that autonomy is compromised by “the concept of ‘contractualisation’ as the governing principle between government, society and higher education (Neave, 1998, p. 276). However he argues the traditional role of university and State has changed in recent years “based on the two principles of ‘renegotiability’ and ‘conditionality’” (p. 276). He introduces the concept of “cycles of negotiation between institution, agencies of surveillance and paymaster on such matters as budgets, institutional goals and degrees of their fulfilment” (p. 276). This has significant implications for autonomy. He goes on to state

contractualisation puts an end to the idea of the university as a service to the State and instead recasts it as a public service of which one of the funders

and supports happens to be the State. The latter is a very different beast from the former.

Neave, 1998, p. 276

Neave concludes the ability of the State to redefine the contract “or to confer trust” is an exercise in power by the evaluative State over the university. This brings to mind the views of Kogan (1998) that a financially dependent system cannot be truly autonomous. It also reflects an OECD (2003) finding from a review of changing patterns of governance in higher education. They state that “quality assurance agencies were almost unknown in higher education 20 years ago; now they are widespread” (p. 62). They state this is because of the growing importance of education market regulation and the related issues of standards, performance monitoring and risk assessment. Certainly prior to the 1980s universities themselves had ownership and responsibility for these important matters and they were trusted by the State and by society to deliver. This delivery manifested itself by the acceptance of university graduates as qualified and fit for entry to the professions or the public service or for advanced study.

This chapter has documented some of the changing influences in the world of the university. Massification, specialisation, accessibility, mission focus, rising costs and rising public subsidies, economic development, collaboration and competition, emerging technologies and related modes of delivery, career focus of students, ranking of institutions and new competition in the global age are all coming together to challenge the traditional university of reason, culture and literature. These changes in themselves demand changes to the governance of universities and their accountability to government and society. So where is the debate on university governance at this time?

1.13 Resultant related governance changes arising from meeting the challenges

A significant work on the governance of universities is by Skillbeck (2001). He states that “academic ‘governance and management’ would benefit from a critical appraisal in the framework of academic values and the internal and external communities they are designed to serve” (p. 118). He summarises, and seems to support proposals that “have been forthcoming to help develop the more forward looking, adaptive, and institution wide culture that policy makers and analysts are calling for” (p. 119). Drawing on the

work of Davis, 1996; Dill, 1999a; McKinnon et al., 2000; and Williams, 1997 Skillbeck proposes

- Smaller, more expert, representative governing authorities
- More technically advanced record systems
- Greater strategic and management use of the large data sets that are being built up
- Staff appraisal and training in human and resource management
- Staff exchanges with industry, professions and government
- Developing a method for systematic, evaluated knowledge of the institution and its behaviour (the institution as a learning organisation)
- Better monitoring of student performance
- Total quality management, performance indicators, benchmarking and other procedures to enable institutions better to position themselves comparatively – regionally, nationally and internationally
- Increased professionalism of managers, better understanding of personnel, management and resource issues across the whole institution.

Skillbeck, 2001, p. 119

Skillbeck addresses the changing nature of relationships within universities.

Large-scale changes including the development and implementation of strategic plans for institutional futures and the institution wide assimilation of communications and information technologies inevitably call for rearrangements in roles and responsibilities and the introduction of new procedures for decision-making, monitoring and evaluating results. Inevitably relationships are affected and new groups interactions are called forth.

Ibid, 2001, p. 119

The need for this re-organisation is traced to “huge enrolment increases with declining staff-student ratios” (p. 119), less tutorials and bigger class sizes which together “have changed patterns of relationships between students and staff” (p. 119). The use of technology has led to further changes in the staff student and staff staff relationships. A growing regulatory and compliance burden are also driving change – health and safety legislation, equality of opportunity, ethics in public office and “various extra-institution administrative requirements are among the forces that are changing relations within institutions” (p. 119). He calls for greater leadership, with an understanding for the heritage of the university and the role of the academic and the academy in society and for greater efficiency in the use of resources. He also supports the further diversification of income streams to ensure a university is not over reliant on any one source. The implication of his analysis is that a well resourced university will be better

placed to manage itself the changes that are necessary as the university enters the new millennium.

Skillbeck supports university accountability for its use of resources and for its outcomes. He separates this from “the role of the academic and the academy in society”. Certainly Skillbeck does not have the difficulties with accountability, unlike Braun, 1999; Grummell et al., 2008; and Peters, 2010 who collectively describe it as “new managerialism” and interference. He recognises the different types of autonomy identified by Berdahl (1990) and documented earlier in this chapter. Skillbeck would appear to support limitations on procedural autonomy to preserve substantive autonomy.

His call for smaller, more expert governing authorities places Skillbeck in the corporatist camp as identified by Baird (1997) and recognised by Trow (1996) and Henkel (2008). His support for KPIs puts him at odds with Trow (1996) and Peters (2010). His university is very much the ‘public service’ university as against an institution providing a service to the public (Neave, 1998).

Shattock (2006) traces a subtle change in the governance and management of institutions over a number of years. He has written about the decline of the academic council or senate as the decision making forum in the university. This is because of the enormous increase in issues requiring to be addressed and the inability of academic staff with full teaching and research loads to give the matters full and proper consideration. Shattock suggests a new element has been added to the governance architecture. This new element is an executive management team that sits between the academic council and the governing authority.

Increasingly senates are being asked to delegate decision-making powers between meetings to some executive body because of the pressure of issues, these Monday morning meetings became more structured with regulated membership and formal reporting back requirements to the senate

Shattock, 2006, p. 67

Shattock comments that with Deans included with other administration managers this executive committee becomes a ‘strengthened steering core’, a term he cites as being created by Clark (1998). This model reflects one of the key developments identified by

Van Vught (1994) when he identified the factors in the ‘State supervisory model’ which was different from the ‘State control model’. The existence of a strong internal administrative function was a factor in the State supervisory model as against a strong central State bureaucracy in the State control model. In the ‘strengthened steering core’ the executive management team of the Vice-Chancellor, Registrar, Bursar, Deans and other heads of function such as Directors of Estates and Human Resources creates a modern form of collegiality where the representative Dean assists the executive team prioritise choices before the university and set the direction of the university. Shattock also identifies that another version of the executive management team excluding the representative Deans exists, but he believes this is a managerialist approach and less likely to lead to a successful university. His ‘strengthened steering core’ reflects the writing of Henkel (2008) and the growth and development of management teams to address new areas of endeavour within the university. Henkel identified that the new management teams were “hybrid communities” of academics and administrators developed to manage the modern university and help it meet State expectations (Henkel, 2008, p. 12).

Shattock comments on the career administrator in a ‘strengthened steering core’ model of university governance and management. It is no longer “an academic civil service relationship with the academic community. Administration becomes less unitary and more organised...one of the main functions of the ‘management board’ is to co-ordinate them and ensure they pull in the same direction” (p. 69). This is a necessary development to allow the university to manage its external relationship, account for its performance and ensure it has the best management talent available to manage “their complex organisational structures” (p. 155). This, he argues, puts accountability at the very heart of the university but maintains institutional autonomy. According to Shattock

Successful university management is underpinned by belief in institutional autonomy and should be exercised not from the top down but through a continuous dialogue between the centre and the operating units

Shattock, 2003, p. 175

Shattock, like Skillbeck (2001) is supportive of retaining Berdahl’s substantive autonomy and in so doing he recognises the price is dilution of procedural autonomy.

An OECD report “Review of National Policies for Education: Higher Education in Ireland” published in 2004 quotes Thornhill stating “National policy-makers should be persuaded to see academic freedom and institutional autonomy as necessary features of higher education systems and not as problematical constraints” (OECD, 2004, p. 235). This OECD report recommends a management team who will lead the implementation of agreed strategy supported by faculty, school and department leaders who will be custodians of the academic ethos

The older collegial modes of governance in higher education are no longer in harmony with modern requirements. ...a key one is the ability to harness the commitment of all staff through forms of collegial engagement. Leadership in fostering the culture, ethos and morale of the institution is highly relevant to enhancement of its academic achievements and quality. Leadership must find time to take note of, and affirm the qualitative work of all members of the institution as they help to realise the institutions mission
OECD, 2004, p. 237

Skillbeck (2001), Shattock (2006) and the OECD (2004) are therefore affirming substantive autonomy. Both agree accountability is the price of autonomy.

Addressing university-State relations, Kogan has documented changes in governance in a number of countries in Europe in the 1980s and 1990s. Using Clark’s triangle of governance outlined earlier, he examines the levers and mechanisms used by governments. He lists these as

Legal controls/bureaucratic rules/guidelines;
Financial controls;
Normative/evaluative influences;
Competition/contracts

Kogan, 1998, p. 123

He notes that the UK university system was largely self-governed with both institutional and individual autonomy up to the 1970s and early 1980s. During the 1980s

Government’s approach to higher education has shifted from the exchange relationship, in which some ingredients of the trustful relationship subsisted, to a sponsorship-dependency relationship. In terms of the triangle of forces, the emphasis was moving from the mid 1980s from professional control to

that of the State and the market. Van Vught has typified this, for the non Anglo-Saxon systems, as a shift in the steering of higher education from the State control model to the State supervising model

Kogan, 1998, p. 125

Kogan has identified the same influences on higher education that Shattock (2003, 2006) identified and which the OECD (2004) recognised as necessary in an Irish context. Kogan has also identified that “the trustful relationship” (p. 125) is being replaced by accountability and steering. This point is addressed by Goedgebuure and Hayden when they state

There are many countries, and Australia is among them, where higher education institutions appear to have lost the trust that in the past could be used to describe their relationship with key stakeholders including Government. Regaining that trust is essential to creating an environment that is conducive to fulfilling the important role higher education has in a knowledge-based society. Good governance can well be a prerequisite for this.

Goedgebuure and Hayden, 2007, p. 10

This means that governance when properly structured and executed, both within institutions and between institutions and government can be an aid to trust and a more trusting relationship between university and State.

Diversity in mission amongst universities has been receiving attention in the literature (Trow, 1979; Birnbaum, 1983; Huisman, 1995; Van Vught, 2009; Van Vught et al., 2010). According to Van Vught et al., “diversity has been identified in the higher education literature as one of the major factors associated with the positive performance of higher education systems” (2010, p. 11). Van Vught et al. have cited Birnbaum, 1983; Huisman, 1995; Trow, 1979; and Van Vught, 2008 in developing the reasons they suggest diversified systems of higher education perform better than uniform systems of higher education. They have identified six reasons as follows: (i) a diversified system offers wider access to higher education to students from different educational backgrounds and varied levels of academic achievement; (ii) diversity allows upward and downward mobility in the system; (iii) diversity is “seen to meet the needs of the labour market” (p. 12); (iv) diversity allows for “the crucial combination of elite and mass higher education” (p. 12); (v) diversity allows institutions to focus their resources thus increasing effectiveness; and (vi) diversified systems allow

experimentation and innovation by allowing one institution take a lead and others will follow when success is proven, i.e. “diversity permits low risk experimentation” (p. 12). Van Vught et al. (2010) argue a new European Classification of Higher Education should be developed which allows stakeholders evaluate diverse institution using criteria that are important to the stakeholder themselves.

T. Christensen (2010) has documented university reform in Japan post 2004. He argues the reforms were designed to create a university system that reflected the best of the international university model merged with the culture of Japan. Following the reforms Japanese universities are following the international trend “of the new and powerful university management” (p. 135). Universities in Japan are now “held more accountable than before and are required to report regularly to the central authorities” (p. 134). T. Christensen has documented how the central authorities empower individual universities with diverse missions to manage themselves with a view to achieving system wide goals.

Kogan (1998) documented similar findings in relation to the UK system and the Finnish system. The Finnish system was documented to have moved “from legal prescription and detailed rule-setting to control by outcomes and evaluation” (p. 128).

It can therefore be concluded from the literature that the “strengthened steering core” is the governance norm within institutions and that system controls using measurement of outcomes and evaluation of institutions is the governance norm between institutions and the State. It could be argued that this model does not in any way diminish the autonomy of institutions to decide on the balances to be struck across several fronts. For example institutions are still free to determine content of teaching and define their own approaches to learning; institutions are autonomous in setting student entry criteria and providing access to non-traditional students; institutions are free to set their own research priorities; institutions can determine for themselves how to approach the internationalisation agenda; universities are free to decide process and procedures for exploitation of research outputs and for how they innovate in their communities and regions; universities can determine how they will engage, and encourage their academic staff/academic employees to engage with civic society and of course institutions are free to determine their own internal policies and procedures for the purposes of institutional

management and legislative compliance. This is substantial autonomy. Of course it does not mean that universities and other higher education institutions will not continue to seek greater autonomy or that government will not attempt to circumscribe and limit such autonomy. In all of this the warning from Trow (1996) that an inevitable consequence of accountability to a standard model is the emergence of homogeneity in institutions. Thus how institutions manage the limited autonomy they have is critical.

1.14 Chapter conclusion

This chapter has documented the essential elements of trust as a human construct and explored the trust landscape for various trust relationships including trust by the State in institutions. The chapter has traced the emergence of the governance movement, the origins of governance, the history of the university and its emerging governance approaches overtime, the rise of new managerialism or new public management in the public sector generally and universities specifically, the tension between university autonomy and accountability and the many important societal issues facing universities at this time. As evidence of a further dimension of accountability the literature suggests that a growing burden of governance and accountability has developed. Braun (1999) has suggested this growth can be traced to the 1980s. His analysis will feature in the later chapters of this thesis. In the next chapter the evolution of higher education in Ireland will be examined from the perspective of governance and accountability. Chapters 4 and 5 will examine the practice of governance and accountability and discuss whether trust plays or has played any part in that process. The themes identified in this literature review will be re-examined based on the findings from the practices identified and the evidence of the presence or absence of a trusting relationship between institutions and the State.

The key themes evident from the review of the literature are a number of changes are taking place in civil society that are having a knock on effect on the relationship between the universities and the government. This in turn is impacting on both internal university governance and the governance relationship between the university and the State.

The changes identified in civil society include the emergence of multi-cultural societies; diversity in the make-up of society; demands of equity of treatment for all which manifests itself as equity of access to higher education for all citizens independent of gender, ethnic origin, socio-economic background, physical and mental ability, age, working status or prior experience and learning; globalisation in terms of markets, cultural exposure, travel possibilities and supply chains; the emergence of knowledge work as a fourth factor of production and the demand for knowledge workers to do this work; the desire of governments to provide high living standards for its citizens by attracting industries providing high value knowledge work for citizens and the manifestation of this in citizen demands to be prepared to take up such work in preference to more traditional work; and a desire by older generations and parents for the next generation to enjoy opportunities that they themselves could not aspire to in early adulthood for whatever reason and the manifestation of this as a desire to secure a college education for their children and re-skilling opportunities for themselves. These societal changes are leading to far higher participation rates in higher education than heretofore. This has a knock-on effect to the cost of and investment required in higher education which in turn puts further pressure on government finances. These changes are also leading to the emergence of a diversified higher education sector with multiple types of tertiary education institution springing up as well as the emergence of new disciplines. Diverse student bodies and diverse faculty are also emerging. Different forms of instruction and collaboration between institutions and types of institutions are emerging. A global education market is emerging supported by new technologies. Global rankings are being produced which confers status and gravitas on institutions and their graduates with governments in turn attempting to ensure national universities can achieve global ranking.

These changes in society are leading to changes in government/university relationships. Governments are looking to universities to support economic development and transformation through the provision of a qualified workforce with the recognised skills and expertise required for knowledge work; for outstanding research output at a standard capable of attracting international companies to locate in the jurisdiction and the capacity for the outcomes of the research to themselves generate resources for the economy and the provision of equitable access to education to all groups in society.

The changes in society and the related changes in the government/university relationship are leading to changes in the university/State relationship and the governance of universities. Internal university governance changes that can be identified in the literature include mission focus and specialisation on the part of universities; the emergence of leadership and management in universities often manifesting itself in the form of a strengthened steering core and often leading to a reduced influence for the academic community acting in collegiate fora; a growth in measurement and accountability of academic units to the university administration; and the creation of smaller, expertise led and non-institutional employee/student dominated governing bodies. External governance changes that can be identified from the literature include the emergence of independent quality assurance; funding distribution through intermediary buffer bodies; contractualisation between the universities and the State; increased and increasing accountability for the probity of funds handling and the achievement of mission objectives; and the emergence of regulation where objectives and mission are agreed between the State and university and performance in the achievement of these things is monitored and perhaps rewarded; and the related perceived interference by the State in the traditional autonomy of the university to direct its own affairs.

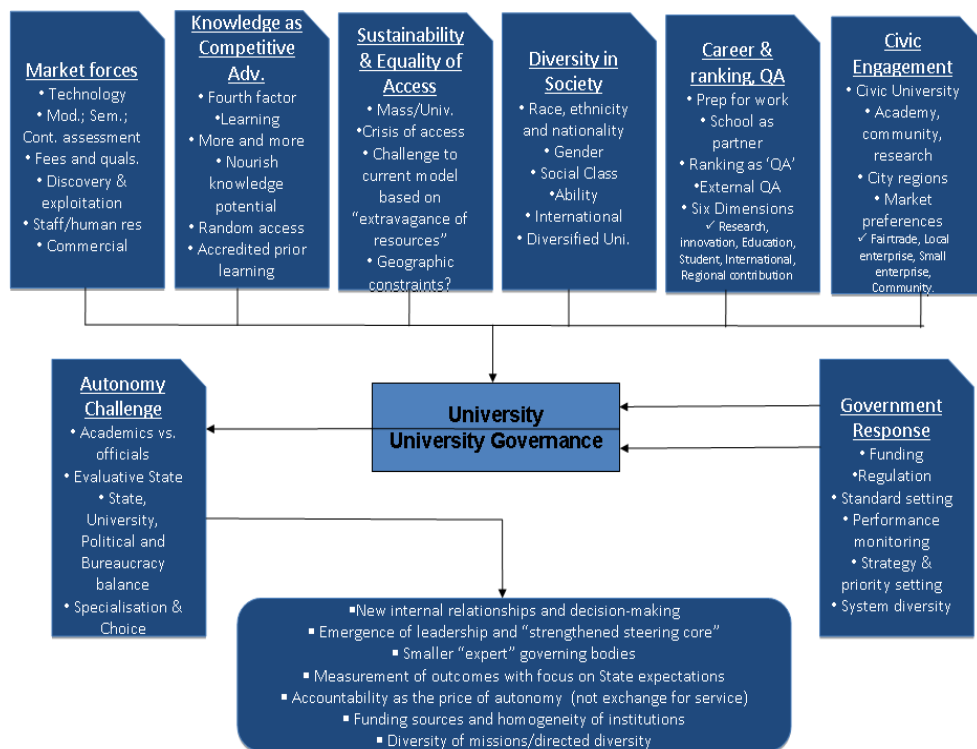


Diagram 1: University and university governance influences, impact on autonomy and common university responses

Diagram 1 above shows the influences on the university and university governance emerging from the literature review, how they are impacting on institutional autonomy and the most common responses on the part of universities to the influences identified. Trust weaves its way through the literature. Trow (1996) comments on accountability and how it exists in direct opposition to trust. Kogan (1998) comments how the former trust based exchange relationship that existed between university and State is being replaced by a sponsorship relationship where the State acts as sponsor and funder of initiatives. Neave (1998) notes how the power dynamic between State and university can be used to confer trust and remove trust as the State evaluates university performance and negotiates future objectives which can determine university funding and university sustainability. Goedgebuure and Hayden (2007) suggest universities have lost the trust of the State which they once had and that recovering that trust will be necessary to allow universities play its full role in the knowledge society. Better governance, they argue, can help restore trust. It can be concluded that the literature suggests that the decline of trust on the part of the State in universities is having an impact on both the nature of university governance and how changes in university governance are being implemented. Trust is not the only factor influencing changes in university governance and how those changes are implemented. Funding implications arising from massification and the desire of government to achieve its own policy objectives and to seek accountability for university performance on behalf of taxpayers and society as a whole are also key factors in university governance changes. Equally the association of national competence and success with university rankings in the minds of public officials, citizens and global enterprises is also a factor in governance change. The focus of this thesis is on the issue of trust and the part it plays in the changing nature of university governance.

Chapter 2 Literature review

The university in Ireland

2.1 Introduction

In this chapter the history of the Irish university sector is documented. From the establishment of Trinity College Dublin in 1588 through to the publication of the *National Strategy for Higher Education to 2030* (Hunt, 2011) this chapter traces the evolution of the Irish university system and discusses how governance has evolved with a particular focus on the changes in governance arrangement for universities since the enactment into law of the Universities Act, 1997.

A binary higher education system exists in Ireland, the university sector and the Institutes of Technology (IoT) sector. The emergence of the IoTs since the late 1960s to the present day is discussed drawing largely on the work of Coolahan (2004). The different mission of the IoT sector, from that of the university sector is explored.

Finally the recommendations of two key reports, the OECD report (2004) and the *National Strategy for Higher Education to 2030* (Hunt, 2011) are addressed in this chapter, with particular focus on the impact those recommendations would have on the governance and accountability of institutions.

2.2 Background to Irish universities

There are currently seven universities in Ireland in receipt of public funding as their primary source of funding. The oldest is Dublin University, commonly known as Trinity College Dublin (TCD). TCD traces its establishment to 1592. Others are the National University of Ireland, Maynooth (NUIM), the National University of Ireland, Galway (NUIG), University College Cork (UCC) and University College Dublin (UCD), these four being independent constituent colleges of the federal National University of Ireland (NUI). The remaining two universities, both established as universities in 1989

are the University of Limerick (UL) and Dublin City University (DCU). These were the first new universities established by the Irish State in its then 70 year history.

Figure 4 below places each of the universities into Mora’s three periods outlined in the previous chapter. TCD was founded in 1592 very much in the image of the university of the middle ages. It was owned and operated by the Fellows of the College working as an academic guild that was totally self governing. The newest universities, DCU and UL, were established in 1989 in the modern tradition of preparation for work and career. Neither DCU nor UL had an Arts faculty when established as universities, something that caused controversy at the time (O’Faolain, 1989). The other four universities were established as university colleges of the second period.

<i>University Established</i>		First Period Middle Ages to c.1800	Second Period c. 1800 to c.1980	Third Period c. 1980 to 2011
TCD	1592	●		
NUIM	1795		●	
UCC	1849		●	
NUIG	1849		●	
UCD	1854		●	
DCU	1989			●
UL	1989			●

Figure 4: Irish universities founded in Mora’s three period

TCD was established as Ireland’s first university in 1592. TCD was

founded by Queen Elizabeth 1, on the foundation of All Hollows Monastery, which had been taken over by King Henry V111. The university was established as an *instrumentum regni*, which would promote two key aims of the Tudor conquest – the extension of Protestantism and of the English language and culture.

Coolahan, 2004, p. 56

Access to the university was reserved for members of the Protestant faith churches for the first 250 years of the university's existence. Catholics and dissenters were allowed access from the late 18th century but members of the Catholic Church required the permission of their local bishop to attend. According to Coolahan "the ethos and character of the college retained a strong Ascendancy and Protestant character" and "Following political independence, it tended to remain an enclave apart from the mainstream of Irish life" (Coolahan, 2004, p. 56). During the 1950's TCD began to reform itself and looked to Irish society as its location and its future. It expanded during the 1960's and welcomed the lifting of the general Catholic ban by the Catholic Archbishop of Dublin in 1970. Irish students "were eager to obtain the benefits of university education in a college of great longevity, in a city centre location, and with a distinguished reputation for scholarship" (Coolahan, 2004, p. 56).

Ireland's second-oldest third level institution was established in Maynooth in 1795. Using public funds a seminary was established at Maynooth "as a countermeasure to Catholic students going to revolutionary Europe for their studies" (Coolahan, 2004, p. 56). It was just three years later that Kant published *The Conflict of the Faculties* (1798). St. Patrick's was given Pontifical University status in 1896 and became a Recognised College of the NUI in 1910 following the establishment of the NUI in 1908. The Recognised College became an independent constituent university of NUI in 1997 with the passing of the *Universities Act, 1997* with the name National University of Ireland, Maynooth. The college first admitted lay students in 1800. However following representations from TCD, the parliament in London demanded that lay students be excluded and the college reverted to being a seminary only in 1817. Unfortunately all the records of the lay university were destroyed in a fire. "No formal records of the lay college have survived, so information on how it functioned must be collected from bits and pieces" (Corish, 1995, p. 41). Lay students returned to Maynooth in 1966 as the College began to train teachers for the expanding second level education sector following the introduction of universal second level education in the mid 1960's.

Three colleges were established in Ireland in 1849 as a federal Queens University. The colleges were located in Belfast, Cork and Galway.

These were designed as non-denominational, non-residential, low fee institutions devoted to modern and applied learning, as well as some of the traditional subjects

Coolahan, 2004, p. 57

The Catholic Church in Ireland opposed the non-denominational nature of these colleges and established its own university, the Catholic University in 1854. John Henry Newman was rector. Newman remained in post for only four years returning the England disgruntled. The university, which did not have the benefit of State approval or a Royal Charter struggled initially, primarily due to lack of funds and was absorbed into University College Dublin with the establishment of the NUI in 1908. University College Cork and University College Galway, now NUIG were also created as constituent colleges of the NUI. Queens in Belfast became a stand alone university.

The 1908 arrangements “proved to be an enduring arrangement for many decades” (Coolahan, 2004, p. 58). Following independence, universities were left to govern and manage themselves until the end of the 1960’s. At the beginning of the 1960’s the universities

were neglected as regards funding and resourcing. They had tended to evolve as elite-type institutions favoured by the middle class who aspired to professional careers for their children. By 1960 the Government had accepted that the whole question of higher education, which would form a crucial element in the socio-economic development of the State, needed to be examined

Coolahan, 2004, p. 58

A turbulent period began with the appointment of a Commission on Higher Education by the then Minister for Education, Dr Patrick Hillery in 1960. This twenty eight person body examined the issues over a protracted seven year period and finally reported in 1967. The report, 32 chapters with more than 400,000 words was highly critical of the universities and the management of universities. “In general, they considered that the inadequacies revealed were “so grave as to call for a concentrated effort to remove them”” (Coolahan, 2004, p. 59). The report recommended many changes including the dissolution of the NUI, independent university status for both the university located in Galway and the university located in Cork. TCD and UCD were to be one multi-denominational university with a presence on two separate campuses and with Maynooth as a recognised college. The report also recommended new colleges for

technological education although the government had already announced the establishment of Regional Technical Colleges.

Such was the Commission's concerns with the governance and management of universities that it recommended the establishment of "a permanent authority to deal with financial and organisational problems of higher education..." (Coolahan, 2004, p. 61). This recommendation was the first to be implemented with the establishment of the Higher Education Authority (HEA) in 1968 on an ad-hoc basis. The HEA was underpinned with its own dedicated Act in 1971. The HEA engaged with the universities on the Commission report and government policy. In 1971 it recommended that the merger of TCD and UCD be abandoned in favour of greater collaboration. The NUI survived as a result. Whereas many proposals were put forward by different governments from time to time the emergence of the University of Limerick and Dublin City University in 1989 were the next notable developments on the Irish university landscape. The *Universities Act, 1997* is the most recent development in legislative terms. Since the 1997 Act two documents introducing binding governance responsibilities on universities have been published jointly by the universities and the HEA. The *Financial Governance of Irish Universities: Balancing Autonomy and Accountability* was published in 2001. The *Governance of Irish Universities: A Governance Code of Legislation, Principles, Best Practice and Guidelines* was published in 2007.

In 2011, according to Hazelkorn and Massaro the Irish higher education system is

a binary higher education system of universities and institutes of technology (IoTs) as well as several colleges, with the Higher Education Authority (HEA) having statutory planning and development responsibilities for higher education and research. The universities and IoT sectors have different missions, so that while undergraduate enrolments are shared about equally, the universities enrol the majority of research students. Universities enjoy greater autonomy than the IoTs but both operate within a restricted management environment

Hazelkorn and Massaro, 2011, p. 88

2.3 The Universities Act, 1997

During the 1990s “remarkable levels of economic growth” (Coolahan, 2004, p. 148) were experienced in Ireland. “Education was viewed by government as a strategic plank of policy in the promotion of economic, social and cultural development” (p. 148). All national agreements between government, employers, trade unions and other social partners have stressed the importance of education since 1987. The government and the other social partners realised “that investment in education was crucial in human resource development” (p. 148). The 1995 government White Paper *Charting our Education Future* stated

The State will respect the autonomy of institutions to determine ways and means through which they will fulfil their particular roles, within the overall aims for the system and the policy framework articulated by the Minister
Dept. of Education, 1995, p. 87

The White Paper outlined the key policy concerns for higher education in Ireland in 1995

- the projected growth of numbers participating in higher education
- the increasing diversity in the composition of the student body
- the need to maintain the highest standards of teaching and research
- the need for effectiveness and efficiency at all levels and the growing social and economic expectations of higher education
- the competing needs of other educational and social sectors for resources
- the growing public demand for more accountability in publicly funded institutions

Dept. of Education, 1995, p. 88

The White paper goes on to say, in bold typeface, “The policy approach will seek to balance institutional autonomy with the needs of public policy and accountability, having due regard to the respective rights and responsibilities of the institutions and the State” (p. 88). The White Paper recognises “the legitimate autonomy of institutions, particularly in relation to determining the educational aims and content of programmes” (p. 88). It goes on to promises “the continuous development of a framework of accountability for individual institutions and for the higher education system as a whole” (p. 88). It suggests the universities have a role in “social and economic development, together with the need to ensure continuing relevance to the needs of the economy” (p. 88).

The White Paper can therefore be seen to recognise the autonomy of universities in academic affairs, the role universities can play in economic advancement, the need for institutional accountability to the State and the recognition by government of a university system as a whole with responsibilities to deliver on public policy objectives. This White Paper was published two years after Drucker had stated that “education has become much too expensive not to be held accountable” and that institutions “are also becoming much too important not to be held accountable” (Drucker, 1993, p. 189). Berdahl (1990) had written about the different types of autonomy in universities and the need to preserve to the maximum extent autonomy over the academic affairs of institutions. Berdahl had argued, as does the White Paper “that the State has a very legitimate partnership role in respect of substantive policies – which role should be expressed through suitable sensitive mechanisms” (Berdahl, 1990, p. 170). Salter and Tapper (1995) wrote about government in the UK setting the policy agenda with the universities themselves free to determine how to achieve the policy objectives. Verry and Davies (1976) drew attention to inefficiency in universities being a cost to other public policy areas. It can therefore be concluded that the White Paper was reflecting the international literature when it made its recommendations in 1995. It can also be concluded that the governance of universities in Ireland was aligning itself to international norms in the mid 1990s.

The White Paper promised legislation for universities. This emerged in 1997 following consultation with the universities, the HEA and other interested parties.

The Universities Bill was published in July 1996. The Bill was widely discussed “particularly those sections where great sensitivity existed on the interface between the powers of the Minister for Education and Science and the HEA *vis-a-vis* the institutions” (Coolahan, 2004, p. 150). Amendments were made and the Bill was enacted in May 1997. According to Coolahan (2004) “The Universities Act 1997 is the most significant piece of university legislation since the State was founded” (p. 150).

Part I and Part II of the Act deal with Preliminary items, outline the universities addressed in the legislation, this being all seven universities as described in this chapter. It also determines procedures for the establishment of additional universities.

Part III outlines the objects and functions of a university, governance arrangements, both internal to the university and between the university and the State, staffing arrangements including the appointment of a President and the functions of the President. Section 24(3) states “The *Fourth Schedule* shall apply to the chief officer” (p. 22). Section 1 of the Fourth Schedule states

The chief officer of a university shall, subject to this Act, manage and direct the university in its academic, administrative, financial, personnel and other activities and for those purposes has such powers as are necessary or expedient

Universities Act 1997, p. 39

Part III goes on to address the functions of academic councils; university statutes and charters; the requirement of the university to produce strategic development plans, quality assurance procedures and equality policies; financial matters including the necessity to operate without a deficit and the authority to own land.

Part IV sets out the role of the National University of Ireland as it relates to the constituent universities, these being University College Cork, University College Dublin, National University of Ireland, Galway and National University of Ireland, Maynooth. Part V outlines the role of the Higher Education Authority. Part VI deals with the sanctions available to the Minister to prevent institutions that are not universities using the title university in its name.

The key issues of autonomy, accountability for the use of public monies and accountabilities for outcomes achieved against public policy objectives are all addressed in the Act. Section 14(1) states

A university, in performing its functions shall-

- (a) have the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of its internal and external affairs, and
- (b) be entitled to regulate its affairs in accordance with its independent ethos and traditions and the traditional principles of academic freedom, and in doing so it shall have regard to-

- (i) the promotion and preservation of equality of opportunity and access
- (ii) the effective and efficient use of resources, and
- (iii) its obligations as to public accountability,

Universities Act, 1997, p. 12

Section 14 (1) (b) (ii) and (iii) give legal effect to the fiduciary accountability outlined above and to accountability for outcomes. The support of government policy is addressed in Section 12 of the Act which lays down the objects of a university. Amongst these are

- (f) to support and contribute to the realisation of national economic and social development,
- (g) to educate, train and retrain higher level professionals, technical and managerial personnel,
- (h) to promote the highest standards in, and quality of, teaching and research,
- (i) to disseminate the outcomes of its research in the general community
- (j) to facilitate lifelong learning through the provision of adult and continuing education, and
- (k) to promote gender balance and equality of opportunity among students and employees of the university.

Universities Act, 1997, p. 11

The requirement to support economic and social development is reinforced in Section 34 which addresses the preparation of a strategic plan to support the aims “and for carrying out the functions of the university” (p. 28) and the requirements to report to the State set out in Section 35(5) and Section 41. In addition Section 49 gives an oversight role to the HEA to review strategic development plans, quality assurance procedures and equality policies. Sections 50 and 51 give the HEA powers relating to staff numbers and grades and place a legal obligation on universities to report pay and related matters to the HEA on foot of requests from the HEA and allow the HEA to publish responses if it so determines. Sections 37 and 39 give “the HEA and Comptroller and Auditor General...significant powers of approval and investigation” (Coolahan, 2004, p. 49). Coolahan states

It appears a reasonable balance has been struck between safeguarding key aspects of institutional autonomy and providing for the needs of public policy and accountability, while updating the composition of governing authorities and modernising institutional procedures

Coolahan, 2004, p. 48

Coolahan justifies the new accountability procedures “in the context of the mass higher education era” (p. 49). He is therefore in line with Drucker, 1993; Kogan, 1998; Braun, 1999; Mora, 2001; Skillbeck, 2001; Duderstadt, 2002, 2003; Shattock, 2003, 2006; Kamenetz, 2010; and Dill, 2011 that massification and the resultant costs to the State are a key driver of additional accountability. It can also be suggested that Coolahan (2004) is satisfied with the balance of autonomy and accountability as discussed by Berdahl, 1990; Salter and Tapper, 1995; Mora, 2001; Skillbeck, 2001, Duderstadt, 2002, 2003; Shattock, 2006; and Dill, 2011. Coolahan states “Overall, it can be concluded that the *Universities Act, 1997* is a landmark in the history of university education in Ireland” (p. 49). This suggests a confidence that the Act balances autonomy and accountability in a way that is acceptable.

University autonomy in Ireland needs to be understood in the context of the Central Admissions Office. Ashby (1966) has suggested that autonomy in selecting staff and students is key to universities. Berdahl (1990) has defined regulations governing entry to university as part of the substantive autonomy necessary for universities to thrive. Yet the universities in Ireland have devolved this autonomy to the CAO, a national agency owned and controlled by the seven universities and representatives of other public and private third level institutions. The admission process is simple. The vast majority of candidates for entry to third level in any given year are the graduates of the second level system. Potential students apply to the CAO setting out their preferred courses in order of preference, from first preference to tenth preference. Students results in the second level terminal examination, the Leaving Certificate, are weighted with an overall points score provided. The CAO then match points attained in the Leaving Certificate with the points entry requirements to various courses, based on places available and overall demand, and assign a student to a course. Subject to only minimal special rules introduced by universities and colleges for particular courses, the universities have surrendered their autonomy over entry to university for this category of students. Some argue that universities retain a large element of this substantive autonomy by defining a minimum entry standard, expressed in Leaving Certificate points, and accepting the highest ranked students who meet or exceed that standard until the course quota of available places is filled. This is true of some courses. However other courses do not impose a minimum standard, taking all students in quality order

until the quota of available places is filled. Whatever interpretation is taken it is important to understand that the CAO has a role in matriculation in Irish universities.

2.4 The Institute of Technology sector of higher education in Ireland

During the 1960s a number of reports were commissioned by the Government of Ireland to address “the underdeveloped provision of higher education technical colleges” (Coolahan, 2004, p. 76) and “to assess the fitness for purpose in relation to a new plan for industrial development” (Coolahan, 2004, p. 77). Coolahan lists these as the *Commission on Higher Education* (1960-67), the *Investment in Education Study* (1962-65) and the OECD study *The Training of Technicians in Ireland* (1964). In 1966 the then Minister for Education announced the establishment of eight Regional Technical Colleges. “He appointed a Steering Committee to advise him on technical education and, in particular, on the best role for the proposed colleges” (p. 77). The committee reported in 1967. They saw the role

as educating for trade and industry over a broad spectrum of occupations ranging from craft to professional level, notably in engineering and sciences, but also in commercial, linguistic and other specialities

Coolahan, 2004, p. 77

The committee also recommended the establishment of “a National Council for Education Awards (NCEA) with wide ranging responsibilities for course approval and accreditation” (p. 78). The NCEA was established in 1972. Another recommendation of the steering committee was that Regional Education Councils be established “having accountability for all education in each of the regions” (p. 78). This recommendation was not acted upon.

According to Coolahan (2004) the development of the Regional Technical Colleges was then hampered by a number of important decisions. Firstly in “early 1969, the Minister for Education announced that the colleges would be managed by a board of management appointed in accordance with Section 21(2) of the *Vocational Education Act* of 1930”.(p. 78). Secondly the staff union recognised by the employers (Vocational Education Committees) was the Teachers Union of Ireland (TUI) “which was strongly established in the second-level vocational schools” (p. 78). Coolahan (2004) lists a

number of implications from these decisions. Confusion on the role of the head of the college vis-à-vis the role of the chief executive of the local Vocational Education Committee arose. The colleges were treated like second level schools. The TUI “adopted a “second-level” (pp. 78-79) attitude to teaching and management matters, including an agreement with the Department of Education that teaching staff would be free of duties from 20 June to 1 September each year” (p. 79). This led to a teaching rather than research focus. Funding was via the Department through the local Vocational Education Committee. Despite these obvious constraints the sector developed throughout the 1970s and, as a result, “a new network of RTCs had come into existence with a strong remit to respond to the educational and training needs of the regions” (p. 79). By 1977 nine RTCs had been established. These were Athlone, Carlow, Dundalk, Sligo, Waterford, Letterkenny, Galway, Cork and Tralee. The NCEA operated as the credentialing body for the certificates and diplomas awarded. Degrees, following four years of full-time study were also awarded by the colleges through the NCEA. The NCEA was put on a statutory footing in 1979. The NCEA Act (1979) gave the NCEA

the general function of promoting, co-ordinating and developing technical, industrial, scientific, technological and commercial education provided outside the universities, whether professional, vocational and technical, and it had a function in promoting liberal education. It no longer had a function in planning

Coolahan, 2004, p. 80

The RTC sector enjoyed sustained student growth throughout the 1970s and 1980s. This continued until 1989 when the University of Limerick and Dublin City University were established, such establishment being interpreted “by some commentators as a weakening of the binary model” (Coolahan, p. 81).

Coolahan (2004) states RTCs were seen as highly innovative and a successful initiative in Irish higher education. By 1990 they were “finding their management framework and restrictions for self-initiated action very frustrating” (p. 81). A new *Regional Technical Colleges Act* (1992) was passed which “removed the RTCs from the authority of the VECs and allowed them more independence of operation, subject to the approval of the Minister for Education. The Act gave the institutions the authority to exploit knowledge in the interests of regional and national development” (p. 82). This Act

paved the way for greater administrative control, increased levels of applied research and technology transfer programmes with industry (Coolahan, 2004).

Further developments took place in 1998, one year after the enactment of the *Universities Act 1997*. The names of the colleges was changed to Institute of Technology and

it was agreed that following fulfilment of certain criteria, institutes could be permitted to award their own degrees. By 2003, the Institutes of Waterford and Cork had won the right to award their own degrees. In late 2003, HETAC also gave the Waterford Institute the right to confer its own masters and doctoral degrees

Coolahan, 2004, p. 82

Over the years four additional IoTs were opened in Tallaght, Limerick, Dun Laoghaire, and Blanchardstown, bringing the total number to 13. By 2004 the Institutes each had a governing authority with designated responsibilities, a Director charged with implementing governing body policy and much improved internal administration. Quality control was an emerging challenge with credentialing now under the direction of HETAC. External review of academic departments was not unusual. The biggest issue for the IoTs was the need for all important decisions to “require the approval of the Minister for Education” (Coolahan, 2004, p. 89). A great desire existed in the sector for “a similar measure of the autonomy granted to the universities by the Act of 1997” (p. 89).

In 2004 the OECD commented

One of the strengths of Ireland’s tertiary education system is the extent to which a diversity of mission has been maintained between the university and the institute sectors, as well as within the sectors. This has been reinforced by organisational differences and the differences in funding regimes and accountability mechanisms

OECD, 2004, p. 36

OECD recommended that the mission diversity of the two sectors of the binary divide should be maintained. The mission of the IoT sector was defined as

Local economic development, in encouraging wider participation through local catchment, their support for apprenticeship and craft skill training and the provision of ladders of opportunity through different educational levels, and in the applied character of their work

OECD, 2004, p. 36

The OECD went on to recommend that the IoT sector and its successes “be nurtured and celebrated so that its differentiation from the university sector is not seen as conferring lower status but defining it as an equal partner in a dynamic higher education system which covers a diverse range of functions” (OECD, 2004, p. 36). The report also recommended “a unified concept of a tertiary education system” (p. 37) incorporating the universities, IoTs and other advanced colleges. They then recommend institutional collaboration, including dedicated funding “whether in research, postgraduate programmes, first degree work or lifelong learning” (p. 37). Further recommendations were for the establishment of a new authority to oversee the entire tertiary education system, including funding of the system with separate committees governing the universities and the IoTs. They recommended that the control of the IoTs be transferred from the Department of Education “to the new Authority, the managerial controls on their freedom to manage themselves to meet institutional objectives be reviewed with a view to lightening drastically the load of external regulation” (OECD, 2004, p. 49).

2.5 The Institutes of Technology Act 2006

The IoTs were removed from the direct control of the Department of Education in 2006 and placed under the HEA for the purposes of funding and accountability. The *Institutes of Technology Act 2006* was passed into law and substantial powers that previously were only available to universities were given to IoTs. Governing bodies were given significant powers by amending section 7 of the *RTC Act 1992*. The chief officer was given powers and functions similar to those of a chief officer in a university.

The transferring of the IoTs into the HEA gave effect to a recommendation of the White Paper *Charting our Education Future* (1995). However, in taking this action the government were rejecting a key recommendation of the OECD report (2004) that a Tertiary Education Authority be established with separate committees governing each

side of the binary divide. The 2006 Act does not require the HEA to amend its internal structures to reflect the differing missions of each side of the binary divide.

The Institutes of Technology Act 2006 provides the same freedoms to academic staff in the IoTs as exists for academic staff in universities. (Section 7, p. 8). Academic Councils are established. However the previous concerns about limited autonomy have not been removed. Whereas Coolahan identified concerns that key decisions required the approval of the Minister prior to 2006 Act (p. 89), the powers of the Minister have in some cases been transferred to the Higher Education Authority. HEA approval is required for a number of important decisions. For example if the post of President at an IoT becomes vacant the approval of the HEA is required before an interim President can be appointed (Section 10, p. 10). This is not the case in universities. Hiring of staff requires the approval of the HEA (Section 13, p. 11). No changes were made to the powers of the IoTs to establish new courses. The approval of the HEA is required, as against the approval of the Minister prior to the 2006 Act. The mission of the IoTs remains the same, that is provision of technological training and education; focus on access and disadvantage; provide applied research and collaboration with local industry; and support local economic development.

2.6 Public governance in Ireland

As stated in the previous chapter the genesis of the governance movement was the Cadbury Report (1992) and a series of subsequent report including the Greenway Report, 1995; The Hampal Report, 1997; The Turnball Report, 1999; the Smith Report, 2003, and the Higgs Report, 2003. These reports were sometimes sponsored but their findings always adopted by a body called '*The consultative committee of accountancy bodies*'. The *Institute of Chartered Accountants in Ireland* were members of the consultative committee and the recommendations of the various governance movements reports became binding on Irish companies and subject to independent audit by Irish auditing firms.

In the early 1990s the 'new managerialism' discussed in the previous chapter became the norm for public management in Ireland. An Taoiseach, Albert Reynolds launched the Strategic Management Initiative (SMI) in February 1994 setting out three key aims.

These were that public bodies would contribute to economic and social development; that an excellent service to the public should be provided; and that resources such as finance, staff, facilities and equipment should be used effectively by public bodies. In May 1996 the SMI Co-ordinating Group of Secretaries of Government Departments issued a report entitled “Delivering Better Government” (1996). This report outlined a process for the modernisation of the public sector and identified a number of areas requiring change. These were delivering quality service to customers and clients, reducing red tape, delegation of authority and accountability, improved human resource management, improved financial management and ensuring value for money, greater use of information technology and improved co-ordination between Government Departments. Sub-Groups were established in 1996 to determine how to implement change and what a reformed and modern public sector might look like in these key areas. In 1997 an SMI implementation group was established to “drive reform forward within the civil service and to report to Government on a periodic basis” (SMI, p. 1). It is now clear that SMI was or is the Irish version of a managerial methodology for public administration that has emerged in the past 20 years. It is sometimes called new public management or new managerialism. There is evidence that the education system and particularly the tertiary education system this new managerialism has “shifted the focus of service delivery from one of democratic accountability in education” (Grummell, Devine and Lynch, 2008, pp. 1-2). This suggests that university governance and management is being influenced by the same governance movement that is having an impact on publicly quoted companies in the private sector.

Green reports some disappointment in the implementation of strategic management and planning in a sample of countries who have implemented these types of initiatives. Civil servants in four jurisdictions, Ireland, Northern Ireland, New Zealand and Australia took part in a study on the implementation of strategic management in the public sector.

The responses to the questions on the difference between strategic and other forms of planning and on the objectives of strategic planning reveal a lack of emphasis on vision, learning, empowerment, competencies, culture excellence in the protocols of SM/P in the Civil Service

Green, 1998, p. 546

The application of strategic management in the civil service is seen as “incremental to, rather than transformational of, existing planning methods” (p. 546). He concludes because strategy in the Civil Service is not strategy per se but the implementation of political choices the Civil Service defaults to an audit society approach of Peters (2010).

Hence, the concern with measurement, with performance indicators, with audits and reviews, with clearly defined objectives, targets, goals, plans and standards of achievement, with information, especially that on cost, with evaluation, prioritisation, with systemic review and with scrutiny. The language denotes a scientific rather than artistic approach, control rather than empowerment, finance rather than people.

Green, 1998, p. 548

It appears therefore that the Universities Act, 1997 was enacted at a time when the Irish Civil Service had a command and control attitude to public bodies.

2.7 Governance developments in Irish universities since 1997

A joint Higher Education Authority and Conference of the Heads of Irish Universities document *The Financial Governance of Irish Universities: Balancing Autonomy with Accountability* was published in 2001 (HEA, 2001). The introduction to this document states

During the last decade there has been a growing requirement for greater transparency and accountability on government departments, semi-state companies, public institutions and other bodies which derive the bulk of their income or significant funding from the State”

HEA, 2001, p. 10

After noting that the Heads of Irish universities had appeared before the Dail Committee on Public Accounts (PAC) the document states “it appeared that the PAC considered the standards of governance within the university sector required some improvement” (HEA, 2001, p. 10). It went on to state

the Higher Education Authority (HEA), as the body responsible under the HEA Act, 1971, and the Universities Act, 1997, for providing the State

funding to the universities, might take on a quasi-regulatory role on aspects of university governance”

HEA, 2001, p. 10

Whereas this document was focused largely on financial governance and internal financial controls it marks the beginning in earnest of external accountability by the universities in Ireland for the resources they received and the use to which it put those resources. The mechanism chosen to address the concerns raised in the introduction was the creation of an internal audit committee in each Irish university and the making of an annual statement, the Annual Verification Statement, to the HEA by the Governing Authority of each university. The annual statement was largely concerned with matters of financial control and compliance with public policy in financial governance procedures. This approach suffered from many of the flaws identified of public governance shifts from the nineteen eighties. These flaws included a “lack of capacity to ensure responsiveness...to public purposes” (McGuinness, 2006, p. 9).

However the tone of the document suggests that the observation of Drucker (1993) identified in the previous chapter, that education was too expensive not to be accountable, had resonance with a command and control Irish public sector governance methodology. The document also introduces audit committees and an annual verification statement. This suggests the seeds sown by Cadbury (1992), Hampal (1997) and others in their recommendations for audit committees was taking root in the Irish university sector. It could be argued that trust in universities was qualified, subject to good audit reports and clean verification statements.

A joint Higher Education Authority and Irish University Association publication *Governance of Irish Universities: A Governance Code of Legislation, Principles, Best Practice and Guidelines* (HEA, 2007) was launched in 2007. This report extended the codified governance requirements in universities beyond financial governance and into all aspects of university activity. The introduction to this document states

Governance comprises the systems and procedures under which organisations are directed and controlled. A robust system of governance is vital in order to enable organisations to operate effectively and to discharge their responsibilities as regards transparency and accountability to those they serve. Given their pivotal role in society and in national economic and

social development, as well as their heavy reliance on public as well as private funding, good governance is particularly important in the case of universities

HEA, 2007, p. 3

The document sets out in detail the requirements for Irish Universities to make annual statements to the HEA and Government in relation to a number of topics including internal control and risk management, codes of conduct for governing authority members and staff of the university, internal audit and its findings, remuneration, procurement and tax clearance, disposal of assets, access to assets by third parties, investment appraisal and value for money, reporting arrangements, tax compliance, diversification and the establishment of subsidiaries, strategic planning, quality customer service for customers and clients of the university and other matters. Some of the requirements are driven by legislation while some are acknowledged to be driven by “principles and best practice” (HEA, 2007, p. 4). The introduction states

This is a voluntary code outlining a further set of principles and best practices, which take account of developments in governance since 1997 and are intended to be generally applicable regarding the internal practices and external relations and accountabilities of the universities”

HEA, 2007, p. 4

The document acknowledges the autonomy normally associated with university governance and management but does qualify this by stating that the adoption of the code will “provide comfort to the State and the public at large that universities are operating to the highest standards of governance and accountability in relation to all their activities” (HEA, 2007, p. 6). In launching the document the then Chairman of the HEA stated that “the relationship between any public institution and the general public is one of trust. We can see the consequences in other areas where that trust is abused” (Kelly, 2007, p. 1). Hence the HEA have put trust back centre stage in the governance of universities and have put mechanisms in place to ensure the exercise of trust takes place in public. This suggests trust is important but the actions of the university must be monitored so that the universities can re-affirm and public confirm their continuing trustworthiness.

This second governance document has strong echoes of the Hampal and Turnbull Reports of 1997 and 1999 respectively. These important private sector reports are being incorporated into the code of governance for universities.

There is not any reference to academic courses offered or academic standards in general in either HEA governance document. This might suggest that the HEA and the State are content to let Irish universities continue to be autonomous in academic matters. However a HEA document sent to the Irish universities in 2004 in relation to the distribution of resources between universities did suggest that the HEA may not fund, either through grant in lieu of fees or State core grant support, new courses introduced by institutions for subject areas where demand was already satisfied or where adequate expertise did not exist. Introducing such a measure has been raised from time to time by the HEA but no moves have been made in this regard to date. It is interesting to note that the equivalent organisation in England to the HEA, the Higher Education Funding Council for England (HEFCE) agree a contract number of students by academic qualification with each university. Universities are free to decide entrance level requirements but only to the extent that they meet their contracted quota for students (OECD, 2003, p. 78).

The HEA have also implemented a special programme of incremental funding for universities for the creation of graduates with certain engineering and technology skills. Universities have responded to this funding in some instances by creating entirely new disciplines within their institutions in order to attract the skills funding available. Six of the seven universities introduced Nursing as an academic discipline when the Irish Department of Health began to fund nursing degrees. A number of universities opened Engineering Schools when the first report of the National Skills Needs group reported in the 1980s.

2.8 The Financial Measures (miscellaneous provisions) Act, 2009

A significant piece of legislation passed in 2009 was the Financial Measures (miscellaneous provisions) Act (Gov of Irl., 2009). The annual accounts of the pension funds of five universities, TCD, NUIM, UCC, NUIG and UCD had reported significant

deficits for a number of years since the mid 2000s. This was due to both rising salaries and an actuarial recognition that life expectancy had increased significantly in recent times. The universities sought a guarantee for pension liabilities from the State. The State chose to take the pension assets of the universities in return for the guarantee. The impact of this decision, which was approved by all five universities, was that the State were to become much more interested in the numbers of staff in the universities given the increased exposure of the State to the existence of what were effectively government pensioners in university employment. UL and DCU pension plans were always State guaranteed. University pensioners therefore became pensioners of the State, dependent on the State with the passing of this Act.

2.9 The Report of the Special Group on Public Service Numbers and Expenditure

Following the emergence of the financial crisis in the autumn of 2008 the Minister for Finance established a group, under Dr Colm McCarthy to examine possible savings in public expenditure, such items identified to inform the government as it prepared for an overall budgetary adjustment from 2010. The Group reported in 2009 and recommended that the HEA be merged into the Department of Education and Skills (McCarthy, Volume 1, p. 26). The purpose was to “generate efficiencies in staffing and administration expenditure” (McCarthy, Volume 2, pp. 67-68) and avoid duplication of administrative functions between the Department and the HEA. Cost savings of €1m were suggested as possible. The savings were thought to arise from an overall staff reduction of 15. The Special Group had identified that 44 staff are involved in “carrying out administrative work for third level education institutions across D/E&S” (p. 67) whereas the HEA had 59 such staff (p. 67).

2.10 Irish Universities: resource management and performance – report of the Comptroller and Auditor General

A wide ranging review of issues in Irish higher education was carried out by the Comptroller and Auditor General in 2010 leading to the publication of a report by him in September 2010. The report made a number of findings and observations in relation to university funding, internal allocation of resources within institutions, costing and quality assurance within the higher education sector, pension matters.

However the most important findings were in relation to unapproved departures from approved levels of remuneration for university staff. Section 25 of the Universities Act 1997 provides for staff in universities to be paid in accordance with a sanction provided by the Minister for Education and Skills and Minister for Finance acting in cohort. The C&AG report (2010) identified widespread breaches of this provision particularly in Ireland's largest university, UCD. Unapproved allowances were identified as being paid to members of the executive management team and heads of schools. In addition performance bonuses were paid to certain individuals without ministerial approval. UL also came in for particular criticism having remunerated three separate individuals at the Presidential rate of pay "contemporaneously" (C&AG, 2010, p. 70). The C&AG report (2010) identified remuneration breaches in all seven universities.

The publication of the report led to an amount of public comment and a hearing of the Public Accounts Committee of the Irish parliament. This was held in September 2010.

2.11 National Strategy for Higher Education to 2030

At the time of the financial meltdown of the Irish economy in 2008 a number of influences were coming together in Ireland to trigger a public discourse on the future of the Irish third level sector, including the universities. The Minister for Education was quoted in the Irish Times during 2009 as favouring greater collaborations and possible mergers (Irish Times, 2009). The university Presidents were calling for a return to full university fees to be paid by students, either up front or through a loan scheme established by government. The Presidents wanted this additional income to be incremental to the universities to allow for further growth and development including responding to growing international trends. At the same time the public purse was coming under growing pressure to make savings. Demographic trends in the country were pointing to the need for additional student capacity for the 18 year old cohort. There was also a suggestion that Drucker's (1993) idea of 'random access' was also in demand by mature students, many of whom were facing job losses and unemployment with their current level of skills and qualification. The HEA was discussing 'unnecessary duplication' of academic courses and faculty and felt greater efficiencies could be achieved in back-office support functions. The universities had made it known that they felt some of the demands being placed on them for accountability and reporting were contrary to the spirit of 'the autonomous university'. And the

Comptroller and Auditor General, Ireland's public sector auditor was reporting departures from approved levels of remuneration in the university sector (C&AG, 2010). Business leaders also were challenging the quality and relevance of third level education in Ireland. According to the *Irish Times* "many multinationals were reluctant to recruit from certain colleges because of concerns about standards. There were even suggestions that several Institutes of Technology and one university were on an unofficial recruitment Blacklist" (Irish Times, Weekend Review, March 6, 2010, p. 1). The commentary could be summarised as suggesting that the Irish university system is not as good as it purports to be and that it is "average on education, and average is no longer good enough" (Comment attributed to Craig Barrett, former Intel boss in the Irish Times, Weekend Review, March 6, 2010, p. 1).

At the same time government was grappling with the financial crisis and banking crisis. It decided our future lay in the smart economy and "the creation of an innovation island" (Hunt, 2011, p. 2). The Government of Ireland, through the Minister for Education and Skills, commissioned a wide ranging report on the *National Strategy for Higher Education to 2030* (Hunt, 2011). A strategy group was formed under the chairmanship of Dr Colin Hunt. The report was published in January 2011.

The report begins with a discussion on the nature of higher education in a changing society. It suggests that knowledge workers require a different learning experience

The emphasis has switched from over-specialisation towards deeper and broader disciplinary foundations, with learning objectives that explicitly seek to nurture in students the creativity, enthusiasm and skills required for continual engagement in learning.

Hunt, 2011, p. 35

Students/learners will need to engage continuously to keep their skills up to date and be fit for work in the global knowledge economy. People will also want to engage flexible with learning. The report states that "people want to study from home or from their workplace. People want to – and need to – move between employment and education several times during their lives" (p. 36). The Irish higher education strategy of 2011 has definite echoes of Drucker (1993) as examined in the previous chapter. Learning for

skilled work in the knowledge society, an open education system and a random access education system are addressed in Hunt.

The importance of the university in social and economic development is also captured early in Hunt. Research, innovation and commercialisation agendas are all addressed and the review group want the universities to continue to play a central role in these areas. Duderstadt (2002) and others have placed these important aspects of a university's mission at the heart of the university of Mora's (2001) third period, that is the modern university or as Mora calls it the 'Universal University'.

The report also addresses the opportunities provided by new technologies. It states they

enable higher education to be developed in ways never before possible, and allow students to access a wide range of resources, free from limitations of space and time.

Hunt, 2011, p. 48

Again Drucker, 1993; Duderstadt, 2002, 2003; Peters, 2010; C. Christensen, 2011; Kamenetz, 2010; and others, as out in Chapter 1, have commented on this influence in the global university domain.

Hunt proposes a renewed focus on teaching including the establishment of educational development centres, professional training of third level teachers, development of technologies to support teaching, "the adoption of new pedagogy for greater student engagement" (p. 52) and more focus on teaching in promotion processes. Rhodes (2001) would certainly welcome this approach

To the best professors, teaching is a moral vocation. It is moral because it seeks to develop not only comprehension, but also commitment; it influences and shapes not only the intellect, but also the will; it involves the cultivation of not only the mind, but also the heart

Rhodes, 2001, p. 67

Hunt also calls for an increased focus on the retention of first year students to ensure better completion rates. Kamenetz would welcome this having documented significant non-completion rates in the USA (2010).

The importance of research in the modern university and initiatives to enable it are discussed. These include career paths for researchers, better facilities, commercialisation support and knowledge transfer protocols to industry and the economy. Again many writers reviewed in the last chapter would welcome this approach including Drucker, 1993; Rhodes, 2001; Duderstadt, 2002, 2003; Shattock, 2006; C. Christensen, 2011; and Ferrall, 2011.

Civic engagement and internationalisation are also encouraged by Hunt. According to Goddard “civic engagement should move beyond being a third or separate strand of activity for universities, with less prestige and fewer resources than teaching and research. It should become a guiding principle for their organisation and practice” (Goddard, 2009, p. 5). Hunt defines engagement as

Taking on civic responsibilities and cooperating with the needs of the community that sustain higher education – including business, the wider education system and the community and voluntary sector. Engaging with society also means understanding the value that higher education has, and contributing to wider public discourse on areas of particular expertise.

Hunt, 2011, p. 74

This corresponds closely with Goddard’s own view of civic engagement. Hunt also addresses adult learning and participation by non-traditional groups. It accepts there will be a growing demand for upskilling. The report states “ the knowledge economy needs people who can renew and refresh their skills and competencies over the course of their lives” (Hunt, 2011, p. 46). This has strong echoes of Drucker (1993) and his ‘random-access’ education. Non-traditional groups are to be supported by flexible modes of delivery, recognition of prior-learning, recognition of workplace experience as learning, better induction to institutions, the use of technology to deliver content and support services and better training of institutional staff. All these initiatives have strong echoes of Drucker, 1993; Schuetze and Slowey, 2002; and Duderstadt, 2002, 2003. These initiatives also reflect the recommendations in the earlier “Learning for Life: white paper on adult education” published by the Irish Government in 2000.

It is clear the *National Strategy for Higher Education to 2030* (Hunt, 2011) has put an enormous emphasis on the economy. It promotes career preparation, constant re-skilling of workers, university/industry research collaboration and commercialisation of research in the economy. It also addresses internationalisation of universities from both an educational and market perspective. There exists a real possibility that the *National Strategy for Higher Education to 2030* (Hunt, 2011) is facilitating Habermas' 'colonisation' of the university by the system of State and economy for the pursuit of power and profit. A function of the university was once to challenge the State, challenge received wisdom and taken for granted norms and understandings and seek a better way for ordinary people. Hunt does not seem to have considered such trivialities.

Hunt addresses governance of the higher education system, the higher education authority and the governance of individual universities. According to Hunt "overall responsibility for higher education lies with the Government and Minister for Education and Skills" (p. 88). Hunt recommends a cabinet subcommittee taking a 'whole of government' approach with responsibility for developing a range of strategic interests to be taken account of in setting system wide targets for the universities. This recommendation reflects a similar recommendation made by the OECD (2004). The OECD had recommended a cabinet sub-committee chaired by the Taoiseach and include "the relevant government departments (Education and Science; Enterprise, Trade and Employment; Health and Children; Agriculture and Food; and Industry and Finance)" (OECD, 2004, p. 76). The purpose of the OECD cabinet committee was "to determine a rolling three-year national strategy agenda for tertiary education in its relation to innovation, skilled workforce and the economy" (p. 76). Hunt recommends the cabinet committee is "chaired by the Minister for Education and Skills and supported by an interdepartmental committee of senior officials" (Hunt, 2011, p. 89). The purpose of the committee is to "draw together a range of strategic government interests" (p. 89) to help the Minister create "the national objectives of higher education...informed by the national priorities articulated by government" (p. 89).

Hunt also recommends a strengthened role for the buffer body, the Higher Education Authority. It will act as an oversight agency to ensure the institutions deliver on

national targets but it will also play a role through strategic dialogue with each institution. The report states

The HEA will be responsible for implementing the policies and strategies set down by the Minister and the Department of Education and Skills, and will be accountable to the Minister in respect of agreed key performance indicators. In satisfying its brief, it will have the following key operational functions

- Establishing high level Key Performance Indicators and engaging in strategic dialogue with the sector and individual institutions;
- Leading and driving a process of structural change; and balancing institutional consolidation with system diversity;
- Collecting and analysing data on higher education so that it can better inform and advise the Department;
- Leading and driving the implementation of the new funding model (on the basis proposed in the National Strategy) and allocating funding to institutions on foot of that;
- Leading the process of analysing and forecasting demand for higher education, taking particular account of the labour market and evolving skill needs;
- Ensuring an appropriate balance between demand and supply with due regard to the maintenance and enhancement of quality;
- Analysing and funding of infrastructural requirements;
- Cooperating and engaging with international counterparts and in particular deepening participation with higher education in Northern Ireland;

Hunt, 2011, pp. 90-91

Recognising that this is a challenging brief for any one body the *National Strategy for Higher Education to 2030* (Hunt, 2011) states “the premium now placed on accountability in respect of national goals, system leadership and assessment of performance would suggest the need for a stronger infusion of specialist skills” (p. 91). It is interesting that the *National Strategy for Higher Education to 2030* (Hunt, 2011) contradicts the Report of the Special Group on Public Service Numbers and Expenditure (2009) which had recommended the abolition of the HEA and its merger into the Department of Education and Skills. The *National Strategy for Higher Education to 2030* (Hunt, 2011) also rejects the findings of the OECD Report (2004) which recommended the replacement of the Higher Education Authority by a Tertiary Education Authority. Perhaps Hunt (2011) intends, by the broader definition of the role of the HEA and the infusion of skills to allow the HEA to assume the role of the Tertiary Education Authority as recommended by the OECD (2004).

Autonomy is also addressed in the *National Strategy for Higher Education to 2030* (Hunt, 2011). The report states that “a shared sense of autonomy needs to be developed between the higher education institutions and other stakeholders, including students, private sector interests and the wider community” (p. 91). Any pre-existing notion of autonomy, whether existing in the university or elsewhere, is therefore open to challenge and renegotiation, including that enshrined in the Universities Act, 1997. To have any autonomy the report states that “institutions must become accountable in ways that are sufficiently transparent and robust to ensure the confidence of the wider society” (p. 91). The report goes on to describe a balance of autonomy and accountability where accountability is defined as “accountability for performance against clearly articulated expectations” (p. 91). This reflects the findings of Mora (2001) that the community are the true owners of the university. The government is putting community interests at the heart of the mission of the universities. It also suggests however that Berdahl’s “suitably sensitive mechanisms” (1990, p. 174) may not be correctly in balance. He states

that a State which carefully honours academic freedom and scrupulously refrains from inappropriate procedural controls may nevertheless harm its system of higher education by intervening inappropriately in substantive matters

Berdahl, 1990, p. 174

A key question is whether the State in Ireland intends to intervene in substantive matters once considered the essence of the university. The changes recommended in Hunt suggest the State, through the HEA wish to interfere in academe and that they have knocked out of balance the co-ordinating elements of political world, bureaucratic world, academic world and the marketplace as espoused by Ashby (1966) and Berdahl (1990).

Clearly Hunt (2011) is recommending very significant change. A system of universities is being proposed. Government will set system strategy and the HEA will determine where each institution will fit in to that overall scenario. There is more than an implied threat to institutional autonomy as codified in the Universities Act 1997. The normal understood meaning of autonomy, an institutions ability to set its own direction and the

procedures it will operate (Ashby, 1966; Berdahl, 1990; Salter and Tapper, 1995; Kogan, 1998; and Duderstadt, 2002) could no longer be taken for granted if the approach recommended in the *National Strategy for Higher Education to 2030* (Hunt, 2011) is given legal effect through either legislation or other statutory instrument.

Hunt (2011) seems to suggest that there is inadequate transparency at the present time and that more accountability and KPI reporting is required. Hunt is creating a definition of accountability. It is not confined to the proper use of public monies and the achievement of value for money. It is accountability for the outcomes achieved by the university against “clearly articulated expectations” (p. 91). This has echoes of Skillbeck when he says of the modern university “that governments are increasingly attentive to their costs, procedures and results” (2001, p. 23). ‘Results’ equates to outcomes in terms of the *National Strategy for Higher Education to 2030*.

Agreement on key performance indicators will take place at a strategic dialogue meeting between the HEA and institutions. This strategic dialogue will align “the strategies of individual institutions with national priorities and agreeing KPIs against which institutional performance will be measured and funding decided” (p. 91). The report states

A key outcome of the strategic dialogue will be that institutional core funding will include a performance element which will incentivise good performance and penalise institutions which fail to deliver

Hunt, 2011, p. 91

Institutional autonomy appears to be limited. The HEA will be required to consider “the sum of the institutional plans to test for overall system coherence and completeness, and to ensure national needs are being met, and to identify and address unnecessary duplication” (p. 92). The idea of a system level response to national policy priorities was contained in the White Paper *Charting our Education Future* (1995). It stated

The State will respect the autonomy of institutions to determine the ways and means through which they will fulfil their particular roles, within the overall aims of the system and the policy framework articulated by the Minister

Dept. of Education, 1995, p. 87

The concept of ‘system’ did not appear in the Universities Act 1997. It did reoccur in the OECD study (2004). This report noted a disconnect between university funding and the expectations of the State in respect of the outcomes expected for the investments made. It was observed that there was “little capacity for systemically connecting them one with another or linking them to a long-term tertiary education strategy relating to the economy as a whole” (p. 76). It then goes on to recommend a national strategy with individual dialogues with institutions to determine the role they will play in the overall delivery of national priorities (pp. 76-78). The OECD (2004) drew attention to a key dilemma

How to marry the benefits of institutional autonomy (commonly regarded as the freedom to back individual initiative), the encouragement of institutional competitiveness, the opportunity to develop a distinctive institutional “brand”, the ability to be entrepreneurial, the development of institutional self-reliance and the maintenance of academic freedom with the requirements to meet publicly-determined targets and contribute to national strategies, as well as to meet the needs of public accountability

OECD, 2004, p. 76

Hunt is clearly building on these prior reports on higher education, and the idea of managing the higher education system in Ireland. He is also building on the international trends in governance and accountability as outlined by Skillbeck, 2001; Shattock, 2006; Van Vught et al., 2010; and Dill, 2011. However his approach, or at least its implementation may not meet the “suitably sensitive mechanism” (p. 174) test as proposed by Berdahl (1990).

The Chief Executive Officer of the Higher Education Authority, speaking in Limerick Institute of Technology at the opening of the 2011/12 academic year and envisaging what was necessary to meet the challenges of globalisation, further growth in demand for places, growing demand for ‘random access’ to learning opportunities, growing demand for high-skilled workers leading to needs for upskilling and retraining, growing demand for commercialisation of research outputs and the creation of a third level system where all groups in society have equal opportunity to not only access the system but to gain accreditation stated that “the first and most critical reform envisaged is what I’d term the end of the era of laissez faire in higher education, and its replacement by

what might be termed directed diversity” (Boland, 2011, p. 8). He wants “to transform Irish higher education from a set of institutions operating in isolation into a coherent, well co-ordinated system of higher education and research” (p. 9). He goes further

Each institution will be required to define its mission and decide how it can best contribute to achieving national goals, as determined by the government. In defining mission institutes should avoid playing catch all – this is a formula for blandness and dissipation of energy and resources – and ultimately will not be funded. Institutes (and universities) should seek out niches where they already have strength and develop these. They need to find a balance between their own development as institutions and the development of the sector as a whole; between competition in quality and standards, and due regard to the strategic objectives of others, and national objectives.

Boland, 2011, p. 9

To ensure all needs of society and the economy are addressed and that the system is coherent as a whole “the HEA will operate with a mandate to negotiate and agree individual strategies and goals that will be realistic, but challenging, and to hold the institutions accountable for performance by reference to agreed metrics” (p. 9).

Clearly change is afoot in the governance of universities in Ireland. There is more than a hint of a lack of trust in both the Hunt Report (2011) and the Boland paper (2011). The need for further KPIs and further accountability, not just for the use of State resources but for the very performance of the institution itself suggest the State might have lost trust in the system. Terms such as “end to the era of laissez faire” do not suggest any great trust exists between the HEA and the university institutions. It appears that the efficient university of Skillbeck (2001) is the model being adopted by the *National Strategy for Higher Education to 2030* (Hunt, 2011) and Boland (2011) and is a long way away from the collegiate autonomous university of Kant (1798). The challenge may well be to ensure that those proposing ‘directed diversity within a system of universities’ understand that “academic ‘governance and management’ would benefit from a critical appraisal in the framework of academic values and the internal and external communities they are designed to serve” (Skillbeck, 2001, p. 188). They would also do well to bear in mind the comments of Bowen who cautions on the execution of decision-making authority in universities

Things generally get done through a combination of extensive consultation, much persuasion, carefully constructed incentives, and some sanctions – rarely by straightforward commands

Bowen, 2011, p. 5

The Minister for Education and Skills in Ireland addressed the *National Strategy for Higher Education to 2030* (Hunt, 2011) in a speech at the Royal Irish Academy on the 1st June 2011. Under the heading of ‘System changes and funding’ he said “Discussion on systems of governance and funding may appear to be overly mechanistic and technocratic. However we cannot overestimate the power of poorly designed system adversely affecting outcomes” (p. 3). The Minister, an architect himself went on to quote Frank Lloyd Wright “the famous American modern architect” who believed “form and function should be one, joined in a spiritual union” when discussing the design of the best buildings. He went on to say “and I think this is also true of a well designed higher education system” (p. 3).

While the performance of individual institutions is of utmost importance, as Minister, I am concerned with the performance of the higher education system as a system. Fostering a coherent integrated system of world class higher education is a key priority which I intend to advance. This can overcome problems of fragmentation and sub-scale operation and sub-critical mass, but it will also maintain and build on our identified strengths.

Minister Quinn, 2011, p. 4

The Minister is therefore clearly indicating that ‘directed diversity’ is government policy and that he intends to reform the ‘higher education system’ as described in Hunt (2011) and by Boland (2011). He indicates that “the strategy sets out a number of objectives for the system which can only be met by significant structural reform, by consolidation and concentration and by closer collaboration and clustering” (p. 4). He is making ‘structural reform’ a prerequisite for the further development of higher education.

Diversity is one of the major factors associated with the strong performance of higher education systems because a diversified system offers a number of benefits: it enhances choice, it offers a range of progression pathways, it best caters for the dynamic needs of modern labour markets. It enhances quality through the concentration of expertise in specific institutions and it increases the capacity for innovation at a local level. Our higher education

institutions will have to play complementary roles through which they can meet a diverse range of needs.

Minister Quinn, 2011, p. 4

Clearly the Minister's views are aligned with those of Van Vught et al (2010) who documents why diversified systems of higher education perform better than unified systems of higher education. The six reasons provided by them and set out in Chapter 1 are the reasons cited by the Minister for his structural reform agenda. Hunt (2011), Boland (2011) and Minister Quinn (2011) seem to be suggesting that the Irish higher education system should be a unified system and not a diverse system. This may not be easy to achieve when the makeup of the system is considered; the binary divide; the existence of large comprehensive universities in the largest city and the regions (TCD, UCD, UCC and NUIG) and smaller entrepreneurial or technical universities (UL and DCU) and a university largely of the humanities and social sciences (NUIM) together with 13 IoTs of various sizes and focus areas and a number of teacher training colleges.

It appears the Minister is concerned with the balance of autonomy and accountability that emerged after the Universities Act 1997. Such autonomy moved the Irish university system into what Van Vught (1989, 1994) has called a State Supervisory Model. In his typology of governance the other end of the spectrum is a State Control Model. He states "Government does not intrude into the higher education system by means of detailed regulation or strict control" (1994, p. 333) in a State Supervisory Model. Ireland may be moving back towards a State Control Model system. Certainly Kogan (1998) would suggest, based on his citation of Templeman (1982) "for the free and unfettered discharge of every university's primary duty, which is to permit intellectual non-conformity as the means for advancing knowledge" (Kogan, 1998, p. 122) that academic autonomy was required to achieve a university's mission. If Hunt is to be implemented then Berdahl's "suitably sensitive mechanism" (1990, p. 174) must be reinvented. These mechanisms must decide whether trust has a part to play or whether accountability in procedural and substantive matters is to replace it.

Confidence in the capacity of the university sector to deliver for the State is evident in the Report. The Report accepts the universities have served Ireland well over the years and that universities have a role to play in Ireland's economic recovery (Hunt, 2011, pp. 30-31). The Report however lays down significant challenges for higher education as

“a shop window for national attainment and achievement in sciences, the arts and business” (p. 31). The report states global companies focus on quality of learning and quality of graduates. Higher education therefore must be able to demonstrate quality to enhance economic prosperity. The Report states “For that reason, as the intimate connection between advances in knowledge, innovation and economic wellbeing become more appreciated, public expectations from higher education have grown enormously” (p. 31). The Report is proposing a new governance, accountability and autonomy approach to allow the universities achieve this higher expectation. The issue will be to ensure the approach does not neuter the academy and make universities a system of schooling, similar to second level schooling in Ireland.

Speaking at a conference in TCD on the 24th January 2012 the Secretary General at the Department of Education and Skills, the countries most senior civil servant in the education sphere stated

While our higher education institutions have served us very well, it was widely agreed that a renewed vision and strategic direction was needed to position the sector to meet rapidly evolving needs

McManus, 2012, p. 7

She then referred to the *National Strategy for Higher Education to 2030* (Hunt, 2011) as

An ambitious reform programme which envisages significant system level actions to enhance quality in teaching, learning and research, strengthen external engagement, promote structural consolidation with the system and a renewed focus on diversity and performance. At the heart of this strategy is a new relationship between the State and higher education institutions

McManus, 2012, pp. 7-8

The Secretary General supports strategic dialogue, “closer coherence between the strategic priorities of institutions and a broader national strategic framework for the sector as a whole” (p. 8). She calls for accurate data and promises to “reward performance” (p. 8). Clearly the central government department and the HEA are at idem as regards changes to governance post Hunt.

2.12 Chapter conclusion

This chapter has outlined the history of universities in Ireland from the establishment of TCD in 1592 through to the publication of the *National Strategy for Higher Education to 2030* (Hunt, 2011) published in 2011. This chapter focused on various public reports into the higher education system since 1960, identified the two sides of the binary divide in higher education in Ireland and looked at the legislation governing universities and IoT's. Recent developments relating to accountability and reporting have been noted. The *National Strategy for Higher Education to 2030* (Hunt, 2011) has been examined with a view to identifying whether the fundamental basis of university autonomy is under threat. The role of trust in the proposed governance structures under the *National Strategy for Higher Education to 2030* (Hunt, 2011) is noted.

This chapter has suggested that events since the Universities Act 1997 have combined to shift the focus of university governance from largely self-regulating more or less autonomous institutions towards an emphasis on the creation of a centrally mandated higher education 'system' in which individual university autonomy is subsumed for the greater good.

The many influences identified in the international literature review in Chapter 1 are impacting on the Irish universities. Market forces, the expansion of globalisation and knowledge work, the challenges of massification and sustainability, equity of access and diversity, independent quality assurance and international league tables, career choices of potential students and the demands of civic engagement are all challenges being faced by Irish universities. What is unique in the Irish context at this time is the collapse of the Irish economy and the extraordinary pressure on the public finances, the findings of breaches of public pay guidelines on a significant scale by the Irish universities and the adoption of the *National Strategy for Higher Education to 2030* (Hunt, 2011). The importance of trust in this additional milieu of issues cannot be forgotten.

Chapter 3 Methodology

3.1 Introduction

The purpose of this thesis is to identify if there has been a change in the nature of university governance in Ireland, as exercised by the State since 1980. As set out in Chapter 1 the international literature suggests there has been significant change in university governance and the university/State relationship over the past 30 years. This thesis will test if this has happened in Ireland. The international literature has identified a number of factors behind changes to the State/university relationship. These include escalating demands for knowledge workers by industry, government and individuals wanting to fill these roles; increasing participation rates in HE resulting in escalating costs relative to the overall national budget; globalisation of HE; and technology advances in the areas of instruction and collaboration.

The role of trust receives attention in the literature. This thesis seeks to identify if there have been movements in the level of trust with which the State view the universities and if this movement, or lack of it, has any bearing on the university/State relationship or the exercise of governance over the universities in Ireland. Chapter 2 has shown that a unique factor in the Irish university/State relationship has been the identification of breaches of public pay guidelines by universities. Whether this factor is having an affect on the trust relationship between the universities and the State will be considered. In the course of the research all factors influencing the overall governance of universities will be identified. It is not the intention of the research to attribute all of the changes that might be taking place in the exercise of governance of universities by the State to a change in the trust relationship between the universities and the State, rather it is intended to determine if a loss of trust on the part of the State is a factor in the changing university/State relationship or whether it is affecting the nature of governance as exercised by the State over universities. In addition to the key research question the thesis will examine if there is a growing burden of accountability and compliance on the part of universities to the State. The answer to this question will be used to address the issue of changes in the university/State relationship and whether or not there is a change in the nature of university governance in Ireland and, if so, whether the nature of accountability and compliance sheds any light on the trust relationship existing between

universities and the State. A subsidiary research question will examine if the nature of university/State governance is having an impact on internal university governance in Ireland and how it is exercised. This will provide insights to the on the ground experience of governance in universities.

As a subsidiary research question, this thesis will address the level of State investment in higher education over the period 1980 to 2010. This will be a factor in the nature of the university/State relationship and is, according to the OECD, a key factor of university governance (OECD, 2003, p. 61). A further subsidiary research question will address the nature of the role played by the HEA in the governance of universities and how it has evolved from 1980 to 2010.

At a time when the Irish university system is

- providing mass education
- operating as a majority State funded system
- seen as a major engine for economic recovery and growth
- experiencing a changing relationship with the State as a result of; a financial crisis in Ireland and Europe; the provision of greater autonomy to the non-university higher education system; breaches of public pay guidelines on the part of the universities as reported by the Comptroller and Auditor General (2010); and international challenges identified in the previous chapter

Irish universities and the Irish higher education system are experiencing governance change on an unprecedented scale. This thesis wants to determine if that governance and accountability axis reflects the exercise of Kogan's (1998) exchange trusting relationship or whether this trustful relationship has been replaced with something else. Governance and accountability address both the oversight exercised by the State on the proper use of public monies allocated to universities and the return or outcomes resulting from that resource allocation and the measurement of those results or outcomes.

These important matters are viewed through the lens of trust. The study tests the hypothesis that the changing nature of governance and accountability emerging is doing

so in such a way as to replace the normally understood trust that is required in any effective relationship. This refers to trust between the State and the universities. Trust is used to mean that the State has faith that the universities are doing the 'right' things and are doing them correctly. It will be important to know if trust on the part of the State exists in the university sector as a whole. The extent that the State trusts individual universities does not form part of the study.

The amount of autonomy available to universities and the nature of the accountability required around that autonomy are considered to be indicative of the extent to which the State trusts the universities. A high level of autonomy available to universities is considered indicative of a high level of trust on the part of the State. Similarly a 'light' accountability burden is considered indicative of a high level of trust. This approach reflects the work of Trow (1996) and of Kogan (1998). It also goes to the heart of what Goedgebuure and Hayden (2007) addressed when they considered the possible loss of trust previously held by society and government in universities (2007).

In this thesis autonomy is measured using the eight elements of autonomy identified by the OECD in 2003. These were addressed in Chapter 1 and are discussed more fully in Chapter 4.

This purpose of this thesis gives rise to a number of questions that the research attempted to answer. The research demonstrates that the demands placed on universities as institutions by government under the guise of governance and accountability have been increasing steadily since the introduction of the *Universities Act, 1997*. The research has also shown that the literature identifies increasing demands by States on universities as institutions under the guise of governance and accountability dating back 30 years. It has been argued (Berdahl, 1990; Trow, 1996; Kogan, 1998; Neave, 1998; Mora, 2001; Skillbeck, 2001; Duderstadt, 2002, 2003; Shattock, 2003, 2006; Van Vught and Westerheijden, 2009; Kamenetz, 2010; Dill, 2011) that the increase in governance and accountability requirements coincides with a period where significant increases in public funding of universities took place. The earlier chapters have documented the changes in governance and accountability that suggest themselves by a review of the literature. This thesis will analyse whether the changes taking place in the Irish universities mirror general international trends.

It would be useful to identify whether the current governance and accountability requirements operating in the Irish University system assist the Irish universities as institutions to meet their legal obligations as set out in the *Universities Act, 1997* and allow them to play their full role in the emerging knowledge society.

It would be enormously beneficial to determine if the requirements of governance and accountability as exercised in Ireland had a positive or negative impact on the ability of universities to implement their strategic intent. In the event that the requirements were positive then ‘more of the same’ might be a recommendation from this research. In the event the requirements were negative then the need to identify an alternative approach would emerge.

There is little doubt individual staff members in universities, particularly individual tenured faculty would have differing views of autonomy and of governance and accountability and whether there exists trust between universities and the State. There is a cadre of academic staff who would interpret the concept of academic freedom as anathema to any form of governance and accountability on their part. Academic freedom is not a central concern of this thesis.

The annual accounts of the National University of Ireland, Maynooth for the year to 30th September 2011 show that 70% of all spending in the university was pay expenditure. This is the established sectoral norm in Ireland. Whether or not one accepts that the balance of pay and non-pay expenditure in universities is appropriate, it seems that transparency and honesty (O’Toole and Bennis, 2009) demand accountability for this substantial pay expenditure. Academic pay costs account for about half of all pay costs in the university. The relationship between the academic and the university institution and the way that relationship seems to be changing over time has been examined by a number of writers including Salter and Tapper, 1995; Braun, 1999; McGuinness, 2006; and Grummell et al. 2008. Each of these writers has addressed the impact of the emerging governance approach referred to as ‘new managerialism’ on the academic staff cohort working in universities. This thesis will focus on the relationship between the universities as institutions and the State. However the changing nature of governance within the institution will also be examined to determine if the impact of

university/State relationships and changes thereto are having a knock-on impact on internal university governance, management and decision-making.

3.2 Overview of methodology

This research was carried out using a mixed methods approach with an historical archive analysis; a quantified comparative expenditure review; and a qualitative analysis facilitated through interviews. The archive analysis, the quantification analysis and qualitative analysis each represent a component of the research.

Diagram 1 below sets out the overall methodological approach to this thesis

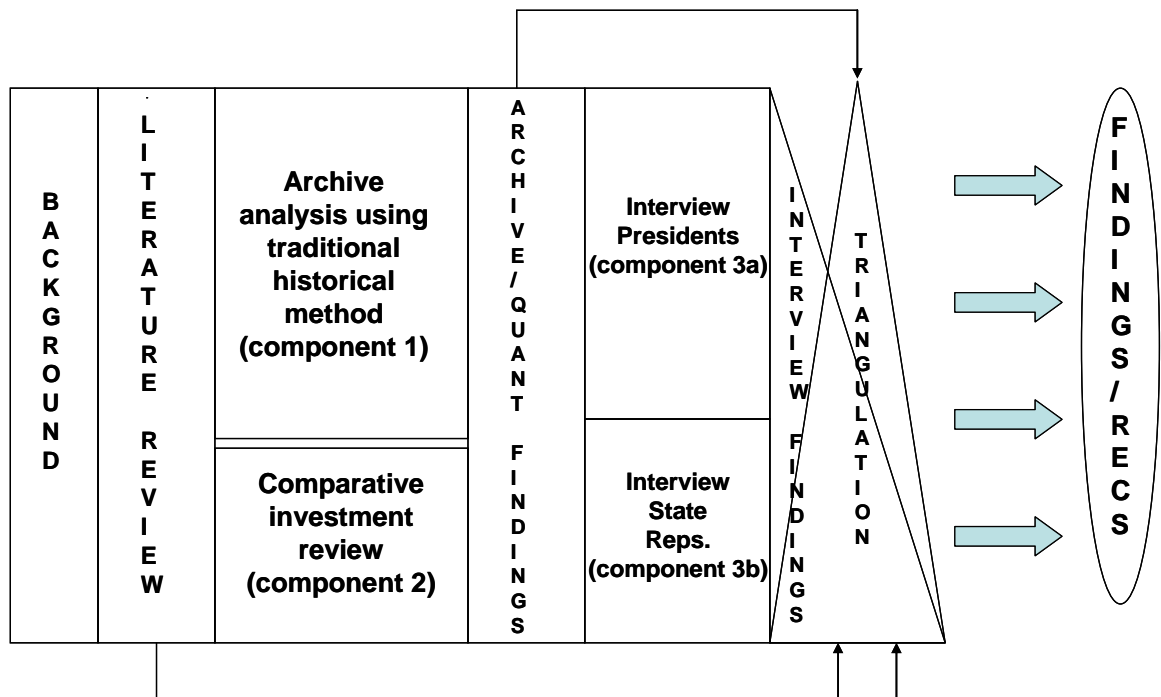


Figure 5: Methodological overview

3.2.1 Archive analysis: component one, The Maynooth Archive

The analysis of the Maynooth Archive will outline the changing nature of governance and accountability requirements placed on the Irish universities as institutions since 1980. This year is chosen because it is from around this time that Braun (1999) identifies the emergence of a new governance approach in universities, new managerialism. “The new managerialism can, therefore, be regarded as a governance

model in its own right which has come to the fore since the 80s” (Braun, 1999, p. 7). New managerialism implies greater levels of accountability for the use of inputs coupled with performance measures designed to reflect outcomes, good or bad (Hood, 1991).

It would be useful to know if Braun’s conclusion that a new governance code emerged since the 1980’s had any validity in the Irish context. This thesis examined the record of the governing authority or its equivalent bodies at National University of Ireland, Maynooth (NUIM) and its predecessor organisation for the year 1980 to identify the type of autonomy available to the university and the nature of governance and accountability oversight exercised by the Higher Education Authority. The record of the meetings of the same body is examined for 1990 to identify the type of autonomy available and the nature of governance and accountability oversight exercised at that time. This is compared to the situation as prevailed in 1980 and identifies the changes that suggested themselves as having taken place over the preceding decade. The exercise is repeated for the year 2000 comparing the autonomy and oversight arrangements found with that existing a decade earlier. The changes which suggested themselves as having taken place in the 1990s are identified. The exercise is further repeated in 2010. The autonomy available and the governance and accountability oversight exercised by the HEA at this time is identified and compared it to that existing ten years earlier and thirty years earlier. Having documented how autonomy, governance and accountability has evolved over the 30 year period conclusions are drawn as to whether the evolution is in fact new managerialism in action or whether it was just the same basic framework of accountability updated over the passage of time.

The documentation accessed in putting together the autonomy, governance and accountability evolution over 30 years is located in files in the Bursar’s Office at NUIM. The files examined record the minutes of the meetings of the academic council and the governing body of the day. Correspondence files between the university and the HEA, reports of the HEA, strategic plans of the university and annual President’s Reports were in the archive. The Bursar from 1980 to 2003 was Mr Patrick Dalton and the files for 1980, 1990 and 2000 were maintained by him. Mr Dalton’s private secretary, Ms Anne Cresswell, and an accountant at Maynooth, Mr Stephen Byrne, guided the researcher through the files.

Chapter 2 documents the history of the university sector in Ireland including the history of Maynooth (Chapter 3). St. Patrick's College, Maynooth was established in 1795. The lay college was publicly funded and was referred to as 'The Recognised College of St. Patrick's College, Maynooth'. St Patrick's College, Maynooth (SPCM) had been a recognised college of the National University of Ireland (NUI) since 1910, just two years after the establishment of the NUI. SPCM was under the control and management of a Board of Trustees made up of a number of the catholic bishops of Ireland. For the administration of public funds the Trustees and the HEA agreed to the establishment of a College Executive Council (CEC) to act in much the same way as a governing body acted in the three constituent universities of the NUI. For the years 1980 and 1990 the minutes of the governing body meetings referred to are the CEC minutes and they are examined to determine the nature of autonomy available to Maynooth and the type of governance and accountability oversight exercised by the HEA. The minutes of the meetings of the Trustees of SPCM have also been examined to determine if any matters were discussed in that forum which might suggest themselves as issues of concern to the HEA and which was not discussed at CEC. No such issues were identified in either of the years. For the years 2000 and 2010 the governing body minutes referred to are the Governing Authority minutes of the National University of Ireland, Maynooth as established in the Universities Act, 1997.

As has been stated the archive analysis has been carried out using a traditional historical approach. The research for this thesis has been greatly assisted by the origin and purpose of the archive records being examined. The minutes of the meetings of the College Executive Council and its successor body, the governing authority of NUI Maynooth were taken and recorded precisely to be an accurate record of the discussions that took place at each meeting and to be an accurate record of the decisions taken. The same is true of the minutes of the meetings of the Trustees of Saint Patrick's College, Maynooth and the minutes of the meeting of the academic council at Maynooth. Despite this, the researcher remained conscious of Tosh (2010) when he stated

Of each type of evidence the historian has to ask how and why it came into being, and what its real import is. Divergent sources have to be weighed against each other, forgeries and gaps explained. No document, however authoritative, is beyond question; the evidence must, in E.P. Thompson's telling phrase, 'be interrogated by minds trained in a discipline of attentive disbelief'

Tosh, 2010, p. 141 inc. citation of Thompson, 1978, pp. 220-221

Using the Maynooth Archive as source material for this thesis requires that the approach is one in which "the struggle with documents" (Bloch, 1954, p. 86) is central. The method used is referred to as the 'Ranke method'. According to Tosh he was responsible for "the introduction of a critical approach to the sources into mainstream history writing" (2010, p. 123). Lord Acton referred to Ranke as "the real originator of the heroic study of records" (Acton as cited by Tosh, 2010, p. 123).

Tosh (2010) requires the historian to ask a number of important questions about the source material. The first such question is whether or not the material is authentic (p. 124). He goes on to describe a number of methods by which authenticity or otherwise can be ascribed to a particular source. He mentions the study of the provenance of the document, the consistency of the content with other known reliable documents, the study of script, the study of the development of language, and the use of technical specialists such as chemical testing. These matters have been considered and dismissed as unnecessary given the fact the historical period studied is recent. The researcher is entirely satisfied, based on personal dealings with some of the people directly involved on the authenticity of the documentation. In addition the consistency between the meetings of the governing authority and CEC, academic council, the Trustees and the correspondence provides confidence that the archive records are authentic.

The second question required to be asked of the documents is are they reliable? (p. 127). Tosh cautions that "where a document takes the form of a report of what has been seen, heard or said, we need to ask whether the writer was in a position to give a faithful account" (Tosh, 2010, p. 127). He asks historians to consider whether the author of a document was present at an event or whether they are relying on an account of another. He also asks if the record was contemporaneous with the events of whether it was written "after the sharpness of his memory had blurred?" (Tosh, 2010, p. 128). This matter has been considered and it has been concluded the records are accurate. The

minutes of meeting were recorded by a meeting secretary and circulated to all members of the body to which the meeting related e.g. academic council or governing authority. At all subsequent meetings the record of the previous meeting was accepted as an accurate record. This provides great confidence that the records are reliable. The minutes also show that the various bodies met regularly and therefore not enough time lapsed between meetings for those present to have their memories dimmed too much.

The third question to be asked of the documents is what influenced the author? (p. 129). As Tosh puts it “what most affects the reliability of a source, however, is the intentions and prejudices of the writer” (Tosh, 2010, p. 129). He warns against prejudice and self promotion on the part of authors. Again, these records are considered authentic and reliable because of the nature of the record itself and the fact the minutes were approved by a full meeting of the body concerned.

The fourth question is to consider the context of the time the document relates to as well as the text of the document itself. This has been addressed in this thesis by outlining, albeit briefly some statistics to do with universities and higher education in each of the years to which the record belongs. In historical terms, however, the period 1980 to 2010 is relatively short and the context is similar but changing. The contextual changes, to the extent they are identified are linked to the literature reviews carried out in Chapter 1 and Chapter 2.

Tosh also asks that consideration is given to possible gaps in the records. He cites examples from the middle ages of letters between the Crown in England and some of its servants relating to certain events that are missing (p. 132). He also discusses the inclination of some to remove files where they might want to hide their own involvement in events. Official British government records to do with “the Suez Crisis of 1956 were destroyed or removed immediately” (Tosh, 2010, p. 133). This has been considered but the possibility that gaps in the record exist has been dismissed as almost impossible. For good administrative reasons the minutes of each meeting carry an item approving the minutes of the previous meeting. Because of this simple procedural control the records are considered complete.

Tosh advises that as many sources as possible be examined “preferably all the sources that have a bearing on the problem at hand” (Tosh, 2010, p. 134). By using the minutes of meetings of the governing authority, the academic council and the trustees at Maynooth, by examining the correspondence received by Maynooth from the HEA, by validating the analysis of the archive with UCC and NUIM, the latter relating to specific events and records and by discussing the origins of the records with Ms Cresswell leads the researcher to believe that the issues of autonomy, governance and accountability are being examined from the widest possible body of records and that reliable findings relating to trust can be made following the implementation of a comprehensive method of examination and analysis.

Using Tosh’s questions arising from the archive the researcher was satisfied the Maynooth Archive was reliable. The archive became “the raw material with which to reconstruct past events” (McDowell, 2002, p. 54). McDowell refers to minutes of meetings as documentary evidence.

Documentary evidence is more likely to exist where it has been compiled and retained as a matter of policy, such as the minutes of organisations, government departments or public corporations

McDowell, 2002, p. 54

McDowell considers minutes and correspondence as primary source material and of greater value than secondary source material.

Historians have traditionally made a distinction between primary and secondary source material. A written record, such as a letter, diary or report, which was compiled at the time specific events occurred will be deemed to possess a higher status than any item written at a later date. The format in which the source material exists is less important than its content and the circumstances in which it was compiled. A written record which has been compiled by an eyewitness does not have to contain original thought or demonstrate literary skill to be classified as a primary source.

McDowell, 2002, p. 55

The entire Maynooth Archive is therefore considered primary source material. Secondary source material is material written by those not present based on what they were told and after the passage of time. This does not apply to the records used in this thesis. In historical studies primary sources are more authoritative than secondary

sources. “It is to primary sources that you must turn to extend the boundaries of historical knowledge” (McDowell, 2002, p. 55).

McDowell specifically mentions the usefulness of the minutes of meetings of university bodies. He states

The minutes of a...university may provide a more detailed and perhaps a more accurate record of events than their published annual reports, because the former are circulated to a more restricted audience and not intended to be seen by the public.

McDowell, 2002, p. 56

The researcher considers the source material to be highly reliable and highly accurate.

Having become convinced of the accuracy, reliability and completeness of the records the researcher sought the formal permission of the President of the National University of Ireland, Maynooth to use the archive for the purpose of the research. Permission was granted at a meeting held on 5th October 2010.

Once permission was granted the minutes of the CEC and governing authority were examined in strict chronological order. Detailed notes were made of certain items discussed at meetings. The notes were made on items discussed or decisions taken on items which provided insights on the exercise of institutional autonomy relating to the eight elements of autonomy identified by the OECD in 2003 or on items relating to accountability being provided by Maynooth to the HEA. Matters of internal governance or external governance and accountability were summarised in the notes of the meetings prepared in chronological order.

For 1980 and 1990 the minutes of the Trustees were examined in full to determine if any matter of direct interest to this thesis were discussed in that forum, not having been discussed at the CEC earlier. No such matters were found.

The minutes of the academic council were reviewed in strict chronological order with summary notes made for each year on the exercise of academic autonomy within the parameters laid down by Berdahl’s substantive and procedural autonomies (1990) in

academic matters. This overall summary was used to include academic autonomy in the autonomy index for each of the years.

Detailed notes were also made on the correspondence file of each of the years examined. Topics relevant to the thesis were summarised.

The use of such notes is encouraged in historical research. Relying on the eight elements of autonomy from the OECD study of 2003 allowed the exclusion “of irrelevant material which is unlikely to be used in your project, but this can be avoided by carefully examining the list of topics, themes and issues in your topic outline” (McDowell, 2002, p. 126). Good notes also assist with sound analysis. Tosh advises against creating false cause and effect relationships. This is one of the dangers of chronological analysis that historians need to be aware of. (Tosh, 2010, p. 151). Motive is not a particular concern in this thesis. The study is more concerned with the actual exercise of trust, governance, accountability and autonomy rather than the reasons it was exercised in particular ways. The context in time is considered more relevant than the motives of any policy maker or public official.

The notes made were then examined from thematic perspective, guided by; the elements of autonomy identified by the OECD in 2003; the typology of governance suggested by Van Vught in 1994 with two extremes, the State Control Model and the State Supervisory Model and by Clark’s typology of 1987, the triangle of governance. Government expenditure in each of the years was identified at a university sector level and a per student level using the data derived from component 2 of the archive research, ‘quantification of expenditure’. Collectively the autonomy index, the governance position, the investment in universities and students were reported for each year in the format of a newly created Governance and Accountability Framework or GAF. The movement in the GAF position over time is discussed.

The analysis therefore produces what Tosh refers to as a ‘Multi-layered analysis’ (p. 153). It allows distinctions “to be made between background causes and direct causes: the former operate over the long term and place the event in question on the agenda of history, so to speak; the latter puts the outcome into effect, often in a distinctive shape” (Tosh, 2010, p. 153). The method used allows the archive records analysis to be

considered with the trends and timing of issues identified in the literature review. These together allow the development of a GAF which can give meaning to what was happening in Ireland as regards university governance at different points in time in an international context.

3.2.2 Archive analysis: how it was used

The output from the archive analysis forms a record of the governance and accountability requirements being placed on Irish universities in 1980, 1990, 2000 and 2010. The extent of decision-making autonomy, which is considered an indicator of trust, as already stated has eight elements according to the OECD (2003). These elements are considered in the archive analysis with an ‘autonomy index’ produced within an overall Governance and Accountability Framework (GAF) at 1980, 1990, 2000 and 2010. The analysis is placed in typologies of governance and accountability evident in the literature and the developments in governance taking place in business generally. The evolution of governance within the documented typologies is identified. The quantum of government funding is considered when discussing the evolution of governance. This analysis was carried out independently of the qualitative analysis mentioned below and the findings were used to inform the finalisation of the in-depth interview questions used in the research.

3.2.3 Quantitative analysis: component two, comparative investment review

The second component of the thesis research was a quantitative analysis which identified the quantum of State resources going to the universities in 1980, 1990, 2000 and 2010. The *National Strategy for Higher Education to 2030* (Hunt, 2011) reflects the fact that Ireland views spending on higher education as an investment rather than a cost. Hunt (2011) refers to “sustained public investment” (p. 32) and suggests such investment is necessary to “position Ireland at the leading edge in the competitive global environment” (p. 32).

The investment data was sourced from published government estimates, reports of the HEA and other published documents. This data will be used to determine if there is any relationship between growing governance and accountability requirements and

significant step change increases in public funding to the universities in Ireland. Such a change is suggested in the literature as shown in the Chapter 1. The quantum of money, coupled with a growing participation rate in higher education, referred to as massification, is used to justify the increasing interest of government in universities and to justify greater accountability on the part of the university for the resources provided.

3.2.4 Comparative investment analysis: how it was used

The levels of funding provided in each of the four years under review are analysed as an overall proportion of government spending and as a spend per full-time student in university. A trend in funding is developed and discussed in the light of literature review in Chapters 1 and 2. The results are presented in summary format in Chapter 4. They form part of the GAF for each of the years examined.

3.2.5 Qualitative analysis: component three, interviews with university Presidents and State representatives

The third major pedagogical approach employed in this thesis involved a qualitative analysis, carried out using in-depth semi-structured interviews with the Presidents of the seven universities in Ireland. In addition four different in-depth semi-structured interviews with senior officials in the Higher Education Authority, the Department of Education and Skills and members of the Hunt group referred to earlier. The purpose of these interviews was to get first hand feedback from critical people in the Irish higher education system and the related State sector on the relationship between the burden of governance and accountability as exercised in universities and imposed by the State on the one hand and the level of trust held by the State in the universities on the other hand.

3.3 Interview process – university Presidents

One to one semi-structured interviews were carried out with the President/Provost of each of the seven universities between 1st June 2011 and 15th August 2011. Access to the Presidents was negotiated through a number of sources. Firstly, the President of National University of Ireland, Maynooth was asked to allow himself to be interviewed and to raise with his colleagues in the other universities the possibility of their taking part in the research. Secondly, the Chief Executive of the Irish Universities Association

was asked to raise the research as part of a regular meeting of university heads. Thirdly, the Bursar/Chief Financial Officers of each of the universities was requested to raise the matter with their own President/Provost and the possibility of their taking part in the research. Once these informal contacts had taken place, each of the seven heads of Irish universities was formally invited to take part in interviews. A time window for carrying out the interviews was set out. The request outlined the research in brief and asked the President/Provost to make himself available for interview. The President/Provost were informed the interviews should take no longer than one hour to carry out. Direct contact was then made with the office of the President/Provost, a few days after initially inviting them to take part with the specific intention of setting a date, time and place for the interview. All seven interviews were set up with relative ease.

The interviews were held face to face and were recorded on Dictaphone with one exception. Extensive notes were taken and immediately after the meeting transcribed into the normal template used when recorded interviews were transcribed. Semi-structured questions were used to “encourage the interviewees to talk freely on a subject” (McDowell, 2002, p. 119). The semi-structured questionnaire was designed to allow interviewees a second chance to discuss the key themes of trust, governance, accountability and autonomy. McDowell warns interviewees may “for reasons of expediency or vanity, modify past feelings or recollections in a selective manner to fit more comfortably into a current point of view; alternatively, they may find it impossible to recall previous events accurately” (p. 119). With this in mind interviewees were asked about their current views of the key themes and their preferred changes if that option were available to them. The only ‘recall’ questions was about the nature and extent of accountability increasing over time. This was asked in the context of the literature review and the findings from component 1 ‘Maynooth Archive’ and the Presidents were simply asked to confirm or deny their university was experiencing a growing governance and accountability burden.

When each interview was completed it was transcribed in full. Detailed analysis of the transcribed interviews was then carried out.

3.4 Interview process - State

Interviewing representatives of the State in the national debate on university reform is not as simple as interviewing as the Presidents of the seven universities in Ireland. The semi-structured questionnaire had similarities to that used with the seven Presidents. The topics covered were trustworthiness of the leadership of universities, dumbing down, the governance structures existing between the universities and the State and whether they are fit for purpose or could be improved, trust in individuals within universities as against institutional trust and how the official might restructure the machinery of governance between the universities and the State if that opportunity were presented to them.

The interviewees were drawn from the HEA, Department of Education and Skills and the National Strategy Group. By linking different statements or quotations readers might be able to determine which body a coded interviewee represented or was drawn from. Given the relatively small number of people interviewed in this category, a real risk exists that attributing quotes even through codes could lead to the identification of the interviewee. A further complication in the State interviews is that not all interviewees were drawn from a single gender. All the Presidents are men and therefore the words “he” or “his” were acceptable to use in the previous section. The word “interviewee” is laboured when referring to State representatives to ensure no indication is given as to the gender of the interviewee.

It is important to state that the two members of the National Strategy Group stated they were responding in a personal capacity and not as spokespersons for the full National Strategy Group.

The Chief Executive of the Higher Education Authority was approached directly by the researcher who requested him to take part in the research in the same time window as set aside for the heads of Irish universities. An Assistant Secretary of the Department of Education and Skills with responsibility for higher education was also directly invited by the researcher to take part in the research process. A recent Chairperson of the Higher Education Authority who is still a member of the Authority and who was a member of the group that produced the *National Strategy for Higher Education to 2030* (Hunt, 2011) was also asked directly by the researcher to participate. This person was

also a member of the Governing Authority of National University of Ireland, Maynooth. The researcher approached another member of the National Strategy Group who was not a member of the Higher Education Authority. All agreed to take part and three of the four were interviewed between 1st June 2011 and 1st July 2011. Due to other commitments one of the interviewees was not available until August 2011, during which month this interview was carried out.

The recording and transcription of interviews and their analysis followed a recursive iterative format. This is consistent with the principles of qualitative data analysis in which initial findings were examined and sometimes led to refocusing of subsequent interviews. However the researcher did resist the temptation to let emerging issues, concepts and themes change the fundamental nature of the semi-structured interview. This was to ensure the content of the interview transcript represented the views of the particular President or State representative being interviewed and it was not influenced by the responses received in other interviews.

Anonymity was guaranteed to all interviewees to the maximum extent possible. A code is used throughout Chapter 5 to both attribute comments and to paraphrase statements to interviewees without breaching confidentiality. Numbers in parenthesis, where used, indicate the number of interviewees that supported a particular viewpoint.

3.5 How the interviews were used

Qualitative data gathered through interview are different from data gathered through archive research or quantitative data gathered from published materials. Qualitative data collection and analysis, interpretation and the creation of findings is a recurring, iterative process. Sarantakos (2005) suggests that iteration should continue until such time as theoretical saturation is reached, that is until nothing new can be discovered from the data.

The analysis of the transcripts followed this approach. This involved examination and study of the interview of each President and each State representative. Common themes were then identified and grouped together for discussion. The findings are presented in Chapter 5. The themes were triangulated with the findings from the archive and

quantitative analysis and the literature, as well as between the Presidents and the State representatives. All together have impacted on the findings and recommendations found in this thesis.

It is recognised qualitative analysis through interviews has limitations. Bryman (2004) identifies two limitations. First, the themes and concepts identified are limited by the knowledge of the researcher. Second, relevant items may be excluded from the analysis by the researcher if that data does not fit into a researchers preconceived notion of the key concepts and themes. The researcher has considered these points but feels the design of the questions, the nature of the analysis carried out and his own sectoral knowledge provide a central focus to the thesis which allow reliable findings to be made and allow important recommendations to emerge.

3.6 Why mixed methods

A mixed methods approach was chosen because it is considered the most suitable when examining a concept such as trust. Trust has been explored in the literature review and trust has been documented as an element of social and cultural capital. The writings of Kramer, 1999, 2009; Bourdieu, 1985, 1993; Puttnam, 1993; Hardin, 1992, 2006; Coleman, 1988; Fukuyama, 1995 and others have been used to examine trust and to create a trust landscape. In this thesis trust is defined as the acceptance by members of a shared community or field that the party in which trust exists is doing the right things and doing them correctly. The archive analysis builds a strong evidence base of ever increasing governance and accountability requirements. The quantitative analysis charts the growth in government funding for higher education over the 30 year period. The qualitative analysis has allowed an evaluation of the views of university presidents and other senior public officials towards the quantitative findings and to determine their collective view on whether the trend in governance and accountability requirements might or might not be linked to the absence of trust by the State in university institutions. The qualitative analysis has allowed an evaluation of the views of senior State representatives towards the archive findings and to determine if they have consciously introduced or negotiated additional governance and accountability requirements as a means of restoring trust or for compensating for a lack of trust.

Following the completion of the in-depth interviews and their transcription, the researcher has analysed the responses to determine the collective view of the presidents and the senior officials toward trust on the part of the State and whether it exists or can exist in the relationship between the universities as institutions and the State. The “pragmatic approach” of Morgan (2007) has been used and neither induced results from the archive analysis only or deduced results from the qualitative analysis only but rather “rely on a version of *abductive* reasoning that moves back and forth between induction and deduction – first converting observation into theories and then assessing those theories through action” (Morgan, 2007, p. 71).

The data from the archive analysis has been examined in its own right. The findings from the in-depth interviews held with the university Presidents have been analysed in their own right as have the in-depth interviews with the State sector personnel. With this in mind the research has been carried out in both a sequential and concurrent fashion. The first stand alone step was the identification of the eight elements of autonomy and the consideration of the extent of autonomy being exercised by Irish universities against each of these eight elements at the four points in time namely 1980, 1990, 2000 and 2010. This accountability analysis was then used to place the Irish university system into typologies of governance at each of these times. The typologies of governance used are Clark’s ‘triangle of governance’ (1987) and Van Vught’s (1994) two dimensional model. Then with the addition of the quantum of funding directed by government to the universities a GAF is developed. The outcome from these components fed into the design of the in-depth interviews for the university and State sector participants. These in-depth interviews were carried out concurrently over a three month period from 1st June 2011 to 23rd August 2011. The interviews were carried out in this compressed period of time to ensure that the issues of the day as regards governance and accountability were likely to be the same for each of the interviewees. The findings from these in-depth interviews were examined and some data transformation carried out to facilitate comparison between the two groups. Data consolidation has taken place in presenting overall findings. These proven techniques have been documented in the field by Jang, McDougall, Pollon, Herbert and Russell (Jang et al., 2008). The researcher was anxious to avoid the situation of separate analysis with only the minimum of data integration. The archive and qualitative data were required to

...be mutually informative. They will talk to each other, much like a conversation or debate, and the idea is then to construct a negotiated account of what they mean together.

Bryman, 2007, p. 21

The researcher did not want this to be simple triangulation of data where one piece of the research is used to validate or reinforce the other but to use all the data from all the research components to “provide a more elaborated understanding of the phenomenon of interest (including its context) and, as well, to gain greater confidence in the conclusions generated by the evaluation study” (Caracelli as quoted in Johnson, Onwuegbuzie and Turner, 2007, p. 119). The presentation and representation of the findings as a single story, while being fully cognisant of the sequencing of the research and the integration issues surrounding the data arising from different sets of in-depth interviews and the integration of quantitative/archive and qualitative data, has been a concern.

It was inevitable that the timelines for carrying out the archive and qualitative components would be different. The archive components occurred first and its data was used as an input to the qualitative component. It is accepted that there was

...the possibility that the quantitative and qualitative components of a mixed methods study may get out of phase with each other, because of their different needs and rhythms, may inhibit the integration of findings because one set is generated faster than the other

Bryman, 2007, p. 8

This is another reason why the concurrent in-depth interview components were carried out in a relatively short timeframe of two months. The earlier completion of the archive analysis and quantitative analysis did not cause any difficulty as the normally documented difficulty with this does not arise in the case of this study. That is to say there was no pressure to publish the results of the earlier components when they were completed as this is a single person project under the control of one person and without any external pressures being applied by any funding agency. Pressure to publish archive or quantitative findings early has been identified by Bryman as a barrier to mixed methods research (Bryman, 2007, pp 14-15).

3.7 Ethics, confidentiality and stance of the researcher

The approach adopted in this thesis followed the commonly understood ethical principles (Moynan, 2011, p. 62) of obtaining informed consent, maintaining confidentiality, refraining from the use of coercion, ensuring that there is no falsification or fabrication or concealment of any findings or the plagiarism of others work.

The entire thesis was conceived and executed by the researcher. The researcher identified the themes of trust, governance, accountability and autonomy and created the semi-structured questionnaire, carried out the archive analysis and quantification of resources allocated to the universities in the different years, conducted the interviews, made the findings and recommendations and summarised the thesis findings. Throughout the course of the study and for a number of years before the study began the researcher was employed a Bursar of the National University of Ireland, Maynooth. This is one of the seven universities in Ireland and the university from which the archive examined is drawn.

Fay (1996) suggests the stance of the researcher should be explicitly stated in a thesis. As a university 'insider' the researcher believes in clear accountability for the use of resources and for outcomes commensurate with investments made. The researcher fundamentally believes that university academic autonomy is essential to the optimisation of outcomes for all parties, including society as a whole. The researcher believes Verry and Davies (1976) are correct when they identify waste in universities is a waste of limited public resources as sure as any other waste in any sector.

Working in the university sector was both a help and a hindrance. It was a help in that the researcher knew the key issues, had been a member of a university governing authority for a number of years and held a key accountability position at a university with significant responsibilities for reporting to the HEA and government departments on university performance and the use of public monies. It was a help to know the interviewees personally and be in a position to request their involvement. The most significant hindrance was the possibility of a bias on the part of the researcher which might influence the findings and recommendations. The researcher is confident he has

avoided this by allowing ample space in the discussion and findings for all viewpoints expressed relating to each theme.

3.8 Chapter conclusion

The focus of this thesis is on the level and basis of trust on the part of the State in universities and whether that trust is reflected in the governance framework in place and the accountability requirements placed on universities and the extent to which decision-making autonomy is devolved to universities across a number of elements. As stated the research has relied on a mixed methods approach comprising a traditional historical analysis of archive records held at Maynooth, quantitative analysis of the resources applied by government to universities and qualitative analysis based on interview findings with university Presidents and State representatives. The archive analysis and resources applied analysis refer to the years 1980, 1990, 2000, and 2010 with changes over that period of time in terms of autonomy, governance, accountability and investment being captured in a GAF, with consideration on the impact of changes in trust on the nature of the GAF. A total of 11 semi-structured interviews were carried out to determine the views of key influencers on the themes of trust, governance, accountability and autonomy.

The themes in the semi-structured interviews captured the research question, the issues identified in the literature review, the Irish context and the findings of the archive and quantitative research. The collection and analysis of the data followed an iterative process. The themes that emerged from the research were analysed and used to influence the findings and recommendations.

Mixed methods research has been chosen simply as the most pragmatic way of understanding the issues and discovering new insights into the difficult to define issue of trust. The approach has been chosen because of the researchers epistemological stance. The researcher supports good governance and accountability and believes in transparency, compliance, openness and honesty. There must be respect for institutions and for the autonomy vested in law in institutions. An appropriate balance using Berdahl's sensitive mechanisms (1990) must be found between autonomy and accountability. Greene has stated that mixed methods "generates questions along with

possible answers; it generates results that are both smooth and jagged, full of relative certainties alongside possibilities and even surprises, offering some stories not yet told.” (Greene, 2008, p. 20). This thesis is intended to be the story of trust, governance and accountability together with suggestions for ‘a better ending’ based on the experience of Presidents and State representatives and how these are weaved together to ensure the appropriate balance between autonomy and accountability and the place of trust in the important relationship between institutions and the State.

Chapter 4 Changing nature of governance and accountability in Irish universities between 1980 and 2010:

The Maynooth Archive

4.1 Introduction

According to Braun “new managerialism can, therefore, be regarded as a governance model in its own right which has come to the fore since the 80s” (Braun, 1999, p. 7). As outlined in Chapter 1, the emergence of ‘new managerialism’ in the governance of universities has not been to universal acclaim. Writers such as Braun, 1999; Grummel et al., 2008 and Peters, 2010 have argued against managerialism and its effect on the academy. On the other hand Skillbeck has argued

Managerialism is an unfortunate term, which by some academic critics is used like a weapon to attack a style of governance and decision-making which they believe excludes them from major institutional decisions...decision-making procedures have been streamlined, often to meet external reporting requirements, manage project funds and achieve efficiencies.

Skillbeck, 2001, p. 116

Scott (1993) identified that universities were being managed by professional managers, expert in their field who are replacing the traditional collegiate decision-making bodies once found in universities.

In Chapter 2 it was noted that the 1967 report of the ‘Commission on Higher Education’ in Ireland identified inadequacies in the universities. They required “a concentrated effort to remove them” (Coolahan, 2004, p. 59). Clearly government did not have an unfettered confidence in the universities at that time.

Kogan has stated “Most of us perhaps romanticise the pre-1980’s position” (1998, p. 124). He comments that the UK university system was largely self-governed with both institutional and individual autonomy up to the 1970s and early 1980s. During the 1980s he suggested that

Government’s approach to higher education has shifted from the exchange relationship, in which some ingredients of the trustful relationship subsisted, to a sponsorship-dependency relationship. In terms of the triangle of forces, the emphasis was moving from the mid 1980s from professional control to that of the State and the market. Van Vught has typified this, for the non Anglo-Saxon systems, as a shift in the steering of higher education from the State control model to the State supervising model

Kogan, 1998, p. 125

This chapter investigates whether Braun’s conclusion that a new governance code emerged since the 1980s has manifested itself in an Irish context or whether a reminiscence (Kogan) for another period is occurring. The records of the National University of Ireland, Maynooth (NUIM) and its predecessor organisation, the ‘Recognised College’, for the year 1980 are examined to identify the type of autonomy available to the university and the governance and accountability oversight exercised by the HEA. The record of the same body for 1990 is examined to identify the type of autonomy available to the university and the governance and accountability oversight exercised by the HEA at that time. Autonomy, governance and accountability in 1990 is compared to that operating in 1980 and changes suggesting themselves as having occurred over the preceding decade are identified. The exercise is repeated for the year 2000 comparing the autonomy available to the university and the governance and accountability arrangements as exercised by the HEA with that found to be existing a decade earlier. The changes which emerged over that timeframe are identified. The exercise is again repeated for the year 2010. The autonomy available to the university and governance and accountability oversight exercised by the HEA at this time is documented and compared it to that existing ten years earlier and thirty years earlier with the changes which emerged over that timeframe identified. The contents of the ‘Maynooth Archive’ and its origins was discussed in full in Chapter 3. The Maynooth Archive is therefore the laboratory within which, and the lens through which, the investigation of changing governance patterns in Ireland are examined.

Clarke's 'Triangle of Governance'(1983) as well as some adaptations of that triangle suggested by other writers including Van Vught's two dimensional 'State Model' with State Control and one extreme and State Supervisory at the other extreme (1989, 1994) was documented in Chapter 1. It was noted how Clark came to accept the Van Vught approach. Writing in 2004 he stated

Two hybrids now count most in the university world: one where centrality consists of state agencies and a second in which universities themselves assume primary command and make a wide range of mutual adjustments in related markets

Clark, 2004, p. 180

With the aid of an 'autonomy index' used by the OECD in 2003 and a comparative investment analysis over the years 1980, 1990, 2000 and 2010, this study develops a 'Governance and Accountability Framework' (GAF) as operated by the HEA and the Irish universities and places this framework in the governance typology of Van Vught (1989, 1994). The framework is further used to map the evolution of autonomy, governance and accountability over the period from 1980 to 2010 within this typology and other developments identified in the literature. Recognising that both the GAF and where it is placed in any typology of governance is a judgement exercise, it has been useful in helping to understand if the Irish university system has moved from a position of something akin to self-governance by academics to one of a system managed using the principles described as new managerialism or new public management.

4.2 The autonomy index

University autonomy is addressed by many writers in the literature. In Chapter 1 the autonomy of an institution to control its own affairs was discussed. Autonomy is not easy to define. Chapter 1 examined autonomy from the writings of Kant, 1798; Berdahl, 1990; Scott, 1993; Kogan, 1998; Mora, 2001; Skillbeck, 2001; Duderstadt, 2002, 2003 and others. For the purpose of analysing the extent of autonomy existing in the years 1980, 1990, 2000 or 2010 the standards used by the OECD in its 2003 report "Changing patterns of governance in higher education" will be used. This report examined institutional autonomy across 14 countries by analysing the freedom of institutions to

Own their buildings and equipment

Borrow funds
 Spend budgets to achieve their objectives
 Set academic structures/course content
 Employ and dismiss academic staff
 Set salaries
 Decide size of student enrolment and
 Decide level of tuition fees

OECD, 2003, p. 63

The 2003 position for Ireland is shown in the Table 1 below:

Number	Area of autonomy	OECD finding
1	Own buildings and equipment	Have autonomy
2	Borrow Funds	Some autonomy
3	Spend budgets to achieve objectives	Have autonomy
4	Set academic structures and course content	Have autonomy
5	Employ and dismiss academic staff	Have autonomy
6	Set salaries	Limited autonomy
7	Decide size of student enrolment	Have autonomy
8	Decide level of tuition fees	Some autonomy

Table 1: Autonomy index for Irish universities in 2003 [Source: OECD Education Policy Analysis, 2003]

Using these broad areas of autonomy this study has developed an ‘autonomy index’ as part of a wider GAF. The autonomy index used in this thesis replaces the autonomy to own buildings and equipment with a slightly different autonomy to decide to make capital investments on the part of the university for the benefit of the university and the communities it serves. This brings the ability *to act* more to the fore as against the ability to own, something which can be bestowed upon an institution by government without any autonomy on the part of the university. The GAF also replaces the freedom to set academic structures and course content to that of directing its own academic affairs. This broader definition is closer to the substantive autonomy identified by

Berdahl (1990). The governance and accountability of Irish universities in the years 1980, 1990, 2000 and 2003 will be placed within this GAF using the review of the Maynooth Archive and the legislation applying to universities in each of the years concerned. This GAF will be used to place the governance and accountability of Irish universities into the Van Vught (1989, 1994) typology of governance and aligned with other developments identified in the literature and to trace the evolution of university governance and accountability within this framework.

4.3 Review of the minutes of meetings of the College Executive Council in 1980

The CEC met on ten occasions in 1980. From the list of names recorded as either being present or having sent apologies for non-attendance it appears the CEC had 15 members. From a review of the names all appear to be either staff or students of the College. Seven members of the CEC were ordained priests of the Catholic Church. As far as I can tell from the list of names two members of the CEC were female. A number of matters were discussed at each meeting with just a small number of references to the HEA.

The minutes of the meetings of ten meetings of the CEC and the ten meetings of the academic council as well as the four meetings of the Trustees of St. Patricks College, Maynooth together with the correspondence file of letters received from the HEA were examined considering each of the autonomy elements within the autonomy index. The findings are set out below.

4.3.1 Autonomy over capital investment decisions

Possible capital investments were discussed at a number of the CEC meetings during the year. These included developments relating to student accommodation, sports facilities on campus – both indoor and outdoor and improvements to existing facilities. The CEC meeting in January received correspondence relating to a shortage of student accommodation in the Maynooth area. “The letter drew attention to the shortage of suitable student accommodation in the Maynooth area” (CEC Minutes, January 1980, p. 1, item 4). The minutes state “The CEC decided that the College should make a strong

approach to the H.E.A. for some hostels for the college. It was pointed out that land was available for the buildings of hostels and this might weigh with the H.E.A.” (CEC Minutes, January 1980, p. 1, item 4). The development of sports facilities on campus was also addressed at the January meeting. Item 13 was titled “Physical Education and Sport” and an extract from the minute reads

The committee had before it the report of the sub-committee. The report gave a detailed and comprehensive plan for the development of sports facilities in the College. The CEC formally accepted the recommendations of the report and decided to ask the subcommittee to prepare a submission for the H.E.A.

CEC Minutes, January 1980, p. 2, item 13

The June 1980 meeting also dealt with a proposed capital development. Under item 7 “Sports and Recreation Centre” the CEC had before it a report from the sub-committee on Physical Education and Sport. The report recommended “development of an Indoor Sports and Recreation Centre” (CEC minutes, June 1980, p. 2, item 7). It was agreed to include the proposal in the college’s capital budget request to the HEA.

The November 1980 meeting dealt with a request to upgrade existing facilities. Under item 5 ‘Outdoor Games Facilities’ a request from the Physical Education and Sports subcommittee is received for an upgrading of the changing facilities on the South Campus and the provision of flood lighting on a football pitch. The CEC decided to have the proposals costed and that it “might be included in the submission to the H.E.A.”.

Section 10(1) of the Higher Education Act 1971 provides that the HEA shall have access to capital funds for developments in higher education. It can be concluded from these items that the CEC referred matters of capital investment to the HEA for funding consideration. This is a reasonable position for Maynooth as Section 8(1) of the Higher Education Act, 1971 states

Any request by an individual institution of higher education for State subvention shall be submitted by the institution to An tÚdarás in such manner as An tÚdarás may require

Higher Education Act, 1971, p. 9, Section 8(1)

The 1971 Act also makes it a function of the HEA to plan for adequate student facilities at various institutions. It can be concluded that the university in 1980 was therefore not free to decide to make capital investments on behalf of the university.

4.3.2 Autonomy to borrow funds

The archive does not address borrowings at all. Borrowings are not addressed in the Higher Education Authority Act 1971 or in any other legislation. The universities therefore did not have any legislative basis on which to borrow funds for university purposes, either capital or recurrent. This findings is supported by a review of the “Four-Year Plan 1982-85” published by the HEA in 1981 at the request of the Minister for Education. A capital programme was included in the plan but no mention is made of the possibility of borrowing by any of the five universities contributing to the report. It can be concluded that the university in 1980 was therefore not free to borrow monies on behalf of the university.

4.3.3 Autonomy to spend on own objectives

Budgetary control was a significant concern for the CEC in 1980. The March 1980 meeting dealt with the “Estimates for 1980” (CEC minutes, March 1980, p. 1, item 5). The CEC discussed the need for savings to balance the books in 1980. The minutes state “The College will argue its case strongly with the H.E.A. and try to reach some agreed level of deficit” (CEC minutes, March 1980, p. 1, item5). A delegation to meet with the HEA was agreed. Section 7 of the Higher Education Act, 1971 allows the HEA to call such meeting on financial matters. The April meeting confirm that this meeting did take place but did not go well. A special meeting to deal with the 1980 deficit was summoned for April 28th 1980. This meeting discussed actions required to cut the deficit. The Council agreed to two of the three proposals from the APU in front of them, which addressed savings in non-pay expenditure. The third recommendation, to reduce staff numbers, was rejected. “This would leave a projected deficit of £68,450” (CEC minutes, April 28 1980, p. 1). The Council agreed to further argue the case of the college with the HEA. These minutes do show that the university felt it was in a position to negotiate with the HEA on certain matters and to plead its case for further resources. It appeared to have a certain discretion over non-pay expenditure excluding capital investment. However there is conflicting evidence in the various

minutes. The May meeting is a case in point. Under item 5 “Biology Department” a letter had been received from the Professor of Biology requesting greater funds and not cutbacks. The Professor’s case was received sympathetically but no additional resources were available. The minutes note “...the C.E.C. delegation to the H.E.A. was directed to urge the case of Biology to the H.E.A. (CEC minutes, May 1980, p. 2, item 5). This again suggests a lack of autonomy over the use of resources, perhaps as a result of a shortage of resources. This suggests all the conditions for academic autonomy as defined by Templeman, 1982, cited by Kogan (1998, p. 122), were not present in the university in 1980.

academic autonomy, whether defined and guaranteed by law, by financial independence, or by customary tolerance, is thus the necessary safeguard for the free and unfettered discharge of every universities primary duty, which is to permit intellectual non-conformity as the means for advancing knowledge

Templeman, 1982 as cited by Kogan, 1998, p. 122

The universities could not be classified as having ‘financial independence’. On the other hand the January meeting took decision relating to a modest increase in scholarships, and a modest additional provision was made for the student hardship fund. Overall it can be concluded the university had some autonomy, although not complete autonomy on how to use its funds once they were received.

4.3.4 Autonomy over academic affairs

Maynooth was a recognised college of the NUI in 1980. The NUI had control over matriculation, student progression and the award of degrees. The curriculum was established by NUI and approved by the Senate of the NUI. New courses required the approval of the NUI, but also required the approval of the HEA. The archive does not address modes of delivery and the standard is classroom and laboratory teaching of full-time students. This reflects the definition of students used by Trow (1974) when addressing participation rates and massification (Trow 1974, cited by Berdahl 1990, p. 171). The cohort entering each year is largely drawn from the secondary school-leaving cohort.

In February the Academic Planning Unit of the college made some recommendations for submission to the HEA including supporting letters from some heads of department. Amongst these were proposals for expansion of course offering. The CEC agreed to submit the proposals to the HEA (CEC minutes, February 1980, p. 3, item 13). This suggests the university did not have complete control over its academic affairs, particularly relating to the introduction of new subjects or courses. This is re-enforced by an examination of the 'Four-Year Plan 1982-85' (HEA, 1981) published by the HEA at the behest of the Minister for Education of the day. This plan, which was developed to manage the exposure of government expenditure to the university sector at a time of difficulties in the public finances. The plan addresses new courses as follows

Phase in over a four-year period additional courses for which resources have already been sought from the HEA (e.g. Applied Physics UCD, Telecommunications UCC, Fisheries Science UCG, Science of Materials TCD) updating evidence of demand for these courses already submitted

HEA, 1982, Appendix, p. 2

This is comprehensive evidence that the universities were not autonomous in determining new courses. However, the academic council minutes provide evidence of control over existing academic courses and students. It can therefore be concluded that the university, coupled with the NUI had some autonomy over its academic affairs but complete autonomy did not exist. Again this is not surprising given the responsibilities of the HEA under the Higher Education Authority Act 1971. Planning is addressed in section 3(a) where the HEA is assigned a general function of "furthering the development of higher education" (HEA Act, 1971, p. 7). Another section states the HEA "shall maintain a continuous review of the demand and need for higher education" (HEA Act, 1971, p. 7).

4.3.5 Autonomy to employ and dismiss staff

Once staff were employed by the university they were subject to the Statutes of the University then applying. These were the '1962 Statutes'. These address staff matters including promotion, increment progression, discipline and dismissal. The 1962 Statutes were approved by the Senate of the NUI and the processes and procedures contained in them reflect the Statutes of the other constituent colleges.

The university was not free to hire new staff without the permission of the HEA. Suggestions from the Academic Planning Unit in February for programme expansion and greater student intake, coupled with a growth in staff numbers was referred to the HEA for consideration given its overall responsibility of “furthering the development of higher education” (HEA Act, 1971, p. 7). This is re-enforced by reference to the Four-Year Plan (HEA, 1981). This plan examined the growth in student numbers and related academic and non-academic posts required to teach and support those students. Table (b)(i) shows the staff at Maynooth projected to grow from 83 academic and 83 non-academic staff for 960 students in 1981 to 90 academic and 90 non-academic staff teaching and supporting 1144 in 1985. There was therefore a relationship between expansion and the creation of new posts. However the Four-Year Plan states “provision has been made in the years 1983, 1984 and 1985 for the filling of only one half of the posts becoming vacant” (1981, p. 4). It can therefore be concluded the university did not have autonomy in real terms to employ new staff. It did however have autonomy to manage its approved staff quotient, including the power to dismiss in accordance with Statutes and the power to replace staff who retired. Even this latter autonomy was reduced in 1981 when, according to the Four-Year Plan (HEA, 1981, p. 2) 100 posts were frozen across the five universities.

4.3.6 Autonomy to set staff salaries

Staff salaries were discussed a number of times in 1980. Salaries for sabbatical replacement staff was discussed at the CEC meeting in January. The Vice-Chairman of the Academic Staffing Association (ASA) had written to the CEC asking that the salaries for sabbatical replacement staff be increased to be brought into line with salaries for non-permanent academic staff. Once the letter was introduced the minute read

A long discussion followed. The Council was told of the difficulty of changing a scale that had been agreed with the H.E.A., and anxiety was expressed at the possibility of having to go to the H.E.A. on the matter
CEC Minutes, January 1980, p. 2, item 6

The decision of the meeting was to ask the ASA to withdraw its request. This suggests their existed at Maynooth the desire to comply with agreed public pay guidelines and payscales.

In March 1980 pay for library staff was discussed. A pay increase was requested by a trade union for a category of library staff. The Bursar reported “that the H.E.A. will not move on the matter until decisions are made about the library staff at U.C.D.” (CEC minutes, March 1980, p 2, item 11). Following discussion it was agreed the College would address the matter again with the HEA. This is interesting given the decision in January not to engage with the HEA on a request for an increase for a different category of staff. The Higher Education Authority Act, 1971 allows for the HEA to put conditions on payments made by institutions from monies provided by the exchequer and paid by it to the institutions. One such condition made is that staff should be remunerated in accordance with scales approved by the Minister for Education with the consent of the Minister for Finance. It is therefore considered the decision of the CEC in relation to sabbatical cover staff was reasonable given the existence of approved pay scales for the category of workers in question. It is interesting to note that the CEC did not take it upon itself to act as an advocate of the staff in question.

It was reported at the CEC meeting in April that a meeting had been held “with the Conciliation Officer of the Labour Court on the matter of secretarial salaries. The College will advise the H.E.A. of its findings” (CEC minutes, April 1980, Item 2, p. 1). There is no indication in the minutes as to the nature of the issues discussed or the findings but it would appear reasonable for the CEC to inform the HEA of the outcome of such a process, given Secretarial pay scales would be approved in accordance with legislation. This case was mentioned again at the May CEC meeting.

At the November CEC meeting item 4 ‘Grades of Senior Library Assistant/Assistant Librarian’ was discussed. The meeting considered a submission from the Bursar of the day “which set out the I.F.U.T. claim on behalf of these grades of staff. The H.E.A. is not prepared to fund the claim as it stands at present” (CEC minutes, November 1980, p. 1, item 4). The Librarian spoke in favour of the claim and stated the grades at Maynooth were paid less than the same grades in other universities. The minute states “This makes difficulty in the recruitment of staff and is unfair to the present

incumbents” (CEC minutes, November 1980, p. 1, item 4). The CEC rejected the claim. Again it is interesting the CEC did not take it upon themselves to advocate for the staff in question. They seemed determined to implement the rules of governance as they operated at the time.

It can therefore be concluded that the university had no autonomy to determine the pay of individual staff members.

4.3.7 Autonomy to decide student enrolment

This matter was addressed at CEC in February 1980. The Academic Planning Unit of the college had made some recommendations for submission to the HEA including supporting letters from some heads of department. The minutes state “After some discussion the Council accepted the report of the A.P.U. as the basis of the College’s submission to the H.E.A.” (CEC minutes, February 1980, p. 3, item 13). Planning was a legitimate concern of the HEA under the 1971 Act. Section 6(2) states

An tÚdarás shall recommend to the Minister the overall provision of student places to be made within the higher education system having regard to the need to maintain a reasonable balance in the distribution of the total number of students between the institutions of higher education

Higher Education Authority Act, 1971, p. 7

Planning is also addressed in section 3(a) where the HEA is assigned a general function of “furthering the development of higher education” (HEA Act, 1971, p. 7). Another section states the HEA “shall maintain a continuous review of the demand and need for higher education (HEA Act, 1971, p. 7). This suggests the university was not free to determine its own student intake. This is re-enforced by an examination of the ‘Four-Year Plan 1982-1985’ (HEA, 1981). This report sets out a student expansion for the five universities with extra places assigned to each university by faculty. These allocations were made by the HEA using its powers under the 1971 Act. It can therefore be concluded the university was not autonomous in determining its own student intake or student numbers. The actual students enrolled were selected by the CAO process described briefly in Chapter 2.

4.3.8 Autonomy to set tuition fees

In 1980 approximately 13% of university income was student fee income (HEA, 1981, p. 2). None of the items in the archive address fees. However the Four-Year Plan (HEA, 1981) notes that the proportion “of universities income from fees has declined over the years”(p. 5). The university Presidents of the day felt the “implications in social and educational terms of substantial further increases in fees are such as to convince that the initiative cannot be regarded as being within their sole responsibility but also concern the government” (p. 5). This suggests the universities had autonomy to set fees but choose not to exercise this autonomy. It appears from the evidence that the universities and the HEA worked together in setting university fees. It can therefore be concluded there was some autonomy over the setting of fees for courses.

4.3.9 Overall summary of 1980

From the above review of the archive materials it is clear the university/HEA interface was absolutely concerned with the related matters of budget, including capital budgets and staffing as properly established in the Higher Education Authority Act, 1971. The year in question was a difficult year at Maynooth with many areas of conflict emerging between the CEC and academic council and the committees of academic council. The proper make-up of CEC itself, the Finance Council and promotion boards were all discussed. These were important matters of governance. It appears from the minutes that the HEA played no part in any of the issues. Maynooth could therefore be seen to be autonomous in its internal governance arrangements. The procedural autonomy (Berdahl, 1990, p. 172) associated with how to academy goes about its business can be concluded to exist at Maynooth. The conflicts also point to vibrant collegiate academic voice in the management and decision-making aspects of the institution.

The file containing correspondence from the HEA in 1980 contains just 13 letters. All relate to matters of a routine financial nature. The burden of accountability could therefore be considered light in 1980. When the letters are read in conjunction with the “Four-Year Plan 1982-85” (HEA, 1981) the impression of a buffer-body advocating on behalf of the universities with the Minister and the Department is created. It can be concluded the HEA in 1980 is an advocacy body for universities.

Using the ‘autonomy index’ introduced earlier in this chapter the position in Ireland in 1980 was as set out in diagram 6. It shows a university system with limited substantive autonomy. This leads to the conclusion that the Irish universities were largely directed by government and the HEA in 1980. This places Irish universities on the state controlled axis of Clark’s triangle of governance and very much a state controlled model in the Van Vught two dimensional variation of Clark’s typology. Given the limited autonomy in Irish universities it is appropriate to place the Irish system closer to the State Control end rather than the State Supervised end of Van Vught’s governance model. In reality the evidence suggests that Kogan (1998) is correct when he suggests that academics “romanticise” about the 1980’s and the related autonomy they felt they had. In effect academics only controlled what they already had and innovation and improvement were in the remit of the State sector.

Governance and Accountability Framework as at 1980									
Autonomy Index		Institutions are free to:							
	1	2	3	4	5	6	7	8	
Year	Invest in capital	Borrow funds	Spend on objectives	Direct academic affairs	Employ & dismiss staff	Set staff salaries	Decide student enrolment	Decide tuition fees	
1980	No	No*	Some	Some**	No	No	No	Some***	
<p>* Borrowing funds was not addressed in the archive and is not addressed in legislation. No legislation provision existed at the time to enable universities to borrow money.</p> <p>** There is some evidence that academic council controlled existing academic courses and set academic standards with quality oversight by the NUI.</p> <p>*** In 1980 approximately 13% of a university income was student fees. The level of fees was set in conjunction with the HEA.</p>									
Van Vught topology of governance									
*									
State Control			<i>Location of Maynooth</i>			State Supervised			
Investment					Notes				
Total State Grant to Unis					€64m				1
Total No of FTE students					26104				2
Grant per FTE student					2,450				4
Total current gov. spend					4,470m				1
% of government spend					1.44%				4
Participation rate 18 yr old cohort					14%/20%				3
Student grant aid					€4.2m				1
Literature c.1980									
Hillary Commission Report, Gov of Irl, 1967									
Drucker, Age of Discontinuity, 1969									
Trow, Problems in the transition elite to mass HE, 1974									
Freire, Pedagogy of the oppressed, 1980									
Fama, Agency problems and the theory of the firm, 1980									
Templeman, Britain: a model at risk, 1982									
Clark, Academic org's in cross-national perspective, 1983									
Bourdieu, Genesis of "habitus" and "fields", 1985									

Figure 6: Governance and accountability framework as at 1980. [Source: 1. Government expenditure outturn for 1980 as reported in Book of Estimates for 1981; 2. Supplied by HEA statistical unit following request from researcher; 3. 14% refers to univertiee: HEA Four-Year Plan 1982-85; 20% figure refers to overall HE system: National Plan for Equity of Access to Higher Education, (HEA, 2008, p. 58); 4. Calculated from other data in Investment box].

Figure 6 above captures the ‘Governance and Accountability Framework as at 1980’. It shows a system with very little decision making autonomy, with a strong influence on the part of the State over the development of the university and a relatively moderate government investment in the university sector. The international literature was only beginning to address the issues of governance (Fama, 1980), massification (Trow, 1974), and the nature of university self-governance (Templeman, 1982). This was ten year’s after Freire’s seminal work *Pedagogy of the Oppressed* was first published. This work outlined the role of teacher as partner with the student in learning. It had a major

influence over developments throughout the 1980s in adult and continuing education (Collins and Dolan, 2011). 1980 was still a time of 'tradition' to the extent that college entrants were normally second-level graduates, participation was relatively elite with just 14% of the 18 year-old cohort attending university (HEA, 1982, p. 6), 20% of 17-19 year olds entered third level in 1980 including IoTs and teacher training colleges (HEA, 2008, p. 58) and the link between universities and the economy was seen through the lens of creating an educated workforce. This latter point is illustrated in the 'Four-Year Plan, 1982-85' where it allows for a small growth in student numbers over the period of the plan stating

the increase in full-time student equivalences are concentrated in the Science and Engineering fields of study, which is essential if IDA job creation targets are to be maintained

HEA, 1981, p. 5

1980 is also a year where adult and continuing education are not in anyway significant. No mention is made of this as either a means of access to higher education or a policy objective in the Four-Year Plan 1982-1985 (HEA,1981). Interesting research objectives are also not mentioned in the Four-Year Plan 1982-1985 (HEA, 1981).

4.4 Review of the minutes of meetings of the governing authority in the year 1990

A total of nine meetings of the College Executive Council were held during 1990.

Reviewing the list of names of those in attendance and those sending apologies it is apparent the CEC has grown to be a 26 person body by January 1990. At least 12 were ordained priests of the Catholic Church. Two members were female. A new CEC took office in October 1990. It appears to have been made up of 22 members. Nine members were ordained priests of the Catholic Church. There was no female membership.

As in 1980 the minutes of the meetings of nine meetings of the CEC and the ten meetings of the academic council as well as the four meetings of the Trustees of St. Patricks College, Maynooth together with the correspondence file of letters received

from the HEA were examined considering each of the autonomy elements within the autonomy index. The findings are set out below.

4.4.1 Autonomy over capital investment decisions

There is a piece of evidence that suggests some small change in this element of decision making when 1990 is compared to 1980. Since 1980, two new universities had been created namely the University of Limerick and Dublin City University. However the Higher Education Authority Act 1971 remained unchanged, with the HEA retaining all the functions it had in 1980. This included planning for capacity provision.

The continuing lack of autonomy is evident from a number of items in the archive. Three particular items in the correspondence file are of some significance. The first related to correspondence announcing that a capital equipment fund was in place. However the university was required to submit proposals with justifications as to why they wished to purchase particular items on the list. The HEA took the decision on which items on the list were authorised for purchase. The second relates to a request from the university to acquire a new library system. The HEA considered the request and approved a special allocation of £226,000 to the university, payable in future years for this project. Some conditions were placed on the investment. Thirdly, during the year the College submitted a list of minor capital or refurbishment type improvements it wished to make using the Minor Works Grant provided. Two of the proposed projects were deemed by the HEA to be unsuitable. These three transactions suggest to me that the Recognised College at Maynooth could not be described as fully autonomous. They are however involved in setting the parameters around which these decisions were made. Interestingly none of these pieces of correspondence made their way to the CEC as agenda items. They were dealt with by the management of the Recognised College.

The November meeting of the CEC was informed efforts were being made to leverage the HEA allocation for an approved new student restaurant with a view to providing an integrated restaurant and indoor sports facility. It appears that the institution is exercising some autonomy and initiative in attempting to leverage the funding to provide more facilities than those approved by the HEA. The archive shows that a student levy was introduced to cover half the cost of the indoor sports facilities, with the

university providing the other half. The facility was developed as an integrated facility. The February CEC minutes show a room had been found to allow refurbishment into a medical centre. There is no evidence HEA support was sought or received. The October minutes of CEC congratulate the students union on the opening of the medical centre.

It can be concluded therefore that the university had a limited but growing level of autonomy relating to capital investment decision making.

4.4.2 Autonomy to borrow funds

The situation had not changed since 1980. There was no legislative basis under which the university could borrow funds for capital or any purpose. The funding option put in place to meet the additional costs associated with the development of sports facilities addressed at the November 1990 CEC meeting was an inventive way of providing the facility. The university effectively loaned 50% of the cost of the facility to the students and collected the amount over a ten year period. However it was not borrowing per se.

It can be concluded there was no change in this element of decision-making between 1980 and 1990. The university had no autonomy in 1990 to borrow funds.

4.4.3 Autonomy to spend on own objectives

The archive provides significant evidence that the university was autonomous in determining how to spend its own resources. The April meeting of the CEC approved the non-pay budgets for academic departments and support service units on the recommendation of a sub-committee of the CEC, the 'Budget and Finance Council'. The November meeting of the CEC increased the academic travel grant available to academic staff to £400 while the same meeting "restored the sabbatical leave scheme" (CEC minutes, Nov 1990, p. 3). The university also established a part-time careers office and provided a space with publications for the service (CEC Minutes, April 1990). Decisions were made at the May 1990 relating to the disbursement of publications grants, Masters scholarships and the creation of a fund for the purchase of chemical abstracts (CEC Minutes, May, 1990).

It can therefore be concluded that the university had significant autonomy in relation to decision-making about the use of its own resources. This autonomy appears to be more significant to that existing in 1980.

4.4.4 Autonomy to direct own academic affairs

The archive from 1990 gives a greater insight into the academic affairs of the Recognised College when compared to the archive from 1980. A meeting of the CEC held in March

was presented with a document containing an 'Exams Appeal procedure'. It was forwarded to academic council for consideration. At the May 1990 meeting a number of new courses were noted, improved facilities acknowledged and student growth, both undergraduate and postgraduate, were welcomed and further growth was anticipated. The minutes state

The approval of the N.U.I. and H.E.A. for the introduction of the Diploma in Information Technology, Diploma in Continuing Education and the M.A. in European Social Policy Analysis courses to commence in 1990/91
CEC minutes, May 1990, p. 4, item 8(iii)

The reference to the approval of these courses by the NUI is understandable as the Senate of the NUI would have had final sign-off on all courses in 1990. The HEA approval stems from the specialist nature of the funding provided for these courses. Other academic course changes and amendments were discussed without reference to the HEA. This continues to indicate that Maynooth, together with the NUI had limited autonomy to make decisions on academic matters. The correspondence file for 1990 is more substantial than the equivalent file for 1980. A total of 45 letters are on the file compared with just 13 in 1980. Most of the letters are of a routine nature concerning the transfer of funds to the university. It is interesting to note as regards autonomy in academic affairs that the government of the day had provided special funding for an undergraduate expansion programme and Maynooth was funded for 70 such places. Special targeted funding was also provided for Science and Technology courses. The university was also participating in an Advanced Technical Skills programme funded by the European Union. It appears

the reporting requirements with EU funded initiatives was more stringent than with Irish exchequer monies. Approval for the courses was accompanied by approval to hire staff.

It can therefore be concluded that a limited form of autonomy existed over the academic affairs of the university. There is evidence of some growth in this autonomy over and above that existing in 1980. The evidence is the approach of the university to the specialist funding available from Europe and the decisions taken to focus on particular areas rather than attempt to secure student places and staff across all possible headings.

4.4.5 Autonomy to employ and dismiss staff

The creation of new posts required the approval of the HEA as it did in 1980. A number of appointments were made in June 1990 relating to the newly approved courses in science and engineering and the advanced technology skills courses. Support staff were also appointed following HEA approval. A total of 15 posts were sanctioned “conditional on the college achieving a balanced outturn for 1990” (CEC minutes, April 1990, p. 3, item 2(g)). Special reporting was required under the undergraduate expansion programme, the advanced technical skills (ATS) programme and targeted developments in Science and Technology. Additional reporting was also required for students travelling under the Erasmus Mobility Programme. During the year the College received ECU15,639 relating to this programme. The October CEC minutes show that the university chose to fund a nursing post in the new medical centre. There is no reference to HEA approval for this particular post. Collectively these matters point to a growing autonomy to employ staff. However, given the overall oversight exercised by the HEA the autonomy is not full and is at best shared.

4.4.6 Autonomy to set staff salaries

The meeting of the CEC held in May 1990 considered a report from the promotions board. A number of staff were promoted. However they were promoted to scales approved by the Minister and the HEA. Correspondence from the HEA provided sanction to pay awards made by various bodies including the Labour Court and the Review Body for Higher Remuneration in the Public Sector. A special pay increase for technicians arising from discussions and agreement in the health sector was also

sanctioned. There is no evidence that the university was in anyway autonomous as regards pay levels payable to staff. The situation had not changed since 1980.

4.4.7 Autonomy to decide student enrolment

The situation was similar to that existing in 1980. Planning was a legitimate concern of the HEA under the 1971 Act. Section 6(2) states

An tÚdarás shall recommend to the Minister the overall provision of student places to be made within the higher education system having regard to the need to maintain a reasonable balance in the distribution of the total number of students between the institutions of higher education

Higher Education Authority Act, 1971, p. 7

Planning is also addressed in section 3(a) where the HEA is assigned a general function of “furthering the development of higher education” (HEA Act, 1971, p. 7). Another section states the HEA “shall maintain a continuous review of the demand and need for higher education (HEA Act, 1971, p. 7). This suggests the university was not free to determine its own student intake. In approving the new courses in targeted area the HEA also approved both additional staff and additional student numbers. A letter from the HEA to Maynooth dated 21st March 1990 confirms funding for an additional 70 students on an undergraduate expansion programme course. Associated staff, both academic and non-academic, were also approved within the overall special funding provided. All the new course approvals in the year brought with it a student quota. In all cases the university had requested the course, the related approval to appoint staff and had indicated the number of students the university would cater for on the course.

It is reasonable to conclude that the university had only a very limited autonomy over the number of students it enrolled on an annual basis.

4.4.8 Autonomy to decide tuition fees

The archive contains a number of references to student fees. The March meeting of the CEC considered a budget which contained a proposal to increase student fees by 4%. This led to some discussion and a vote. The budget was approved with the fee increase

by majority vote. However the matter came before the CEC again in May. An increase in tuition fees for 1990/91 academic year was discussed.

A letter received from the Bursar requested that Council recommend a 4% increase in tuition fees for Arts and Science. It also referred to points raised in discussions by the H.E.A. on equalisation of fees between Colleges and asked that Council consider phasing in an increase in the Arts fee to maintain parity with the anticipated Arts fee of U.C.C.

CEC minutes, May 1990, p. 3, item 6

CEC voted 17 to three to accept the proposed increase and to return to the phasing issue at a later date. This suggests the university, perhaps working with other universities, approached the HEA for permission to apply the increase it had included in its annual budget. A consultative process in setting fees seems to be in operation. The matter came before the CEC again in September. Under Matters Arising it was noted that UCG and UCC had raised their Arts fees above 4% and that “Maynooth Arts fee is currently the lowest of the seven University institutions” (CEC minutes, Sept 1990, p. 1, item 2). The university reference is interesting seven years ahead of the attainment of university designation. It certainly seems some universities felt they had the autonomy to set tuition fees.

It can be reasonably concluded that setting tuition fees was a shared decision between the universities and the HEA. This seems to be a greater level of autonomy than that available to the universities in 1980.

4.4.9 Other matter

The archive investigation of 1990 reveals two other significant matters directly related to governance, accountability and autonomy. The first relates to a debate taking place within the NUI. The September meeting of the CEC mentions the NUI several times under item 5 ‘New University Structures’. It is clear from the minute that the NUI is considering radical changes to its structure and to the structure of its constituent colleges. The minute states “A strong case can be supported for retention of the unity of Maynooth College which, with its three components, establishes the College’s uniqueness amongst the institutions” (CEC minutes, Sept 1990, p. 2, item 5). It is clear that an internal debate was already taking place about separating the recognised college

of the NUI from the seminary and Pontifical University. The matter again appears in the CEC minutes in October. Under Matters Arising the President updated the CEC on the NUI discussions. He thought a loose federation with institutional autonomy was emerging as the favoured approach (CEC minutes, October 1990, p. 1, item 3). The matter was also discussed at academic council during the year. A significant debate took place at the November CEC meeting. The Secretary of the Academic Council had written to the CEC stating

“that Maynooth at a special Meeting of Senate on 10 December 1990 should notify that it wishes to seek independent university status within a confederal arrangement of the National University of Ireland”

CEC minutes, Nov 1990, p. 1, item 4

The minutes note “the Minister did not wish to interfere with the autonomy of those institutions seeking to change their status” (CEC minutes, Nov 1990, p. 2, item 4). These were clearly interesting times at Maynooth. It is self evident that the sentiment coming from academic council towards NUI reform differed substantially from that recorded in the September 1990 CEC minutes. The reference to the Minister is suggestive of the existence of some level of autonomy and decision-making capacity in institutions. This debate culminated in the establishment of the National University of Ireland, Maynooth as an independent university and constituent college of the NUI in the Universities Act, 1997 (Section 43, p. 31).

The second matter relates to a new funding system proposed by the HEA. During 1990 the HEA were attempting to introduce a new funding mechanism for colleges receiving funds through the HEA. A ‘unit cost system’ was to be introduced. In a letter from the HEA to the President of St. Patrick’s College dated 26th July 1990 it is clear the rules of the unit cost system were to be based on a Stokes Kennedy Crowley report prepared in 1990. A copy of this report was examined in the President’s Office, National University of Ireland, Maynooth on 5th May 2011. The system would require an amount of data from many sources throughout the university including heads of academic departments. This was data not previously captured or returned and could be seen to be creeping managerialism. The main requirement was for the academic head to provide summary data on an annual basis to the finance function. This data concerned time spent on teaching, research, administration and other activities by each academic

staff member in the department. Contact hours on undergraduate and postgraduate courses were required. The number of student per academic year on each course was also to be reported. This data would be used along with other data held centrally in the university to determine a unit cost for each year of each course. The central data included space costs, occupancy by departments, library costs, central administration costs and overall student numbers. I spoke with Mr Stephen Byrne in relation to unit costing at Maynooth on Friday 6th May 2011. He stated it operated successfully from 1993 until 2006. He did state that getting co-operation from some academic department heads was difficult and that several follow-up requests had to be made. However he could not recall any particular staff association issues with the completion of the required returns. As far as he knew it was a matter for the individual head to determine the extent of their co-operation with unit costing. I find it enormously interesting that unit costing did not appear on the agenda for any meeting of the CEC in 1990. This suggests a separation of governance and decision-making was taking place or had taken place in Maynooth.

4.4.10 Overall summary of 1990

Maynooth in 1990 is noticeably different from Maynooth in 1980. The interaction between CEC and the HEA is still largely about financial and staff matters. The whole NUI debate is interesting and clearly had a form of fruition in the Universities Act 1997 albeit with a separation of the recognised college from the Pontifical University and Seminary. There are early indications of increasing reporting and compliance requirements arising from special purpose funding. The unit costing proposals are interesting in that they introduce effective benchmarking between colleges on the costs of delivering courses. This was an important development which led to an additional accountability requirement on internal department heads to the university and on the university to the HEA. In any event the review of the minutes and correspondence must lead to a conclusion that the universities did not operate as completely independent autonomous bodies in 1990. However there is some evidence of greater substantive autonomy than existed in 1980, for example the design of new courses and the ability of the university to opt in or out of special purpose funding. Figure 7 shows the movement in the 'autonomy index' between 1980 and 1990. The university in 1990 can therefore be considered semi-autonomous.

Governance and Accountability Framework as at 1990								
Autonomy Index		Institutions are free to:						
Year	1	2	3	4	5	6	7	8
1990	Invest in capital	Borrow funds	Spend on objectives	Direct academic affairs	Employ & dismiss staff	Set staff salaries	Decide student enrolment	Decide tuition fees
	Some	No*	Growing	Growing**	Some	No	Some	Shared
<p>* Borrowing funds was not addressed in the archive and is not addressed in legislation. No legislation provision existed at the time to enable universities to borrow money.</p> <p>** Autonomy existed in directing existing courses and making choices for new courses. Ability to seek specialist funding through targeted courses.</p> <p>*** Strong evidence of joint decision making in relation to fees.</p>								
Van Vught topology of governance: 1990 placement								
*								
State Control			<i>Location of Maynooth</i>			State Supervised		

Investment		Notes
Total State Grant to Unis	€148m	1
Total No of FTE students	1	2
Grant per FTE student	2,450	4
Total current gov. spend	€8,317m	1
% of government spend	1.80%	4
Participation rate 18 yr old cohort	20%/32%	3
Student grant aid	€34.6m	1

Literature c.1990	
Vught, Governmental strategies and innovation in HE, 1989	
Berdahl, Academic freedom, autonomy, account., 1990	
Hood, A public management for all seasons, 1991	
Cadbury, Financial aspects of corp. gov., 1992	
Hardin, Street level epistemology of trust, 1992	
Greenbury, Directors Remuneration, 1995	
Fukuyama, Trust, 1995	
Charting our education future, Dept of Ed., 1995	

Figure 7: Governance and accountability framework as at 1990. [Source: 1. Government expenditure outturn for 1990 as reported in Book of Estimates for 1991; 2. Supplied by HEA statistical unit following request from researcher; 3. 20% figure supplied by HEA as university enrolment; 32% figure from National Plan for Equity of Access to Higher Education, (HEA, 2008, p. 58), estimated from figures provided for 1986 and 1992 as total HE system enrolment; 4. Calculated from other data in Investment box].

In relation to Clark’s triangle of governance it appears the university was moving from State controlled to a position somewhere between State, Collegiate and Market led, but with a leaning towards State intervention. On Van Vught’s two dimensional ‘State Control’ and ‘State Supervising’ typology the university is moving gently away from being State Controlled to State Supervised with limited but growing autonomy as set out in the ‘autonomy index’. It is estimated this places the university at the mid-point between being a State-Controlled institution and a State-Supervised institution. The overall level of State support for universities had grown to €148m, up from €64m 10 years earlier. Participation rates for the 17-19 year old cohort had grown from 14% in 1980 to 27% in 1990 whilst the overall participation rate in higher level had grown from 20% in 1980 to 32% in 1990. The overall proportion of government current expenditure going to support the universities increased from 1.44% in 1980 to 1.8% in 1990. The level of expenditure per student was relatively unchanged.

The review of the correspondence while with the HEA suggests the beginnings of a process of regulation with the HEA acting as regulator. The emergence of unit costing and the requirements for data to be returned relating to EU funding are significant changes taking place. The role of the HEA as advocate for universities is still evident from the correspondence received and the purposes to which the HEA intends to apply data received. The archive for 1990 provides solid evidence of an active academic

council and a shared decision making, on academic matters, between the academic council and the executive. The academic council agreed to commence courses and qualifications and the executive sought and secured the resources required.

The year 1990 is just before the publication of the Cadbury Report, perhaps the most important of all publications relating to governance.

4.5 Review of the archive for the year 2000

Six meetings of the governing authority were held in the year 2000. The academic council met on six occasions also.

Between those present and from those whom apologies for non-attendance had been received at the first meeting of the governing authority held on 14 February 2000, 31 names appear. A review of the President's Report for the academic year 1999/2000 shows that this was the full size of the governing authority. The most striking thing about the names is the number of them who were external to the university and to SPCM. Nine of the members were not connected to the university or SPCM.

As in 1980 and 1990 the minutes of the meetings of six meetings of the governing authority and the six meetings of the academic council together with the correspondence file of letters received from the HEA were examined considering each of the autonomy elements within the autonomy index. The findings are set out below. The university was now formally established as a separate legal entity from St. Patrick's College, Maynooth and, as such, the minutes of the meetings of the Trustees have no relevance to the research.

4.5.1. Autonomy over capital investment decisions

The archive is rich in material relating to this element of autonomy. The initial indications are of a less than full autonomy in relation to this element. At the February meeting of the governing authority the President informed the governing authority that a property agreement for the purchase of the North Campus had been finalised and that the Minister for Education and Science had provided £4.5m for this purpose. An agreement for the lease and licence of properties on the South Campus was also noted. It was noted these agreements had received the "accent of the HEA" (GA minutes,

February 2000, p. 5, item 7). The correspondence file contains a related letter dated 3rd April 2000. The HEA provides €3.5m for the purchase of the North Campus.

At the April meeting of the governing authority an offer of a gift of seven acres adjacent to the North Campus was accepted by the governing authority. No reference is made to the HEA in relation to this matter. At the October meeting of the governing authority brief notes appear of discussions relating the Section 50 of the Finance Act, 1999 and the establishment of three corporations to facilitate the university refurbish a hostel on campus for student accommodation. It is interesting to note building work estimated at between €2.5m and €3m was due for completion in quarter 1 2001. The minute does not include any mention of HEA approval for the investment. Perhaps this is evidence of university autonomy in action. Certainly such an investment would not have been made in 1980 or 1990 without HEA approval and funding.

A letter addressed to the Bursar on 10 July 2000 is interesting. It provides the university with a capital equipment grant. The letter changes the process that existed previously. The old process saw a detailed schedule of proposed equipment purchases submitted to the HEA for approval prior to purchase. The letter amends the process by determining a set of criteria for the purchase of equipment and the allocation of funds for that purpose. Simultaneously accountability for the monies is required together with the possibility of audit against the criteria set. This change gave very real autonomy to the university in its financial affairs and the prioritisation of spending under a specific budget allocation. This provides further evidence as an increasingly autonomous university sector following the enactment of the Universities Act 1997. The autonomy is provided side by side with accountability and compliance requirements. There is no evidence in the correspondence file or the minutes of governing authority meetings that the accountability and compliance requirements were in anyway resisted by the university or the sector.

It can be concluded that very significant autonomy existed in the year 2000 over capital investment decisions being made by universities. A level of accountability over the exercise of this autonomy was introduced by the HEA.

4.5.2 Autonomy to borrow funds

This matter was addressed at the October meeting of the governing authority. Under item 6 ‘Interim Framework on Borrowings’ it is noted

The Governing Authority agreed the Interim Framework for Borrowings with effect 25 September, 2000, as finally proposed in discussions between the Universities, the HEA and the Department of Education and Skills
GA minutes, October 2000, p. 2, item 6

The Borrowing Framework was provided for in Section 38(2) of the Universities Act 1997. A letter was received from the HEA requiring compliance with the interim framework and requiring annual confirmation to the HEA that the university was in compliance with the framework. I believe this item provides evidence of a growing autonomy for the Irish universities following the enactment of the Universities Act 1997. This framework certainly enabled the universities to borrow monies for investment purposes without seeking permission from the State. This autonomy simply did not exist in 1980 or 1990.

It can be concluded the universities had real autonomy to borrow funds, albeit under conditions agreed in a framework with the HEA, for university purposes and without seeking individual decision approval from the HEA. A level of accountability was imposed by HEA over the exercise of this autonomy.

4.5.3 Autonomy to spend on own objectives

There is evidence of a growing autonomy in this element of decision-making. There is no evidence in the archive of Maynooth seeking approval for any particularly expenditure decision. The context has changed since 1980 and 1990. The HEA provides resources and requires compliance with the rules of the various schemes under which the resources are provided. Several pieces of correspondence relate to special or targeted funds provided for specific purposes which require separate accounting and reporting. Funds for students with disabilities, training of trainers programme, ESF student assistance funding, skills funding, Government of Ireland scholarships, advanced technical skills funding, access funds for students from economically disadvantaged backgrounds are all provided and all bring reporting requirements. In nearly all cases reporting is to the HEA for onward reporting to the Department of

Education and Skills and ultimately institutions of the European Union. In many cases the reporting involves detailed form filling. In an interview held on Thursday 5th May 2010 with Mr Stephen Byrne, University Accountant at National University of Ireland, Maynooth between 1979 and 2009 the interviewee stated the forms were complex and often required close liaison between the finance unit and other units of the university including academic departments. One letter addressed to the Bursar on January 24th 2000 refers to “22 datasheets outlining eligible expenditure for programmes assisted by Structural Funds, including the ERDF and ESF”. From reading the correspondence file and having discussed the issue with Mr Byrne it is clear the existence of special purpose funding through the EU was creating additional and significant extra reporting and compliance requirements at the university. This could be viewed as creeping managerialism, particularly by the academic community who would not previously have been used to any accountability for teaching or related contact hours, such accountability now being required by some of the programmes providing the resources identified above.

The correspondence file also addresses reporting on the use of funds provided under the Programme for Research in Third Level Institutions (PRTL). Again detailed reporting in terms of costs and deliverables against project objectives was required for this programme. Responses were co-ordinated by finance but involved many other units and research institute personal in making the returns. This letter followed from the success of the university in Cycle 2 of the Programme for Research in Third Level Institutions. An institute called NIRSA had received funding for the first time. “The Departments involved – History, Geography, Economics, Mathematics and Sociology were congratulated on their success” (GA minutes, Oct. 2000, p. 2, item 4).

The April meeting of the governing authority received a report from the Finance Committee. The Department of Education came in for criticism in not having issued details of the annual grant to universities at the date of the meeting. It was noted that most other government departments had finalised its allocations. The criticism was made of the department and not the HEA. This is interesting. The matter came up for discussion again in at the May meeting of governing authority. Under a heading of ‘Budgetary Strategy 2000/01’ the minute states

The Bursar introduced this and referred to the H.E.A.'s letter of 19 April as the most up to date on the issue of Grant figures. The Grant figures indicated at that time were conservative. He had made a strong case to the H.E.A. concerning the delay in issuing the details. The Secretary of the Department of Education and Science has undertaken to provide figures at a date nearer to February in future years

GA Minutes, May 2000, p.2, item 5(a)

There is no question but that annual allocation to universities is a matter for the HEA under the 1971 legislation. The reference to the Secretary of the Department of Education and Skills is therefore interesting. It suggests the delay in receiving the Grant has been traced to delays in the HEA themselves receiving their overall allocation from the department. However no reference in the correspondence file to any reason for the late notification of the annual grant was found. This meeting adopted a budget for the year 2000/01. The December meeting of governing authority adopted recommendations for occasional staff budgets forwarded to the authority by the Academic Staffing and Appointments Committee, a sub-committee of academic council. This minute also states that the Finance Committee, a sub-committee of the governing authority had retained some monies for allocation later in the year. Secondments to the post of Registrar and Director of NIRSA, which involved incurring the costs of replacements in their own academic departments were also approved at the meeting.

The nature of the correspondence received and the types of discussions held and decisions made at governing authority during 2000 suggest a body that was autonomous over the use of its own resources. It can be concluded that the university could decide to direct its own resources to its own strategic priorities within the overall envelope of monies available to it. Section 37 of the Universities Act, 1997 placed a requirement on universities to operate within budget.

4.5.4 Autonomy over academic affairs

The university adopted a new set of statutes at its February meeting including a statute referring to the academic council. The Strategic Plan 2000-2005 (NUIM, 2001) provides further evidence of a university in control of its own academic affairs. New departments of Psychology and Spanish were established post Universities Act 1997 (p. 3). A faculty of Electronic Engineering had also been established (p. 3). A Dean of

Research had been appointed and postgraduate research scholarships introduced (p. 3). Modularisation and semester change were planned (p. 3). An outreach campus had been established in Kilkenny (p. 3).

From a governance perspective “a new Academic Programme Committee was established as a sub-committee of the Academic Council” (NUIM, 2001, p. 3). A new faculty of Business was envisaged (p. 19). The Strategic Plan 2000-2005 contained a full chapter dedicated to “The Learning Environment: Course Development” (pp. 22-26) and a further chapter dedicated to “The Learning Environment: Staff” (pp. 28-30). A Teaching and Learning Charter is promised. Mentoring of early career staff by senior staff is addressed. University renewal is stressed. Academic leadership is discussed (pp. 28-29).

It can be concluded that the university was autonomous in its academic affairs. Berdahl’s “substantive autonomy” (p. 172) seems to exist in the Irish universities in the year 2000.

4.5.5 Autonomy to employ and dismiss staff

Again the archive is a rich source of information in relation to this element of decision-making. The February meeting dealt with staff appointments. Whether or not the Universities Act 1997 required all permanent posts to be publicly advertised was discussed. Apparently the advice was that it did not. The February meeting also considered a new set of statutes for the university. The President stated the committee dealing with the issue had decided to create a whole new set of statutes rather than amend the 1962 statutes of SPCM. The proposed statutes were adopted. A review of the Statutes adopted at this meeting shows a university determining its own hiring and firing procedures for staff and its own disciplinary procedures relating to staff up to and including dismissal. Section 33(1) of the Universities Act, 1997 gives a university the power to make its own statutes. It states

Subject to this Act and to the charter, if any, of the university, a governing authority of a university or the Senate may, and if required by this Act to do so shall, make such and so many statutes and regulations as it considers appropriate to regulate the affairs of the university

This suggests that the autonomy over the process of hiring, promotion and discipline was strong and deeply embedded in the university. In April the governing authority noted staff appointment to posts and resignations were noted as were the conduct of interview processes for a Dean and Head of Department. This is evidence of good governance oversight of the statutes adopted by the governing authority. In May appointments and promotions made since the previous meeting were noted by the governing authority. This is understandable as the *Universities Act 1997* allows the President to make appointments whilst insisting the governing authority ensures a balanced budget is prepared. This is consistent with the statutes. In addition the governing authority approved procedures for promotion of technical staff. It also adopted “Policies and Procedures for the Protection of the Dignity of Staff and Students” (GA Minutes, May 2000, p. 4, items 6(e) and 6(f)). It was also noted a Statement of Policy on Equality previously approved by the governing authority had been published. This is evidence that the university was taking autonomy to itself over a whole series of staff issues throughout their employment life at the university and governing their conduct towards each other and towards students. The meeting also established a local Partnership Committee on campus. This arose from a nationally agreed public pay agreement. This was a forum where management and staff could discuss areas of mutual interest.

The October minutes of governing authority dealt with the creation of a post called ‘Academic Co-ordinator’. The post was proposed to address identified weaknesses at Maynooth with retention rates arising from a (then) recently published report on retention rates in Irish universities. The post was approved. It is clear from the minutes that this move was seen as critically important to the future of the university and to the well-being of its most vulnerable students. The post was established without mention of the HEA. This meeting also dealt with promotions in a routine way.

It can be concluded that the university was autonomous in decision-making around appointment and dismissal of staff, provided a balanced budget operated at the university.

4.5.6 Autonomy to set staff salaries

The archive provides a number of staff pay related references. Item 11 of the minutes of the February meeting of governing authority states “A letter from The Higher Education Authority confirmed payment of the Partnership 2000 increases to Professorial Grades. The letter was noted.” (GA minutes, Feb 2000, p. 6, item 11). This confirms Maynooth’s continuing interest in complying with public pay policy. In April a separate process under the Review Body on Higher Remuneration in the Public Sector, as it related to Professors’ pay was noted. A process to involve the Professors on campus was agreed.

Item 10 of the April governing authority minutes is interesting. The HEA had circulated an ‘*Agreed Framework between the Universities and The Higher Education Department from Approved Levels of Remuneration, Fees, Allowances and expenses for University Employees*’ which was adopted by the governing authority. Provision was made for such a framework in the Universities Act, 1997. Whereas it is a remuneration matter it is interesting to note it is not a scale approved by a Minister but a framework for departures where the actual departure is within the control of the universities. It is a real example of autonomy being devolved to a governing authority. It is also interesting in that it is the earliest occasion in this archive analysis that a document generated by the HEA has driven a discussion and decision of the governing authority. The matter was again raised at the October meeting of governing authority. Under item 2 ‘Matters Arising’ it is noted the HEA had accepted the *Departures from Agreed Levels of Remuneration, Fees, Allowances and Expenses for University Employees*. This had been approved by the governing authority in April and by the governing authorities of the other six universities between March and April 2000. In accordance with Section 25(5)(a) of the Universities Act 1997 the HEA itself had then formally approved the Framework.

It can be concluded that the Irish universities enjoyed some autonomy over the level of remuneration paid to staff. The framework itself required reporting to the HEA of the details of any departures actually granted by the governing authority. There is no evidence in the archive of any dissent in relation to this important point of accountability. This is consistent with the other areas of autonomy that we have seen

granted to the universities, that is they are granted with a corresponding accountability requirement to the HEA.

4.5.7 Autonomy to decide student enrolment

The archive contains very little information relating to the decision-making process around enrolment. The ‘Strategic Plan 2000-2005’ (NUIM, 2001) shows that students numbers grew at Maynooth from 3,809 in 1994/95 to 5,173 in 2000/01 (p. 3). The university set targets for itself in relation to student enrolment. By 2005 it wanted “expansion of the university access programme to increase the number of places to at least seventy five...expansion of the mature student population to a steady state of 15% of intake” (NUIM, 2001, p. 17). The university also wanted to increase its non-EU student intake and postgraduate student numbers (p. 17). An overall target of 5,500 students is set for 2005 (p. 19). The Strategic Plan 2000-2005 contains measures to disperse the additional students throughout the various departments and faculties of the universities.

It can be concluded therefore that the university was autonomous in deciding its student enrolment.

4.5.8 Autonomy to set tuition fees

Since 1995 the Government of Ireland choose to pay the student fee on behalf of all EU undergraduates on a degree course provided they progressed satisfactorily from year to year of the course. At the October meeting of governing authority under item 7 ‘Undergraduate Tuition Fee Levels 2000-2001’ it is noted “Department of Education and Skills had agreed to a 6.0% increase on 1 August. A maximum increase of 5.0% in the student service charge had been sanctioned...” (GA minutes, Oct. 2000, p. 3, item 7). This suggests the situation operating in 1980 and 1990, where fee levels were agreed between the HEA and the universities continued to operate. The university was autonomous in terms of fees other than standard undergraduate fees, as it had been in 1980 and 1990. Section 40 of the Universities Act 1997 gave the power to set fees to the universities. In practice the universities applied to the HEA for an increase and the HEA decided the level of fee increase to be allowed.

It can be concluded that the autonomy to set tuition fees remained a shared autonomy between the universities and the HEA.

4.5.9 Emergence of new accountabilities and related internal governance arrangements

Before summarising the year it is important to note another trend in the year 2000 archive. Internal governance and compliance with new external reporting requirements loomed large in the archive. As already noted, the February meeting adopted a new set of statutes. These were not uncontroversial. In April correspondence has been received from a number of quarters bemoaning a lack of consultation on the statutes adopted at the previous meeting. The minute states “It was pointed out that all of the consultation for this purpose as prescribed in the Universities Act, 1997 had been conducted” (GA minutes, April 2000, p. 2, item 3). The managerial university, referred to by Scott (1993), Kogan (1998) and Skillbeck (2001) is perhaps beginning to manifest itself in the Irish university system post Universities Act, 1997. Whatever the extent of consultation and discussion that took place, and no such process is ‘prescribed’ in the Universities Act 1997, this suggests a healthy debate on a critically important area of governance. The Universities Act 1997 provided the universities with the opportunity to determine their own statutes and regulations and this is a powerful example of autonomy in action. The power to determine statutes to govern the university gave the universities substantial control over procedural matters. The statutes themselves were controversial because they provide substantial decision-making authority in the President in a whole range of matters which previously were not codified in any university policies or documents.

The year 2000 also saw the first governing authority deal with the establishment and make-up of the second governing authority which would take up office in October 2000. A five year term was agreed with the same membership make-up and mix of internal and external members. The decision on the make-up of the first governing authority was established “in 1997, by a Commission of NUI Chancellor or nominee, HEA Chairman or nominee, President and Registrar” (GA minutes, February 2000, p. 6, item 10). Again this item would not have appeared in the CEC as no legislation governed its operation and management. Again this is a powerful example of procedural autonomy

being vested in the university itself. Matters of detail were discussed. The procedures to be followed for the elections to the second governing authority and the procedures to be followed in dealing with the various nominating groups were agreed at the April governing authority meeting. It is interesting to note that the graduate elections were to be held between 2 October and 30 October 2000 and that the graduating class of September 2000 would be eligible to vote. This must certainly have presented some logistical challenges for those organising the voting.

The April governing authority meeting also saw a discussion on the appointment of independent internal auditors. Consultants were appointed “to examine the terms of reference of the Audit Committee and to make recommendations as to how it should progress and practice its work, in accordance with the terms of reference and the practice applying in other university institutions” (GA minute, April 2000, p. 5, item 6). It is interesting to note the existence of an internal audit committee. Such committees were first recommended as good governance practice by Cadbury in 1992. This committee appears to have existed at NUIM at least three years before the publication of the agreed HEA/CHIU document “The financial governance of Irish universities, balancing autonomy and accountability” (HEA, 2003) which recommended internal audit functions be established in universities. This demonstrates a strong governance ethic and desire on the part of the university to openly demonstrate its governance credentials and its trustworthiness in handling public monies and public accountability.

The governing authority was also concerned with the publication and dissemination within the university of its own decisions. A significant item of discussion at the May meeting of the governing authority was the publication of the decisions of governing authority. Members seemed to be exercised about the method of publishing the decisions of the governing authority. The existing decisions were thought to be cryptic. The possible impact of the then impending publication of a Freedom of Information Act on the publication of decisions was mentioned. This calls to mind O’Toole and Bennis (2009) when they state “Organisations that fail to achieve transparency will have it forced upon them. There’s just no way keep a lot of secrets in the age of the internet” (O’Toole and Bennis, 2009, p. 56). It appears NUI Maynooth were conscious of this requirement in 2000.

An Inventions and Patents Policy for the university was adopted at the April meeting of governing authority. The May governing authority minutes received reports from the Irish Language Committee, the Equality Committee, the Strategy and Policy Committee and the Human Resources Committee. Research Committee proposals to Academic Council were also discussed. Immediate research matters were discussed. The minute also states “Extensive research funding, the largest in the State’s history, would shortly become available under the National Development Plan. (GA Minutes, May 2000, p.7, item 13).

Compliance and accountability were concerns of the governing authority and the HEA in the year 2000. On 26 June 2000 the HEA wrote to all the universities for a sectoral response to a recently published report of the Comptroller and Auditor General. The HEA wanted to receive details of procurement savings achieved. This is the first time a letter has been addressed to the sector as a whole with a sectoral accountability requirement, in any of the years 1980, 1990 or 2000 to that date. This is considered a reasonable request given the responsibilities of the HEA under both the Higher Education Authority Act 1971 and the Universities Act 1997.

Other letters deal with the university’s responsibilities to comply with the Prompt Payments Act 1997, the Freedom of Information Act, the Interim Framework for Borrowings, public procurement guidelines and related EU threshold requirements, public pay guidelines and public travel and subsistence rates. This is further evidence of increasing accountability and compliance requirements being placed on an autonomous body. The requirements are not in anyway unique to the university or the university sector and could not be considered as arising in any way from a lack of trust on the part of the State in universities. It can be seen as an attempt by the HEA to balance the autonomy/accountability conundrum.

It can be concluded that the post University Act 1997 governing authority was different than the predecessor CEC. From a general perspective the CEC dealt with tactical and operational decisions. The governing authority structure is more robust in terms of a growing transparency between governance, oversight and accountability on the one hand and management on the other hand. The burden of accountability in 2000 is

substantially greater than that existing in either 1980 or 1990 and is representative of the correspondingly greater level of institutional autonomy.

4.5.10 Overall summary of 2000

Having reviewed the files for the year 2000 it is clear there is a very different entity at Maynooth to that existing in 1980. It is clear from the evidence of the files that the universities had greater procedural and substantive autonomy and independent decision making capacity in 2000 as against 1980. It is also clear that there was a growing accountability and compliance requirement. Some of this additional reporting and compliance requirement derived directly from increasing autonomy as can be seen from the changes in the management and control of capital equipment budgets and the two frameworks established and agreed under the Universities Act 1997. However the majority of the additional reporting and compliance requirements probably arose from the multiple sources of funds attracted into the universities from EU Directorates and the related rules attaching to the uses of those monies. There is no direct evidence in the year 2000 files of any lack of trust on the part of the State in universities. Figure 8 shows the GAF for the year 2000 and allows comparison with the earlier years.

Governance and Accountability Framework as at 2000																																
Autonomy Index		Institutions are free to:																														
Year	1	2	3	4	5	6	7	8																								
2000	Yes	Yes*	Yes	Yes**	Yes	Some	Yes***	Shared****																								
<p>* Ability to borrow funds under an agreed framework was a significant change from earlier years of 1980 and 1990. ** The "substantive autonomy" (Berdahl, 1990, p172) considered necessary for the university was evident in Ireland in the year 2000. *** Significant difference with earlier years of 1980 and 1990. **** Continued evidence of joint autonomy with the HEA in setting undergraduate fees.</p>																																
<p>Van Vught topology of governance: 2000 placement</p> <p style="text-align: right;">Location of Maynooth</p> <p style="text-align: center;">•</p> <p>State Control State Supervised</p>																																
		<p>Investment</p> <table border="1"> <thead> <tr> <th></th> <th></th> <th>Notes</th> </tr> </thead> <tbody> <tr> <td>Total State Grant to Unis</td> <td>€467m</td> <td>1</td> </tr> <tr> <td>Total No of FTE students</td> <td>69254</td> <td>2</td> </tr> <tr> <td>Grant per FTE student</td> <td>6,748</td> <td>4</td> </tr> <tr> <td>Total current gov. spend</td> <td>€26,223b</td> <td>1</td> </tr> <tr> <td>% of government spend</td> <td>2.20%</td> <td>4</td> </tr> <tr> <td>Participation rate 18 yr old cohort</td> <td>27%/48%</td> <td>3</td> </tr> <tr> <td>Student grant aid</td> <td>€34.6m</td> <td>1</td> </tr> </tbody> </table>									Notes	Total State Grant to Unis	€467m	1	Total No of FTE students	69254	2	Grant per FTE student	6,748	4	Total current gov. spend	€26,223b	1	% of government spend	2.20%	4	Participation rate 18 yr old cohort	27%/48%	3	Student grant aid	€34.6m	1
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Figure 8: Governance and accountability framework as at 2000. [Source: 1. Government expenditure outturn for 2000 as reported in Book of Estimates for 2001; 2. Supplied by HEA statistical unit following request from researcher; 3. 27% figure provide by HEA as enrolment in universities; 48% figure from National Plan for Equity of Access to Higher Education, (HEA, 2008, p. 58), estimated from figures provided for 1998 and 2004 as full enrolment in HE system; 4. Calculated from other data in Investment box].

The university is very much on the collegiate and market focused axis of Clark's triangle of governance and significantly and firmly meets the criteria for a fully 'State

Supervised' model in Van Vught's two dimensional model. One area where it could be said the university was not fully autonomous was in the ability of the university to set salaries for staff. The 'Departures Framework' identified in the minutes show that the university had some worthwhile autonomy in this area in 2000. Setting fees remained a shared responsibility with the HEA by virtue of the fact that all EU student undergraduate fees were paid by the State on behalf of students. Universities were free to set non-EU student fees, postgraduate fees and fees for courses other than degree courses, for example certificate and diploma courses. The Universities Act 1997 gave the universities the power to procure assets without prior HEA approval and subject only to balancing the books in any given year. As seen from the archive an agreed borrowing framework gave the universities the power to borrow monies without recourse to the HEA up to certain defined limits. Student enrolment was controlled by the university. Universities had control of all monies provided by the HEA for recurrent spending purposes and had autonomy on how they used the monies provided. Through its academic council and the powers of the President as set down in the Universities Act, 1997 the university had autonomy over academic affairs including the ability to open up whole new areas of academic endeavour.

The overall level of State support for universities had grown to €467m in 2000, up from €148m in 1990 and €64m in 1980. The overall participation rate in higher level had grown from 20% in 1980 to 32% in 1990 and to 48% in 2000. The overall proportion of government current expenditure going to support the universities increased from 1.44% in 1980 to 1.8% in 1990 and 2.2% in the year 2000. The level of expenditure per student was significantly higher at €6748 representing the payment of fees by the State on behalf of students.

The only concern existing from a GAF perspective at this time was the growing compliance requirement associated with some of the funding provided and the general trend in legislation. It is this compliance load, which did not exist to any great extent in either 1980 or 1990, which could be seen as interference or managerialism in action. However this compliance and accountability requirement is also important in identifying where the university sits in typologies of governance. The growing compliance burden supports the hypothesis that the university is both autonomous and accountable. Related to this is the further emergence of the HEA as regulator. The

HEA is seeking many confirmations of compliance with legislation and pay. It is also working with the universities to provide greater autonomy in terms of departures from approved levels of remuneration and borrowing. It can therefore be concluded that the HEA is transforming itself into a regulatory authority but it continues to play some advocacy role for the sector.

4.6 Review of the archive for the year 2010

Seven meetings, including one special meeting were held during 2010.

Between those present and from those whom apologies for non-attendance had been received at the first meeting of the year held on Wednesday 10 February 2010, 29 names appear. A review of the President's Report for the academic year 2009/10 shows that this was the full size of the governing authority. The most striking thing about the names is the number of them who were external to the university. If you include nominees of SPCM as external to the university then a majority of the membership, 15 in all are external to the staff and student membership. SPCM had three nominees on the governing authority in accordance with Section 16(5)(e) of the Universities Act 1997. The majority of members were male. Men accounted for 17 members as against women accounting for 12 members. Four members of the Governing Authority were members of the university Executive Management Team. These were the President, Deputy-President, Registrar and Bursar. In addition the Secretary to the Governing Authority was a member of the Executive Management Team. All five executives were men. As in 1980, 1990 and 2000 the minutes of the meetings of seven meetings of the governing authority and the six meetings of the academic council together with the correspondence file of letters received from the HEA were examined considering each of the autonomy elements within the autonomy index. The findings are set out below.

4.6.1 Autonomy over capital investment decisions

The archive provides some insights into the decision-making capacity of the university in this element of autonomy. The accounts for the financial year to 30th September 2010 show a transfer to capital from the university's own resources of €3.2m. It is evident from the accounts that this is a mixture of contributions to new build projects and to capital equipment purchases.

During the year a new building was opened. This building was funded by contributions from HEA funded research programmes, HEA capital grants section and private contributions sourced by the university. Also during the year a contract was signed for the construction of a new library facility located on the South Campus on a site purchased by the National University of Ireland, Maynooth from St. Patrick's College, Maynooth.

The archive has many references to the deterioration in the public finances in Ireland and the possibility of difficult circumstances ahead for the university. The university's ability to make capital investment decisions is contingent on running a balanced set of books in any particular financial year. This was also the case in the year 2000. With this proviso it can be concluded the universities had autonomy over capital investment decisions in 2010.

4.6.2 Autonomy to borrow funds

The archive provides one insight into this element of autonomy. The university wrote to the HEA on 19th March 2010 and informed them that the university had no borrowings. This provides evidence that the borrowing framework continues to operate and carries with it accountability requirements. It can be concluded therefore that the universities continued to have autonomy to borrow funds within the rules of the agreed framework.

4.6.3 Autonomy to spend on own objectives

The archive provides many insights into this element of autonomy. The June meeting of governing authority was informed the HEA had written to the university "Alerting the University to the 'extremely challenging' financial outlook for 2011 and beyond" (GA minutes, June 2010, item 5, p. 4). Further correspondence related to the type of expenditure that the university is allowed to make. The HEA required the university to reduce spending on certain discretionary items such as advertising, consultants and travel. It could be argued these requests reduced the autonomy of the university to determine how to spend its own resources. The February minutes of the meeting of

governing authority record that the Bursar presented a revised budget for 2009/10. The minute state

The Bursar noted that there was major concern over the increase in student numbers and the reduction in staff. He noted there was a risk that teaching quality could be compromised and that this issue would require constant monitoring.

GA minutes, Feb 2010, p. 4, item 9

This minute makes an important connection between the budgetary situation, the ECF and the obligations of the governing authority to ensure the university operates with a balanced budget on the one hand and delivers quality in teaching and learning and research and quality in the pursuit of all the objects of the university. Later in the year, at the September meeting of governing authority the Bursar presented a projected outturn for the 2009/10 financial year. He also presented a ‘draft working budget’ for 2010/11. Assumptions around cutbacks in core grant and fee income were the largest contributors to movements in the financial position. This suggests some autonomy remains to invest own resources for university purposes. However the autonomy of the governing authority is tempered by the overall decline in university income resulting from the meltdown of the Irish economy in 2008. This suggests the university might be becoming what Kogan has called “a dependent institution” (Kogan, 1998, p. 122). He has stated, citing Templeman that “academic autonomy, whether defined and guaranteed by law, by financial independence” (Kogan, 1998, p. 122 citing Templeman, 1982) is a requirement for university success. The governing authority appears to be becoming concerned that the financial constraints being experienced by the university as a result of government cut-backs is compromising the university’s autonomy over its academic affairs.

It can therefore be concluded that there has been some loss of autonomy on the part of the university to spend resources according to its own priorities. The June letter from the HEA coupled with the question of financial independence limit in a very direct way the autonomy which appeared to exist in this element of decision making in the year 2000. Whereas it is self-evident that you cannot spend what you do not have the competing State interventions demanding higher participation rates on the one hand and reducing overall resources available to universities on the other hand has a direct effect

on quality and this interferes with a substantial autonomy which is normally considered available to universities, that is autonomy over academic teaching and academic standards.

Key Performance Indicators (KPIs) were discussed at the February meeting of governing authority. The minute state

The reduction in State funding and in staff numbers related to the Employment Control Framework will require a reassessment of recent trends and the performance measures that are included in the University Strategic Plan for the period to 2011 and beyond. The University has already commenced work on the preparation of an adjustment strategy. Among the areas that will require particular attention are the targets in relation to growth in student numbers, the balance between undergraduates and postgraduates, the variance in staff/student ratios across academic departments, the frontline/support staff ratio (currently at 1:1.2) and the capacity to secure research funding from sources other than the agencies funded by the State.

GA minutes, Feb 2010, p. 5, item 11

This is a particularly interesting minute. It pulls together a whole range of issues to do with governance, accountability and management. It is clear the university has a set of KPIs which it is using to guide and monitor the implementation of its strategic intent. The minute shows the interaction between funding, ECF, staff numbers, student numbers, mix of staff, mix of students and the availability of research funding sources is not lost on executive management at National University of Ireland, Maynooth and is of concern to the governing authority. The update, which was presented by the Deputy President was “noted by the Authority and it was agreed that it was important to monitor the Strategic Plan as time goes on due to the changing circumstances” (GA Minutes, Feb 2010, p. 5, item 11).

4.6.4 Autonomy over academic affairs

The archive is rich in material relating to the academic management and control, and development at the university. At the February meeting of the governing authority the President updated the meeting on proposals for the dissolution of the National University of Ireland (NUI). The possible dissolution of the NUI was mentioned by the Minister for Finance in his budget statement in December 2009. Government had

decided to merge a number of bodies with quality oversight responsibility in the third level sector. In addition Government appears to have decided to examine the possibility of the new merged organisation taking over some of the responsibilities of the NUI. National University of Ireland, Maynooth was established as an independent university within a confederate NUI structure under the Universities Act 1997. The responsibilities of the NUI under the Universities Act 1997 are set out in Section 47 of the Universities Act, 1997 and include setting basic matriculation requirements and the receipt of reports on academic courses carried out by the constituent universities themselves. It appears the President and senior officers of the university were concerned with the proposed dissolution of the NUI. The President had been anxious to assure staff and students that this possible move posed no threat to the university or the standing of its degrees. There is no evidence in the minutes that any detailed discussion took place on the proposed dissolution. It is clear that this proposal would have significant governance implications. It would have operational implications, particularly relating to matriculation and the printing of degree parchments. The December 2009 budget statement was framed with cost reduction and/or cost containment within the public service at its primary aim.

At the February meeting of governing authority the President briefed the members on alliance discussions being held with Dublin City University and the Royal College of Surgeons in Ireland. The institutions concerned had received a draft report from a consultancy organisation. From the minutes it appeared the President was somewhat disappointed with the findings. Developments were noted at subsequent meetings.

The university had an external review of quality carried out by the *Irish Universities Quality Board*, an independent body established by the universities and the HEA to oversee quality processes in Irish universities. The report was presented to governing authority at its April meeting.

The Institutional Quality Review Report resulted from a process agreed between the Irish Universities Quality Board and the seven universities. The National University of Ireland, Maynooth report was the first time the process had been used. According to the minutes

The review team concluded that NUI Maynooth is meeting the highest national and international standards in quality assurance, and they welcomed in particular the broad approach to quality assurance and enhancement that pervades all activities undertaken by the university.

GA minutes, April 2010, item 11, p. 5

The minutes state a number of recommendations were made and that management would prepare a formal response. This would be presented to the governing authority at a meeting in September. The Deputy President presented a response to the Institutional Quality Review Report. The response outlined the actions required to implement the recommendations in the report, the person responsible for each action and the timeline for delivery of the action. The governing authority welcomed the comprehensive response. This document is further evidence of the 'high standard' of internal governance at the university. The report was not ignored. The response was comprehensive and a process of managing outcomes was initiated.

Another item on the April 2010 agenda was a 'Note on Grade Inflation Issue'. "The Registrar set out information on the university's position on this serious matter" (GA minutes, April 2010, item 15, p. 7). The minute goes on to say that the university would need "to change the public's perception of the situation after the fact". The note referred to a report by a journalist with the *Irish Times* newspaper who had published an article alleging grade inflation in Irish universities and publishing a particularly high rate of grade inflation at NUI Maynooth. The report was based on research work published by academics working in IT Tralee. The data relating to NUI Maynooth was incorrect given the designation of courses existing in the baseline year versus its comparator year. Perhaps more damaging was a suggestion from the journalist that certain American employers in Ireland were dissatisfied with the quality of Irish university graduates and that one university was "black listed" by a major company. This was a serious issue not just for National University of Ireland, Maynooth but for all the universities in Ireland. Whereas the minutes understate the concerns of the governing authority and the sector by noting "the real challenge for the University now was to change the public's perception of the situation after the fact" (GA minutes, April 2010, item 13, p. 7). The minute also records legal advice was sought on the matter but there is no indication as to the advice or whether it was used in argument with either the *Irish Times* or anyone else. The publication of the Institutional Quality Review report at

about the same time as this issue surfaced was seen as helpful. Certain senior people throughout the sector were concerned that policy for third level education in Ireland was being hi-jacked by spokes-people for employer organisations. The sector fully recognised that employers, including foreign direct investment companies were part of the communities served by universities. However there was concern that the interests of one group should not be seen in government or in the wider public domain as the sole reason of the substantial public investment in Irish higher education. The view was that the issue should be addressed within the context of a then developing national strategy for higher education.

Another item on the April agenda of governing authority was Froebel College of Education. The governing authority were informed discussions had taken place between the university and Froebel College of Education “on the possible establishment of a Froebel Department of Early Childhood and Primary Education at the University” (GA minutes, April 2010, item 14, p. 7). This department would deliver a B. Ed degree for primary teachers. It would be the only such degree on a university campus in Ireland and the only non-denominational primary teaching degree in the country. It was reported that the Department of Education and Skills was “supportive” of the arrangement. The department would be staffed by the current staff of the Froebel College of Education who would transfer to National University of Ireland, Maynooth at the start of the 2013/14 academic year. It is clear from the minutes that the current patron of Froebel College of Education, the Dominican Order of nuns, were leaving this service area. This as an important expression of academic autonomy. From a governance perspective the university reported on the financial, employment, pension and academic impacts of the initiative to governing authority and received the endorsement of the governing authority. The minutes also confirm discussions were held with the HEA and Department of Education and Skills. The latter would have been a particularly important engagement given that the Department fund primary teacher training institutions directly and the HEA are not involved in this aspect of higher education funding.

Also at its April meeting the governing authority noted that a revised university Charter for Teaching and Learning had been adopted by Academic Council in March 2010.

The Charter by way of a Teaching and Learning contract codifies the responsibilities of the University, and students, in relation to supporting, cultivating and enhancing the NUI Maynooth teaching and learning environment for the benefit of students and staff.

GA minutes, April 2010, item 16, p. 8

The governing authority welcomed the development and noted its relevance to the strategic intent of the university. Annual reports from the three faculties of the university were noted at the December meeting of governing authority. It is evident from the discussion that the governing authority was appreciative of the fundamental importance of the work of faculties in the delivery of the strategic intent of the university. The annual report of the international office was also noted.

The minutes of academic council identify the creation of new taught masters programmes and a new undergraduate option ‘Science teaching’.

It can be concluded that the university continued to be autonomous in its academic affairs.

4.6.5 Autonomy to employ and dismiss staff

A number of items in the archive shed light on this element of autonomy. At the February governing authority meeting the President updated the governing authority on a process called ‘University Adjustment Strategy’. Under item 5.1 ‘President’s Report’ the minutes state “It was noted that the University is engaged in a process to adjust to the conditions arising from anticipated budget cuts and the Employment Control Framework (ECF)”. The Employment Control Framework was introduced by Government to manage the overall numbers employed in the Irish public service. Following the collapse of the Irish banking system in 2008 and the knock-on effects on the public purse Government decided to reduce the overall number of public servants and hence reduce public spending. The Irish universities received their own unique framework which required overall staff cuts over the period from 1 January 2009 to 31 December 2010. The existence of the framework meant that the university was managing in a situation where overall funding was in decline, pressure existed to reduce staff numbers and the student numbers, both undergraduate and postgraduate were growing. The governing authority was promised a plan called the ‘Adjustment

Strategy’ which would demonstrate how the President intended to manage the university in a period of growth with declining resources and without the autonomy provided by Section 14(1)(b) of the Universities Act which states a university is “entitled to regulate its affairs in accordance with its independent ethos and tradition” and Section 25(1) which states “a university may, in accordance with procedures specified in a statute or regulation, appoint such and so many persons to be its employees as it thinks appropriate”.

The ECF was also discussed under item 8 of the agenda. This minute outline the challenges posed by the ECF.

There were two challenges facing the University: (i) a 6% reduction in the number of core staff between December 2008 and December 2010 and (ii) a requirement that the University operate within a balanced budget.

GA minutes, Feb 2010, p. 5, item 8

This minute goes on to state “The Deputy President and the Bursar stated that they had met with members of the HEA and they had made very strong representations to them on our need for extra funding and concessions on staffing”(GA minutes, Feb 2010, p. 5, item 8). In a related matter the President informed the governing that two staff unions had served industrial action notice on the university, such action arising directly from public sector pay cuts announced in the previous December budget statement by the Minister of Finance.

At the April 2010 meeting of governing authority the Deputy President introduced a detailed report on the Adjustment Strategy. Normal retirements, early retirement and other staff departures were addressed. He then outlined how a process had prioritised posts and recruitment over the short to medium term. The strategy was seen as “providing a means of achieving the ECF targets in respect of staff and a balanced budget” (GA minutes, April 2010, item 10, p. 4). The adjustment strategy was *approved* by the governing authority. There might well be a conflict between the role of the President in managing the university and the functions of the governing authority in law. The ECF is also addressed in correspondence between the HEA and the university. The most striking feature of the correspondence file relates to the ECF and the limitations placed on the university by the State on the hiring of staff at a time when, as

reported to governing authority by the Registrar in November, the university was set to grow by a further 300 students. This had a direct impact on institutional autonomy. The university was allowed to replace some posts lost through retirements and departures but was required to reduce its overall staff numbers funded by the HEA at the end of December 2010 by 29 compared to the number employed at the end of December 2008. The June governing authority meeting was informed that the reductions in staff numbers required under the ECF by the end of 2010 “had been reduced from 35 to 29” (GA minutes, June 2010, item 5, p. 4).

From the archive it can be concluded that the university retained its autonomy to recruit who it wished using its own approved processes and procedures established under university statute. However the university did not have the autonomy to hire the resources it needed in the areas where it wished to hire them. It therefore can be concluded that the university had only limited autonomy over the employment of staff. The dismissal of staff is not addressed in the archive. However there is no reason to believe the university was not autonomous in this element of decision-making.

4.6.6 Autonomy to set staff salaries

A number of items in the archive refer to this decision-making autonomy. At the April meeting of the governing authority the Deputy President reported that the Presidents of the seven universities had “been summoned to appear before the Public Accounts Committee of the Oireachtas”. This arose as a result of the report from the Comptroller and Auditor General on the management and control of universities (C&AG, 2010). The minutes state “NUI Maynooth has received a relatively clean report from the C&AG, which has raised only a small number of issues” (GA minutes, April 2010, item 5(ii), p. 2). Following a query from a member present the Bursar outlined the nature of the two findings of non compliance with public pay guidelines contained in the C&AG’s report. The Bursar went on to outline how the cases had arisen. Two staff were paid over and above the top point on the scale approved by the Minister of Finance for professors. It appears from the minutes that the university attempted to justify these payments on the basis of the *Agreed Framework for departures from agreed levels of remuneration, fees, allowances and expenses* approved under Section 25(5)(a) of the Universities Act, 1997. The minute states “The C&AG had observed that the Departures

Framework might not have been interpreted correctly. NUIM was providing clarifications in these two cases” (GA minutes, April 2010, item 5(iii), p. 2). The other departure related to the remuneration for the President and specifically to the provision of a car and health insurance. The C&AG was interpreting these items as departures from the approved level of remuneration. The minutes record that “since 2009 the President had opted not to have a car provided to him” (GA minutes, April 2010, item 5(iii), p. 2). The same matter arose at the September meeting of governing authority. The Bursar confirmed he was in discussions with the C&AG on the matter and finalising the C&AG audit on the accounts for 2007/08. These discussions followed receipt of a letter from the HEA asking the university to “regularise” the pay situation of the two professors considered in breach of the departures framework. The President reported that the seven university presidents had appeared before the Public Accounts Committee the previous week but that there was little focus on National University of Ireland, Maynooth.

The C&AG report (2010) identified numerous breaches of public pay guidelines in the seven universities with the most serious breaches reported in UCD and UL. The effect of these findings is to reduce the flexibility of universities to depart from standard pay scales. As a result it can be concluded the autonomy of the universities to determine the pay and conditions of their own staff has declined over the 10 years to 2010.

4.6.7 Autonomy to decide student enrolment

There is only passing references to student enrolment in the archive. However the KPIs reported by the Deputy President at the February meeting of governing authority show a student population of 8,100 compared to 5,137 ten years earlier. The Registrar reported on CAO acceptances for 2010/11 to the November meeting of governing authority. The student numbers would increase by c.300 in 2010/11 as against 2009/10.

The Registrar informed the governing authority that a study of progression in higher education had been published by the HEA. Retention rates at the university were better than average. This was noted and welcomed. The minute state

It was particularly gratifying to note the progression rate at NUI Maynooth compared to others which reversed a very difficult finding for the university about ten years ago when completion rates at NUIM were identified as the worst in the system.

GA minutes, November 2010, item 15, p. 8

This is a very significant item. It confirms the decision to create an Academic Co-ordinator to address retention made in the year 2000 had paid long term dividends to students and the university. It also serves as a confidence boost to the university following the 'grade inflation' debate that was taking place at the time. It also confirmed that the university had successfully followed a growth strategy over the previous decade without any compromise in relation to quality.

It can be concluded the universities retained autonomy over student enrolment. As we have seen, the governing authority was aware that continuing to grow student numbers at a time when staff numbers were capped.

4.6.8 Autonomy to set tuition fees

This matter was addressed in the archive. The governing authority meeting in April agreed to maintain postgraduate fees for 2010/11 academic year at the same level as 2009/10. A similar decision was taken in relation to non EU undergraduate fees. A working group on postgraduate fees established by the Planning Development and Finance Committee was noted. The governing authority meeting in September formally set undergraduate fees for 2010/11. These were set at the same level as 2009/10. Under Section 40 of the Universities Act 1997 the university has the right to set its own fees. This section allows the HEA to recommend fees. In reality, given the free fees initiative where the State pays fees on behalf of the vast majority of undergraduate students the fees are effectively set by the HEA following submissions for increases or otherwise from the universities. The approval of fees in this instance was therefore a formality. The university continued to have autonomy in setting postgraduate fees, certificate and diploma fees and international or non-EU student fees.

It can be concluded the autonomy to set student fees continued to be a shared autonomy with the HEA.

4.6.9 Other accountabilities and related internal governance arrangements

The Audit and Risk Assessment Committee (ARAC) was active throughout 2010. At the February meeting of governing authority two clean audit reports from the Comptroller and Auditor General for 2005/06 and 2006/07 were noted through the ARAC. An interesting update on the transfer of the pension assets of the NUI Maynooth Pension Plan to the National Pension Reserve Fund was provided by the Chair of the ARAC. A financial controls review had been carried out and presented to the ARAC. They informed the governing authority that they had accepted the report and the management response.

The Chairman of the ARAC reported that the ARAC had reviewed the risk register process and “were happy to confirm that a robust process was now in place” (GA minutes, Feb 2010, p. 4, item 6.2). This update relates directly to the Governance of Irish Universities: A governance code of legislation, principles, best practice and guidelines (2007) which states

2.3.6 Systematic assessment and management of risk is becoming and increasingly important part of internal control. Risk identification and management is seen as necessary to maximise the likelihood of achieving an institution’s desired objectives and outcomes.

2.3.7 It is the responsibility of the governing authority to ensure a robust system of risk management is in place in the university.

2.3.8 The governing authority should ensure that the risk assessment and management process is integrated into existing management systems. It should be kept as simple as possible. Roles and responsibilities should be clearly assigned and a person at senior level with overall responsibility for it nominated.

HEA, 2007, pp. 36-37

Universities confirm that the robust system of risk management exists in an annual statement to the HEA called the ‘Statement of Internal Control’. In these minutes it is reported that the ARAC have agreed a process with the external auditors and the Bursar for the preparation of a draft statement for consideration by the governing authority at its next meeting. Turnbull (1999) had recommended “a risk based approach to a sound system of internal control” (p. 4). The recommendation for such an approach was also contained in the 2001 and 2007 HEA governance documents.

The April meeting of governing authority dealt with the adoption of the annual accounts for 2008/09 and the related Statements of Corporate Governance and Internal Control. These latter statements were introduced as part of the Code of Governance published jointly by the HEA and IUA in 2007 and discussed in Chapter 2. It is interesting to note that the governing authority decided to mention its possible noncompliance with approved remuneration in the statement of internal control.

This is a significant development. The 2007 Code of Governance introduced these two new statements. The statement of governance is required to explain how governance, including but not limited financial governance is carried out in the university. It also includes a statement that the governing authority understands that it is responsible for certain matters. The statement of corporate governance, incorporating the statement of responsibilities and statement of internal control published by NUI Maynooth with the annual accounts for 2010/11 is attached as appendix 3 of this thesis.

The statement of internal control is a wide ranging statement offering the university an opportunity to confirm its compliance with the law, public policy and best practice in key areas of internal control. The Code of Governance of Irish Universities (HEA, 2007) dictates that the independently appointed auditors must comment on the statement of internal control and specifically that they are not aware of any matter which might contradict the statements as made by the governing authority. On the face of it this might suggest a certain lack of trust in universities on the part of the State. This certainly could be construed given the independent validation required on the statements made by the governing authority. It could also be argued that the statement of internal control confirms university autonomy to act within the constraints of public policy and that the making of the statement and its independent validation is simply public accountability in action. It is an understandable requirement given the Sarbannes-Oxley Act of 2002 in the USA following the collapse of Enron. As stated in Chapter 1, Sarbannes-Oxley required “companies to report on their internal controls, and auditors to pass judgement on managements’ assessment of and on the actual effectiveness of the controls” (Shattock, 2006, p. 43). Thus this sign-off by independent auditors to the Irish universities of statements made by the universities themselves is real evidence of

the international governance movement impacting upon governance and accountability in the Irish university sector.

The September meeting also received a report from the ARAC. Deloitte were appointed as external auditors for a five year period following a public tender competition. The university had made a voluntary disclosure to Revenue for underpayment of taxes in the previous four years. The minutes state the disclosure “exercise was in keeping with the high standard of corporate governance which is applied to NUI Maynooth” (GA minutes, Sept 2010, item 6(iv), p. 3). This comment suggests the governing authority felt that governance was to the forefront of matters at the university.

The governing authority spent a significant amount of time on the establishment of the fourth governing authority, which took office on the 29th October 2010, the appointment of a chairperson and deputy chairperson and the appointment of the fourth President of the university since the Universities Act, 1997.

An interesting item appeared on the April agenda of governing authority. It shows that the Deputy President presented the governing authority with a ‘Strategic Work Programme for 2010’. The minute states “The document summarised the progress achieved on implementing the 2009 Strategic Work-plan and also set out the main actions and targets for 2010. Following discussion by the Authority the Strategic Work Programme was adopted by the Authority” (GA minutes, Feb 2010, p. 6, item 13). This suggests the governing authority is approving how the executive management team will implement the strategic plan. There is confusion as to whether or not this is required under legislation. It may be a thing that the governing authority exceeded its functions under the Universities Act, 1997 and strayed into a reserved function of the President.

At the June meeting of governing authority it was noted a letter from the HEA had been received by the President seeking “proposals on how the requirements of the Code of Practice for the Governance of State Bodies would be taken on board within the university sector” (GA minutes, June 2010, item 4(iii), p. 3). This new code had been published in 2009. The governing authority was informed the Irish Universities

Association was dealing with the matter. This letter is evidence of ever present evolution in governance requirements in public bodies generally.

It can be concluded that the governing authority was heavily engaged in its statutory duties at a very difficult time for the university.

4.6.10 Review of the correspondence file for 2010

Reviewing this file has proved more difficult in 2010 than in any other year. As a result of changes in technology and the widespread application of email, many requests from the HEA to the university came through that media. In addition the Executive Management Team (EMT) at the university was different in 2010 than in the year 2000. The traditional senior executive team at Maynooth was the President, Vice-President, a generic role supporting the President carry out his functions and responsibilities which had existed in Maynooth since its foundation in 1795, the Registrar and the Bursar. The Bursar role has existed at Maynooth since its foundation in 1795. The position had changed significantly by the year 2010. There were four Vice-Presidents in 2010, each with a dedicated portfolio. These were the Vice-President for Innovation and Strategic Initiatives, Vice-President for Research, Vice-President International Students and Vice-President of External Relations. The Vice-President for Innovation and Strategic Initiatives had also been appointed Deputy-President by the President. The Registrar and Bursar continued to be members of the EMT. In addition the Director of Corporate Services and the Director of Human Resources were also members of the EMT. Early in 2010 the President of the day expanded the EMT to include the four Deans in the university these being the three faculty deans and the Dean of Graduate Studies. This decision was taken after the February 2010 governing authority meeting which suggests the President was himself concerned that a possible move towards managerialism in the university was taking place. This led to a EMT of 13 people, all of whom had access to various contacts in the HEA and most of whom received direct correspondence from the HEA.

4.6.11 Overall summary of the year 2010

2010 was a tumultuous year at Maynooth. A President resigned. An interim President stepped into the role. A new governing authority was established. The governing

authority chose to select a new Chairperson. A Deputy-Chairperson was elected for the first time. The important role of Secretary to the governing authority also saw a new appointment, this role being of key importance from a governance perspective. The ECF eroded the autonomy of the university. On the positive side the EMT was rebalanced to include a significant input from the academic officers of the university, creating what Clark (1998) and Shattock (2006) refer to as the “strengthened steering core” with academic values and academic performance moving centre stage.

The overall level of State support for universities had grown to €1,248M in 2010, up from €467m in 2000, €148m in 1990 and €64m in 1980. The overall participation rate for the 17-19 year old cohort in higher education had grown from 20% in 1980 to 32% in 1990, 48% in 2000 and 63% in 2010. The overall proportion of government current expenditure going to support the universities declined to 1.3% in 2010 compared to 2.2% in 2000. The proportion was actually less than that invested in 1980 (1.44%) and 1990 (1.8%) which were years when the State did not pay fees on behalf of students. The GAF at 2010 is shown in Figure 8.

Governance and Accountability Framework as at 2010								
Autonomy Index		Institutions are free to:						
Year	1	2	3	4	5	6	7	8
2000	Yes	Yes*	Yes	Yes	Declining**	Some	Yes***	Shared****
* Ability to borrow funds under an agreed framework was a significant change from earlier years of 1980 and 1990. ** The university was limited in its control of staff numbers as a result of the ECF. This had a real impact on autonomy, priorities were resourced by university choice. *** No change from 1990 **** Continued evidence of joint autonomy with the HEA in setting undergraduate fees.								
Van Vught topology of governance: 2000 placement <div style="text-align: center;">Location of Maynooth</div> <div style="text-align: center;">•</div>								
State Control					State Supervised			

Investment		Notes
Total State Grant to Unis	€1,248b	1
Total No of FTE students	181,568	2
Grant per FTE student	6,873	4
Total current gov. spend	€54,265b	1
% of government spend	1.30%	4
Participation rate 18 yr old cohort	37%/63%	3
Student grant aid	€34.6m	1

Literature c.2010
Shattock, Good governance in HE, 2006
HEA, University code of governance, 2007
Goedegebuure & Hayden, Gov. in HE, concepts, 2007
Santiago et al, Tertiary educ. for knowledge soc. 2008
Kramer, rethinking trust, 2009
Hunt, national strategy for HE to 2030, 2011
Dill, Public policy design and university reform, 2011
Henriques, Wizard of lies and the death of trust, 2011
Christensen and Eyring, Innovative university, 2011

Figure 9: Governance and accountability framework as at 2010. [Source: 1. Government expenditure outturn for 2010 as reported in Book of Estimates for 2011; 2. Supplied by HEA statistical unit following request from researcher; 3. Supplied by the HEA following a request from the researcher: 37% refers to university enrolment; 63% refers to overall HE system enrolment; 4. Calculated from other data in Investment box].

Autonomy has declined in a number of respects since the year 2000. The university’s ability to spend its resources has been limited to some extent in the intervening 10 years. The HEA has written to the university asking for a reduction in advertising and promotion spending, travel and subsistence, payments to consultants including legal advisors and insisting that the universities work together on procurement of goods and

services. We have already seen how the ECF has limited the autonomy of the university to hire staff. Paradoxically the universities were autonomous in the internal allocation of posts and therefore had a continuing procedural autonomy over its internal processes. The limited autonomy of the university to award departures from approved levels of remuneration to certain staff has been removed following the publication of the C&AG report in September 2010. The position is still better, from a university autonomy perspective, to that existing at 1980 or 1990.

It is also interesting to compare the level of autonomy quoted by the OECD in 2003 with the 2010 situation identified in the archive research. Recognising that autonomies number 1 and 4 have a different focus in this research and choosing to ignore that difference as insignificant in terms of the comparison, Figure 9 compares the freedom the universities had over key matters at the different dates. This comparison highlights the decline in autonomy being experienced by the universities in recent years.

Autonomy Index as at 2003 and 2010								
<i>Institutions are free to:</i>								
	1	2	3	4	5	6	7	8
Year	Invest in capital*	Borrow funds	Spend on objectives	Direct academic affairs**	Employ & dismiss staff	Set staff salaries	Decide student enrolment	Decide tuition fees
2003	Yes	Partial***	Yes	Yes	Yes	Partial	Yes	Shared
2010	Yes	Yes	Some	Yes	Declining	Some	Yes	Shared

* Described as "Own buildings and equipment" in the 2003 OECD report
 ** Described as "Set academic structures/course content" in the 2003 OECD report
 *** The situation in 2010 is identical to 2003. The OECD report acknowledges "In practice they can borrow freely provided the transaction is on a self-funded basis (e.g. for student housing), and may bother for other purposes, provided that the financing costs based on a ten-year repayment period, do not exceed 4% of income" (p77). This means the university is free to borrow substantial monies if it so wishes.

Figure 10. Autonomy index comparison: 2003 – 2010.

The university remained on the collegiate and market focused axis of Clark’s triangle of governance and significantly continues to be closer to the ‘State Supervised’ end of Van Vught’s two dimensional model, although grappling with greater State interference than a decade earlier. One area where the university had suffered a loss of autonomy compared to 10 and seven years earlier was in the ability of the university to set salaries

for staff. The 'Departures Framework' identified in the minutes show that the university had some worthwhile autonomy in this area in 2000 but this was hugely restricted in practice by the end of 2010. Setting fees remained a shared responsibility with the HEA by virtue of the fact that all EU student undergraduate fees were paid by the State on behalf of students. Universities were still free to set non-EU student fees, postgraduate fees and fees for courses other than degree courses, for example certificate and diploma courses. However the financial situation in Ireland meant that fees were effectively frozen at 2008 levels. The review of correspondence has shown a roll-back of autonomy in relation to the use of its own resources. The agreed borrowing framework gave the universities the power to borrow monies without recourse to the HEA up to certain defined limits continued to operate. Student enrolment was still controlled by the university. Through its academic council and the powers of the President as set down in the Universities Act, 1997 the university continued to have autonomy over academic affairs. The most importance change in the intervening decade between 2000 and 2010 is the complete break-down of the Irish economy and the related emergence of the university as a dependent institution without financial independence and reliant on the largesse of an increasingly bankrupt State. The reliance on State funding is not new in Ireland in 2010. The Irish system has always been predominantly State funded. In 1980, when students themselves paid fees for access to university 87% of university resources came directly from the State (HEA, 1982). The real difference in the year 2010 is that government policy continues to expect almost universal access to higher education, as well as progress on a number of other key policy areas but with the State providing less resources than in prior years to support the universities.

The archive suggests the HEA has moved away from advocating for the universities to regulating the higher education sector and acting as evaluator of the performance of the institutions on behalf of the State. The archive also suggests that the advent of risk management, full economic costing, the employment control framework and external quality reviews have created additional accountability and reporting requirements on the part of academics and department and unit heads to the university administration.

4.7 Chapter conclusion

The period 1980 to 2010 has seen a growth in the freedom of the university to act autonomously in many important areas. There is significant evidence of this being matched by growing accountability and compliance. Figure 11 below identifies the movement in the eight areas of autonomous decision-making identified by the OECD (2003) over the period from 1980 to 2010. The year 2003 reflects the analysis of the OECD, the other four year reflects the analysis of the Maynooth Archive in this thesis..

Autonomy Index as at 1980, 1990, 2000 and 2010								
<i>Institutions are free to:</i>								
	1	2	3	4	5	6	7	8
Year	Invest in capital	Borrow funds	Spend on objectives	Direct academic affairs	Employ & dismiss staff	Set staff salaries	Decide student enrolment	Decide tuition fees
1980	No	No	Some	Some	Some	No	No	No
1990	No	No	Growing	Growing	Some	No	Some	Shared
2000	Yes	Yes	Yes	Yes	Yes	Some	Yes	Shared
2003	Yes	Partial	Yes	Yes	Yes	Partial	Yes	Shared
2010	Yes	Yes	Some	Yes	Limited	No	Yes	Shared

Figure 11: Autonomy Index Comparison 1980-2010

Figure 11 shows that under these eight decision-making areas that university autonomy was at its most significant level in the year 2000. As explained under Figure 10 the situation was probably the same in 2003, the variations from 2000 to 2003 being explained by the difference between substantial autonomy available in Ireland and the absolute autonomy used in the OECD 2003 survey. The OECD stated “Greater operational autonomy has generally been closely connected with strengthened external assessment of the performance of universities” (2003, p. 64). This is the case in Ireland. The language of outcomes, KPI’s, accountability for resources, value for money, performance versus target and economic cost are all in the lexicon of the HEA in 2010, such terms not being in evidence in 1980. The changes suggested by the OECD, 2003; and Braun, 1999; Duderstadt, 2002, 2003; Grummel et al., 2008; and Peters (2010) strongly suggest themselves as having occurred in Ireland between 1980 and 2010.

The review of the Maynooth Archive also confirms that the burden of accountability and compliance has grown substantially over the 30 year period. From a minimalist governance and oversight regime in 1980 to significant and substantial requirements for reporting in 2010, the accountability and compliance landscape has been transformed. If an increasing accountability burden is viewed as a proxy for declining trust, then it can be concluded the State trust the universities less in 2010 than they did in 1980.

There is also evidence that the autonomy being exercised in 2010 is less than that existing in 2000 or 2003. This suggests the financial meltdown of the Irish economy has led to some reduction in the scale of university autonomy in Ireland. In 2000 the full extent of accountability emerging from legislation and agreed frameworks was being discussed at governing authority on a regular basis. By 2010 this reporting, which has not reduced to any extent and has actually increased in some areas following additional legislation and protocols, has become routine and is being exercised by university management with only new oversight issues or omissions being reported to the full governing authority. A much expanded executive management team is in place. Accountability is being exercised, it can be argued, in a managed university as described by Scott, 1993; Clark, 1998; Skillbeck, 2001; and Shattock, 2003. The strengthened steering core has certainly become the means of internal management at Maynooth.

The analysis in this chapter captures some interesting facts in relation to the funding of higher education in Ireland. Figure 12 below outlines government expenditure in terms of the grant aid provided to third level institutions, the grant per student provided to third level institutions and, most interestingly, the percentage of government expenditure on higher education, all over the 30 year period from 1980 to 2010.

Government Expenditure on Higher Education 1980-2010				
	1980	1990	2000	2010
State Grant	€64m	€148m	€467m	€1248m
State Grant per Student	€2,450	€2,450	€6,748	€6,873
Percentage of Government Spend	1.44%	1.80%	2.20%	1.30%
Participation rate 17-19 year olds	20%	32%	48%	63%

Figure 12; Government Expenditure on Higher Education 1980-2010

The most interesting trend in this table is the overall percentage of government spending on higher education. Over the 20 year period between 1980 and 2000 this proportion grew substantially from 1.44% of total expenditure to 2.2% of total expenditure. In 2010 this had fallen to 1.3% of total government expenditure, the lowest amount in the entire 30 year period. This level of investment was last seen in Ireland in the 1970s when participation rates in higher education were under 20%. In the year 2010 participation rates have more than trebled to 63%, yet the proportion of government spending has declined. It is reasonable to conclude that this reversal of investment in higher education in recent years has resulted from the meltdown of the Irish economy and the resultant difficulties being experienced in the public finances. The government has facilitated the universities recovering some of this emerging under-investment by the State from students and families of students by allowing significant increases in the level of student contributions to third level. Despite this it can be concluded that the Irish universities are highly dependent on the State for their financing and financial stability and that the Irish State is in serious financial difficulty itself. Universities must compete for a larger slice of a declining national budgetary envelope and government will inevitably place significant obligations on the universities for any such increased proportion of funding. No conclusions can be drawn from the archive analysis relating the decline in the proportion of government expenditure to a decline in trust. This will be a matter of concern in the interviews with the Presidents and State representatives which is discussed in the next chapter.

Chapter 5 Findings and discussion

5.1 Introduction

This chapter sets out the findings of the semi-structured interviews by grouping the responses under the significant topics of (i) trust, (ii) autonomy and accountability, (iii) purpose and role of the university in a modern society, (iv) and fitness for purpose of the architecture of governance.

The topic of trust is discussed in terms of the varying levels of trust and a trusting relationship between the State and the universities. The existence or otherwise of trusting personal relationships between key individuals in the universities and the State is addressed separately. The State's perception of the trustworthiness of the universities is discussed.

The topic of autonomy and accountability is discussed in terms of the nature of both at the present time in Irish universities, considering if it conforms to international norms or whether the balance between both has been incorrectly struck in Ireland today. Whether the State representatives and the university have a common understanding of autonomy and whether the State representatives and the universities view the requirements of accountability similarly or differently is explored.

The topic of the purpose and role of the university in modern society is discussed to determine if the State representatives and the universities have a common understanding of what this might be. A discussion of how the purpose and role might be valued by both the State and the universities is included in this chapter.

Governance is discussed. The topic of fitness for purpose of the architecture of governance is addressed to ensure the issue of differences between the universities and the State are substantial in their own right and not related to structures or relationships created by structures. The role of a buffer body between the universities and the Minister and government department has been examined a number of times in recent years. The OECD recommended the establishment of a Tertiary Education Authority to

act as a funding agency for both the universities and Institutes of Technology sectors within a unified system (OECD, 2004, pp. 20-21). The OECD state that “the new authority must contain machinery to prevent mission drift in either direction” (OECD, 2004, p. 21). A review of public expenditure in 2009 recommended the closure of the HEA and the exercise of governance and accountability directly between the department and the universities (McCarthy, 2009, pp. 67-68). The *National Strategy for Higher Education to 2030* (Hunt, 2011) has recommended the retention of the HEA, albeit with a revised remit and an infusion of skills and expertise (Hunt, 2011, p. 91). The other key elements to the architecture of governance are the internal institutional governance and related management of the institution and the policy setting role of the Minister and government.

The next chapter will discuss possible future developments in the architecture of governance, both within institutions and between the institution and the State as the process of implementing the *National Strategy for Higher Education to 2030* (Hunt, 2011) begins in earnest in Ireland. This discussion will be based on the outcomes from the themes discussed in this chapter. The next chapter will make a number of recommendations for policy-makers to consider at this critical juncture.

As explained in Chapter 3 ‘Methodology’ above, the responses from the university Presidents and the responses of the State representatives will be analysed together under each topic.

The findings set out in this chapter are discussed in the light of the insights derived from the literature reviews in Chapter 1 and Chapter 2 and are triangulated, where appropriate, with the findings from the archive and investment analyses set out in Chapter 4.

5.2 Topic 1: Trust between the State and the universities

Trust formed the basis of a number of questions in the semi-structured questionnaires.

The third question put to the Presidents addressed the concept of trust. They were asked if they believed the State trusted them “to do the right things and to do them right” (Semi-structured interview questionnaire). Whereas the research question was designed to determine if the agencies of the State trust the universities it would be useful to know

if the universities feel trusted. Kramer (1999, 2009) has documented that trust is established between two parties, often when they share a common background. Coleman, 1988; Putnam, 1993; Fukuyama, 1995; and others have documented that trust can exist between institutions. Hardin (2006) proposed trust can exist between an individual and institutions. To know whether university Presidents feel trusted would be beneficial within the wider discourse of university governance in Ireland. The first question put to the State representatives was a very direct question; do you believe the universities as institutions are trustworthy? The fourth question asked about whether the State representatives trusted individuals within institutions. However trust arose as an issue in responses to other questions also. Both the Presidents and the State representatives were asked about a possible loss of trust on behalf of the public resulting from public comment on grade inflation in Irish higher education which received significant media coverage in 2010 and which was addressed in Chapter 2 of this thesis and was also a matter of concern at NUIM as shown in the previous chapter.

All seven Presidents felt there were issues under this theme. A number had no hesitation in stating the agencies of the State did not trust universities (4 of 7). “No they don’t trust us and to be fair they have good reason not to trust us” (Interview 2). Another President stated “I would think that trust is not a factor which features anymore in public life and the university is no different” (Interview 5). Two Presidents thought the agencies of the State possibly trusted their own institution but not the overall sector. One felt the sector might not be trusted because “of the resistance to transparency and accountability in terms of our actions as universities, coupled with some high profile issues where there was clear evidence of poor behaviour” (Interview 7). Another, stating his university had a good track record of openness, transparency and compliance, stated “I do not think they necessarily trust the university sector generally” (Interview 1). Another President acknowledging there was a trust deficit stated “standards in some places I think have improved. Now the question is could they have happened on their own in the absence of public scrutiny, the media frenzy and so on” (Interview 5). The high profile events and the improved standards refer to remuneration breaches documented by the Irish Comptroller and Auditor General (2010).

From the responses of the Presidents it is reasonable to conclude that they do not feel trusted by the State or the agencies of the State. Another conclusion might be drawn:

The Presidents do not trust each other. McKean has claimed “Greater ability to trust each other to stick with agreed upon rules would save many costs and make life much pleasanter” (McKean, 1975, p. 29). The Presidents have identified instances where others have breached the normal understanding. One President accepted the State had reasons not to trust, that is to distrust the universities. The unapproved departures from approved pay levels identified by the Comptroller and Auditor General in his report *Irish Universities: resource management and performance* (2010) were mentioned by a number of Presidents as giving justification to the State to distrust universities. From the comments made it could be concluded some President resent the actions of those who caused the distrust.

All interviewees on the State side suggested that the answer to the question on whether or not the universities are trustworthy answered ‘yes’ or ‘yes subject to qualification’ in the case of one institution. “I am comfortable answering yes to that question” (Interview 10). Another stated “I would say a general yes but there is a specific university for whom the answer would be no” (Interview 9). Another stated “Yes, I would say the universities are trustworthy” (Interview 8). One interviewee answered the question from a different perspective “For the universities to be untrustworthy would be unthinkable” (Interview 11). However a deeper analysis of the answers provided suggests some qualification on the trustworthiness of universities.

One interviewee stated he does not always take the comments of Presidents or other university leaders “as necessarily the absolute truth” (Interview 8). This interviewee expects to hear negative comments and statements such as “damaging, unwarranted interference, impossible to manage and general negative comment” when asking Presidents about any new developments in governance in the sector. Allowing for this, this interviewee stated

I also have to say I deal regularly enough with Presidents and other senior officers and I have found them to be people of integrity and to be trustworthy. I do know they have interests to protect and I can respect that
Interview 8

One interviewee addressed the question from the perspective of funding and university autonomy. This interviewee stated public funds must be fully accounted for and “for

the most part, with minor exceptions universities are totally accountable for public funding”(Interview 10). This interviewee also stated universities were “pretty good about other aspects of accountability such as making the outcomes of the education process well known”.

The point of dual accountability was addressed by another interviewee also.

Universities are accountable in two ways. One for the funding they receive and the various legislative requirements and to account properly for that. There have been one or two examples where this has been unsatisfactory. The second is for the performance of the third level system as a whole

Interview 9

This interviewee went on to state that even if a fully privately owned and privately funded university existed “it would still have accountability to the State in two instances”. These were where it fits in terms of overall education policy and “as a matter of consumer protection the State continues to have a relationship with those universities” (Interview 9).

Another interviewee commenting that the approach of universities was to put sectoral interests to the fore in advancing an agenda stated “this can cause problems” (Interview 11). This interviewee also stated “there have been specific issues of non-compliance which can be a bone of contention”. This person stated these incidences “have undermined some relationships with particular institutional leaders and government departments”. Despite these qualifications this person trusted the universities but was always aware of the possibility “of agenda setting and avoidance”. It is clear from these comments that the interviewee only recognises a qualified trust in the universities and filters some statements from university President’s, considering them ‘positioning’ and biased.

The answers from the State representatives to the question on individuals they might trust in universities shines a further light on the overall trusting relationship between the State and the universities.

One interviewee responded

Yes. In any set of institutional relationships it comes down to personal relationships. You come to rely on established relationships. It is how we do our business. It's a small system there will be colleagues you know and trust in different places and others you might not choose to call

Interview 11

This person went on to note that following regulatory failures in banking and the medical profession and following public comment on university salaries paid to certain individuals we now lived in a compliance society. The interviewee stated “demand for accountability has grown out of diminishing public trust in institutions”. In turn public servants fear bodies that they have oversight of “may be getting out of step with public norms and they will seek to ask for accountability to protect themselves”. This person went on “universities, despite what they might think, are not being singled out for special attention”.

Another interviewee responded by saying that trust “is something that you cannot give, it has to be earned by the institution” (Interview 9). How institutions and the people within them behave, and particularly how they behave in times of crisis can help establish trust. This interviewee stated

I do think that there are one or two institutions who because of their behaviour over the last number of years may find that the notion of size or reputation will not overcome the loss of trust in them because of the way they behaved at particular times

Interview 9

This person accepted there would always be “go to people” in organisations but felt the trusting of the leadership of a university and trusting the university amounted to largely the same thing.

Interviewee 9 is effectively saying that the State should learn from its experience of having trusted the universities. In the literature we have seen Kramer (1999, 2009) and Hardin (1992, 2006) address trust as having risks but that the trusting person must learn from the experience of the other party and transfer a belief that they are trustworthy to a determination that they are untrustworthy. The possibility that this is happening in Ireland between the State and the universities cannot be ignored.

Another interviewee chose to answer by addressing the question from the perspective of recent changes in Ireland and the Irish economy. “There has definitely been a breakdown of trust” (Interview 10) this interviewee stated having introduced the concept of salary departures from approved public sector norms. This person referred to the reported departures (C&AG, 2010) as “unfortunate occurrences” which give rise to a loss of trust. This interviewee went on to state that the public “would not be suspicious of individual staff members”. However this person did feel senior management in universities must be conscious of the decisions and choices they make in respect of public monies.

This interviewee is acknowledging the nature of trust, trustworthiness and untrustworthiness based on experience. The interviewee is acknowledging the possibility of distrust of institutions coupled with trust in individuals as proposed by Hardin (2006). The interviewee is sending a clear signal to university leadership that their own behaviour will have a direct impact on those who want to trust the institution.

An interviewee drew some parallels with the Roman Catholic Church in Ireland at the present time. The interviewee suggested that “most Roman Catholics trusted their own parish priest but probably do not trust the institution itself” (Interview 8). This person also stated “trust is funny”. This interviewee explained this by referring to Putnam and his work *Bowling Alone* (2000) and suggesting societal changes lead to a decline of trust. This interviewee added that trust requires demonstration of trustworthiness and, in asking for this demonstration, it can appear that the State does not trust those that it is asking to demonstrate their trustworthiness. The interviewee stated “the counterbalance to trust is legislation and regulation”. The interviewee felt the

growth in accountability is largely driven by the massification of education. Higher education is now a major investment by government and therefore a major item of public expenditure. In making investments government is bound to seek value for money and I personally think this is fine so long as government does not interfere too much

Interview 8

This interviewee felt the senior managers with whom they were acquainted were “people of integrity and trust”. However this person also felt it was their personal

behaviour that would drive trust or otherwise in the institution. Again this interviewee is acknowledging Hardin's proposition that one can trust individuals in institutions but not necessarily the institution itself (2006). However the interviewee did state that the behaviour of leadership is more important in determining trust in or distrust of an institution.

From the responses received to this broad question it can be concluded that the State representatives are concerned with some practices in Irish universities, or a least one or two of the universities which they would view with some suspicion. It is interesting that three of the respondents linked trust in individuals and institutions and did not separate them. It is clear institutional leadership and the institutions they lead are viewed as almost one and the same thing by the State representatives. It is also interesting that the State respondents chose to stress accountability for the use of public funds and trust under this line of questioning. They certainly relate the two themes to each other. The responses also suggest general societal changes and norms cannot be ignored when considering university governance and accountability.

From the comments received it can be concluded that the universities are trusted but in a qualified way. All interviewees drew attention to issues of non-compliance with public sector norms in areas such as pay. All indicated these 'breaches' were of concern to them. However all did feel that the overall university sector was trustworthy but that the trust is based on accountability for both resources and outcomes. It can also be concluded that the State will require, through governance and accountability reporting that the universities continue to demonstrate their trustworthiness. From the responses received it can also be concluded that the State representatives support the need for accountability as recommended in the report *National Strategy for Higher Education to 2030* (Hunt, 2011). Their stance echoes the report when it states "institutions must become accountable in ways that are sufficiently robust to ensure the confidence of the wider society" (p. 91).

It could be concluded the State trusts the universities to play their part in implementing public policy but they do not trust them enough to allow them to get on with it without the dual accountabilities identified. This is consistent with Hardin's three part theory of trust identified in the literature review "Trust is a three part relation: A trusts B to do x"

(Hardin, 1992, p. 154). The State trusts the university to deliver but do not trust unequivocally because they have learned to distrust in certain circumstances. Hardin includes an interesting vignette from the world of fiction

In his novel *The Remains of the Day* Kazuo Ishiguro portrays Mr. Stevens, an ageing butler rethinking his life with his late master. In an imagined debate with another servant Stevens says, “the like of you and I will never be in a position to comprehend the great affairs of today’s world, our best course will always be to put our trust in an employer we judge to be wise and honourable, and to devote our energies to the task of serving him to the best of our ability” (Ishiguro, 1990, 201). He slowly revalues his master in the light of the views of others, who detested the Lord’s reprehensible and foolish politics. Stevens says, “at least he had the privilege of being able to say at the end of his life that he made his own mistakes. ...I cannot even claim that. You see, I trusted. I trusted in his Lordship’s wisdom.one has to ask oneself – what dignity is there in that” (243)

Ishiguro as cited by Hardin, 1992, p. 160

The comments of one interviewee (Interview 11) bring the regrets of Stevens into sharp focus. “No public servant wants to be seen as the one who allowed bad practice creep in or continue while they were providing the oversight. That can end careers” (Interview 11). Hence public servants will want accountability, even where they give some trust. This creates the capacity for resources provided to get linked to outcomes expected and related accountability. It also creates a possibility of targeting resources to mission specific institutions and to interference in the setting of institutional priorities. These comments suggest Neave’s (1998) evaluative State is coming to pass and the related increase in accountability is diminishing autonomy.

It is interesting to note the responses of both the Presidents and the State representative to the question relating to grade inflation and the possible loss of confidence and trust on the part of the public in the standard of qualifications being awarded by Irish universities. There was a significant consistency in the responses made by both groups. Both groups believe the suggestion of grade inflation is misplaced.

The responses of the Presidents to this question were consistent. All Presidents felt the original research work prepared by academics in the Institute of Technology in Tralee did not stand up to scrutiny (Quinn, Guilfoyle and O’Grady, 2007). They also thought the publicity relating to grade inflation and employer black listing of some universities

was damaging to the sector. They all suggested better communications on the part of the universities explaining grade movements, better evidence based research to support current practice and the role of the independent external examiner and the confidence of the independent external examiner that a first class degree from an Irish university was on a par with a first class degree from any university internationally all required better explanation on the part of the sector. “The external examiner is the real scrutiniser of the Irish third level system. They are happy a first in Ireland is a good as a first in the US or UK or whatever other system they are drawn from” (Interview 3). Another President made a similar point. He stated

By using international examiners widely in our programmes what we have done is to ensure that the standards here are broadly those applying in the economies and countries we do most business with.

Interview 4

A number of Presidents called for an employer survey to determine the employability of graduates (2 of 7).

The answers to the question addressed both overall sector impact as well as the impact on particular universities. One university President felt this kind of issue had the capacity to “hole beneath the waterline” (Interview 1). This President suggested more empirical evidence was required on standards within the Irish university system. He proposed a longitudinal study could be carried out on 400 to 430 points entrance students in each of the seven universities over a three to four year period to determine if there exists a marked difference in the grade of degree awarded by any university. This study would be “discipline specific” as far as possible to reflect “marking traditions in different disciplines”. The results could be used by any university to influence “our own tendencies in marking on the curve. So it could impact on our quality procedures”. Another President (Interview 5) felt better international benchmarking was required.

A number of Presidents felt the overall rankings of the Irish universities in international league tables showed that standards have been raised for the better (3 of 7). “I feel the majority of students who engage today are getting a better deal than they got 30 years ago...better laboratories, better investment in teaching, bigger number of lecturers, wider ranges of interests and a much better environment” (Interview 2).

In summary the Presidents felt the issue of grade inflation had the capacity to impact on confidence if not properly addressed. However they were all confident that the underlying evidence based on external examiner input, employability surveys and international ranking tables would show that the grades awarded in Irish universities were on a par with grades awarded by reputable universities internationally. Nonetheless there was substantial agreement more work needed to be done to explain the real position and to provide usable evidence in public discourse on this issue.

Two respondents representing the State chose to answer this question by stating they felt university qualifications and grades were reliable and stood up to international comparison. They did however state they felt that “one or two institutes of technology would concern me” (Interview 9) and “problems exist but not in the university sector” (Interview 10).

One of the interviewees stated that there is growing evidence of problems with outcomes in secondary level and that the first year experience in third level needs to address matters “of a remedial nature” (Interview 10). This interviewee expanded on this point by stating that, in their view, many students entering third level were not adequately proficient at mathematics or writing English and very often were incapable of study other than through rote learning. HEIs, this interviewee felt, do a good job in correcting these deficiencies in the first year in college. This interviewee went on to state the quality of teaching was sufficient in that “the graduates now seem to be able to survive reasonably well in the labour market, which of course is one measure of the quality of the outcomes” (Interview 10). This Interviewee went on to advocate an employer survey to help restore confidence in the quality of outcomes in Irish higher education. These comments echo Drucker, 1993; Duderstadt, 2002; Fleming, 2008; and Kamenetz, 2010 and their comments on universities as preparers of student for a life of work. Fleming in particular objects to this ‘utilitarian’ view of the university.

Another interviewee stated “a minority of public servants” link dumbing down with “anecdotal stories” of academics not working long hours and having too many freedoms (Interview 9). However this interviewee suggested the hard evidence supported the quality of qualifications being awarded by the universities. The interviewee cited the

employment record of graduates both in Ireland and abroad, as such evidence. Again this is a utilitarian view of what constitutes quality and success.

Another interviewee answered “No” (Interview 8) when asked if the grade inflation debate caused the interviewee to lose trust in the quality of the degrees awarded by Irish universities. The interviewee added “but this is a complex and difficult question” (Interview 8). This official further stated

I am not entirely convinced of the evidence of dumbing down. I think the real issue about quality is not the grade awarded as such but whether the degree itself is relevant today...the real question in my mind is whether the qualification is good for today or not. By and large I think the answer is yes
Interview 8

This interviewee expanded on this by stating the employability of graduates “at home and abroad” (Interview 8) was evidence of relevance.

Another interviewee did not believe that the universities were lowering standards. This interviewee linked the debate to the discourse around primary and secondary education and the ability of students in reading, writing and mathematics. This person suggested universities were turning out high quality graduates and pointed to the ECOFIN (2010) report which this interviewee felt found the employability of Irish university graduates “to be right up there with the best in the world” (Interview 11). The interviewee further felt this was a difficult issue for the universities. He stated

If a normal bell curve of results is not maintained over time then universities are accused of dumbing down. If it is then they are accused of a lack of progress. It is a no win. Ultimately the universities must explain the quality processes and the role of the external assessment better to allow people understand how standards are set and moderated.

Interview 11

From the feedback received from the interviewees it can be concluded the State representatives do not accept grade inflation is taking place and the public comment has not impacted on their view of the trustworthiness of the universities in this regard. The State representatives would support efforts to provide better evidence including employer surveys and international benchmarking of results to use in public discourse

on this issue. Interestingly no representative of the State suggested that any inquiry or interference in the self-governance by institutions of their own academic affairs was warranted. Therefore any conclusions drawn in relation to trust must take notice of the very strong confidence that exists in academic self-governance. However no findings can be drawn until an understanding is reached on whether both sides have a shared vision relating to the academic mission of the universities.

In relation to the theme of trust in the broadest sense, the feeling of the Presidents that they are not fully trusted and the qualified trust which the State representatives have in the universities are consistent findings. It can be concluded that the Presidents have understood the attitude of the State correctly by feeling less than fully trusted. There is a strong suggestion from the State representatives that accountability and evaluation will be the enforcers of trust in a new relationship developing between the universities and the State following the implementation of the recommendations contained in the *National Strategy for Higher Education to 2030* (Hunt, 2011). The State representatives wish to use the tools of “control of outcomes and evaluation” (Kogan, 1998, p. 128) to ensure the correct behaviour on the part of universities. This is consistent with the emerging international norm of governance and accountability as identified by Kogan, 1998; Skillbeck, 2001; Shattock, 2003, 2006; T. Christensen, 2011; Dill, 2011; and the OECD, 2006. It is reasonable to conclude that the State is prepared to trust the universities to deliver on certain expectations on the part of the State, and to fund the universities accordingly but that it will require hard evidence of delivery of outcomes and hard evidence of compliance with public policy norms in the delivery. Trust will not be extended to merely accepting statements from the university that they have complied with public policy or they have delivered the expected outcomes for which the State has invested resources. Such statements will be required, but reporting performance against specific targets will be required as well as ongoing audit of compliance with public expenditure norms and rules. Interestingly the literature does not suggest that the State wants to challenge the role of external examiners in guaranteeing quality as identified in the ‘grade inflation’ discourse.

The universities will have to accept that Kogan’s model (1998, p. 122) of a self-regulating higher education institution is being replaced by the alternative proposed as the dependent institution model with at least some of the objectives of the institution

being set elsewhere. The challenge for the universities will be to preserve what is important in the former model while operating in the new culture of the dependent model. As documented in Chapter 1, Duderstadt (2002) has foreseen the need for hard choices when writing about what traditional values of the university to retain and what to jettison during the period of reform

How would an institution prioritise among roles such as educating the young (undergraduate education), preserving and transmitting our culture (libraries, visual and performing arts), basic research and scholarship, and serving as a responsible critic of society? What are the most important values to protect? Clearly academic freedom, an openness to new ideas, a commitment to rigorous study, and an aspiration to the achievement of excellence would be on the list for most institutions. But what values and practices such as shared governance and tenure? Should they be preserved? At what expense?

Duderstadt, 2002, p. 14

Universities would do well to heed Duderstadt and pay particular attention to the priorities of universities for the upcoming period of reform in university governance in Ireland. University leadership should remember the difference between procedural autonomy and substantive autonomy as defined by Berdahl (1990). The evidence of the interviews carried out suggests that the Presidents might be letting some irritations get in the way of focusing on the really important issues relating to substantive autonomy. The next section on the autonomy/accountability dichotomy provide particular evidence in this regard.

The conclusions reached in relation to trust, and the emergence of required hard evidence on the part of the State that universities are delivering on public policy objectives leads us into the second theme emerging from the interview responses, the theme of autonomy and accountability.

5.3 Topic 2: Autonomy and accountability

Autonomy and accountability are not unrelated to trust. In the literature review in Chapter 1 it was noted Shattock concluded “successful university management is underpinned by belief in institutional autonomy” (Shattock, 2003, p. 97). It was also noted a former Chairperson of the HEA stated “national policy makers should be

persuaded to see academic freedom and institutional autonomy as necessary features of higher education systems and not as problematical constraints” (Thornhill, 2003 as cited by OECD, 2004, p. 235). The literature review has also shown how Kogan (1998) identified traditional autonomy as one of his two ideals of university system governance. Duderstadt (2002, 2003) asserts that “universities must have the capacity to control their own destiny, particularly during times of change” (2002, p. 17). Others to comment on autonomy were Kant, 1798; Mora, 2001; Salter and Tapper, 1995; Berdahl, 1990; and Dill (2011). A significant number of publications have described accountability by the university to the State as the price of institutional autonomy. Opponents of managerialism believe accountability hinders or in some way limits autonomy as traditionally understood. Braun, 1999; Grummell et al., 2008; and Peters, 2010 are prominent in this discourse. Mora, 2001 and Dill, 2011 argue that accountability actually strengthens autonomy. Skillbeck, 2001; Shattock, 2006; and Duderstadt, 2002, 2003 all suggest greater accountability is inevitable given the significantly increased investment required in higher education as a result of greater massification. Drucker, 1993 believes greater accountability is required because higher education “is much too important not to be held accountable” (1993, p. 189).

The Presidents were asked about the burden of accountability being experienced in the universities to allow a determination to be made as to whether or not an appropriate balance between autonomy and accountability was operating in the governance of the universities in Ireland. It was also intended the question would allow a judgement to be made on whether or not a growing burden of accountability is being experienced in recent years. This in turn would allow triangulation with the results of the archive study outlined in Chapter 4.

All seven Presidents confirmed they feel there has been an increase in the burden of accountability. “The answer is yes, but I would say it is an uneven burden” (Interview 2). “Yes absolutely. Information requests are constant...sometimes multiple requests within any given week” (Interview 3). “I have absolutely no doubt yes, but I cannot cite the statistics” (Interview 4). “Compliance is on the increase, has been on the increase for quite some time and there is a cost to compliance” (Interview 5). “I think there is a huge increase, a very significant increase in the burden” (interview 6). “There has been an increasing burden” (interview 7). One President felt constraints were being put in

place by the agencies of the State, such constraints interfering with the Presidents ability to manage the university. “The emergence of the employment control framework, and the reporting protocols that go with that, that is clearly massively constrained” (Interview 1). There is no doubt therefore that the Presidents feel there is a growing burden of accountability and compliance. As the Presidents expanded on there answers some interesting observations were made.

The concept of accountability as a surrogate for “micro management” emerged in a number of interviews (5 of 7). “The burden is growing...and I would go further to say that the universities are effectively being micro-managed by arms of the State...which do not have the competence or the skill sets to do so effectively” (Interview 4). Another President, in arguing that universities should not be afraid of accountability for public monies stated “my real problem is that the accountability is not built around outcomes but it is a surrogate which is micro-management almost, inputs and institutional processes and procedures is what’s being judged rather than the end product” (Interview 6). One President commented that some of his staff “feel audited to death at this stage” (Interview 7). Another President, acknowledging the growth in accountability stated

The level of interference follows on from that, by government in the affairs of the university, this is micro-management, which I think is completely counter productive, complete waste of effort, complete waste of money and actually reduces value for money.

Interview 5

Politically motivated questioning was mentioned by two Presidents whilst two others acknowledged the State of the public finances and a loss of economic sovereignty on the part of the State was having an impact in recent times. One commented on the over-emphasis and over-reporting of access performance, something he saw as a Minister’s “pet project” (Interview 2). This President acknowledged access for non-traditional students and those from disadvantaged backgrounds was, and is important, but contrasted the reporting and accountability around access, which he described as “particularly imbalanced” with the “light touch accountability” experienced in implementing the university strategic plan (Interview 2). Another President commented that some of the burden fell on the universities because the agencies of the State “feared the Public Accounts Committee” (Interview 3). This President stated he sometimes felt

questions were asked because the agencies of the State are “suspicious and if they look in particular areas some university will oblige by having done something wrong, in effect all are guilty until proven innocent” (Interview 3). Two other Presidents noted the state of the public finances and the presence of new national oversight arrangements with national external reporting to the European Central Bank, European Union and International Monetary Fund. These two Presidents had different perspectives on the impact on universities however. One President felt the universities had benefitted from special arrangements to do with control of public sector employment numbers and stated “I would feel the universities have got a high level of latitude” (Interview 1). The other President addressing the external oversight of the public finances stated “the bail out reporting is well established, the reporting requirements associated with it have been passed down the pipe from various departments into entities like ourselves” (Interview 7).

There was questioning of the nature and purpose of the accountability requests (5 of 7) and a view that the really important issues were being ignored. An over-emphasis on pay and expenditure was mentioned by five Presidents. One felt the key accountabilities that are important for the future of universities was “research output and citation, job placements of graduates, both undergraduate and postgraduate, academic accountability and how we compare, these I think will become bigger in the future than the financial one actually” (Interview 1). Another thought the accountability requirements “has not been thought through in any strategic sense” (Interview 2). One President commented “The questions are nearly always on pay and expenditure and never on really important issues such as academic standards and quality assurance” (Interview 3). One President, building on his concern of micro-management stated

As a consequence we are plummeting down the ranking of university sector autonomy globally and I have no doubt on the basis of good published evidence, that is already, and in the future will impact negatively on the effectiveness of the university.

Interview 4

Another President felt that in focusing accountability on funding and its use the agencies of the State were losing sight of outcomes (Interview 6).

One President felt that although the burden was growing “its probably no greater than any sector of society or any other part of the public sector” (Interview 5). This President felt accountability for inputs and outputs were a necessary price to pay for drawing significant public funds. Another President expressed similar sentiments. “I think the price of autonomy is accountability...I have no issue with accountability in the context of clear autonomy but I have an issue with interference...” (Interview 2).

The language used by the Presidents suggests an almost siege mentality on the part of the Presidents when it comes to accountability for the use of public monies to the State. Clearly they are experiencing a growing set of accountability and compliance requirements. A reasonable conclusion to draw is that the Presidents are unhappy with the extent and focus of the accountability requirements and that they have little faith in the personnel in the State agencies that are posing the questions and requiring the accountability. It can be further concluded that the Presidents do not believe the State agency personnel have the skills or knowledge necessary to either ask the right questions or provide the appropriate oversight.

All Presidents mentioned the growing burden of financial accountability. They comment extensively on the focus of accountability, suggesting they would welcome a greater focus on the outcomes from the academic endeavour and the contribution of the university to society. Because of the growing burden of financial accountability they leave an impression of significant financial reporting and accountability and an overworked administrative functions. “It is taking up a significantly greater proportion of administrative staff time, time that could be better spent supporting the academic endeavour” (Interview 6). Another stated “there is a new financial accountability standard that has kicked in” (Interview 5). One President stated “I am unhappy with the purpose of some of the queries. I get the impression some are fishing for expenditure or use of resources of which they might disapprove” (Interview 3). These types of queries are addressed to administrative staff. The question arises as to whether this is actually the growing burden identified by Braun, 1999; Grummell et al., 2008; and Peters (2010). It is interesting they do not acknowledge to any extent, at least not in terms of accountability to the agencies of the State, any increasing accountability or compliance requirements on front line academic staff or heads of academic units such as faculties or

schools. This growing accountability burden is identified in the literature by Salter and Tapper (1995), Braun (1999), Grummell et al. (2008), Peters (2010) and others.

We have already seen in addressing the theme of trust that the State representatives believe that accountability for both the use of public resources and outcomes achieved is necessary. We also know the focus on pay and expenditure is directly related to perceived ‘breaches of trust’ on the part of the universities arising from the findings of audit investigations published in 2010 (C&AG, 2010). Therefore the State representatives have a different perspective on accountability from the Presidents. One interviewee stated “Universities are accountable for the proper use of public funds” (Interview 8). Others felt that demonstration of proper use of public funds and the achievement of value for money on behalf of taxpayers “was a norm in public accountability for public bodies” (Interview 9). This interviewee went on to state that the civil service views universities no differently than any other public body when it comes to compliance with public expenditure guidelines, including staff pay. The recent experience of non-compliance would inevitably lead to a tougher accountability regime and a certain loss of trust. Interviewee 10 made similar comments. Interviewee 11 expressed the view that society has “moved on in recent years” (Interview 11) and that standards of accountability for the use of public resources are now higher and more demanding than ever before. This interviewee pointed out that universities were impacted in the same way as the wider public service. However this interviewee did state that the unapproved departures from approved levels of remuneration by universities had impacted the trust central public servants had in universities in the same way as breaches in the financial services sector and the medical profession. He stated “there really is no scale for breaches of trust – it either happens or it does not” (Interview 11).

The State representatives were also clear that universities were accountable for outcomes. One interviewee stated “The State invests significant sums in higher education and the universities need to acquaint themselves with those things the Government expects the universities to do in return” (Interview 8). The State was “entitled to put policies in place to encourage certain behaviours be it related to access, life long learning, research, types of courses or whatever (Interview 8). Another interviewee took a similar view stating universities must be capable of showing their

individual contribution to the delivery of public policy objectives for the whole system. This person wanted a facilitation approach to “steering the national system” rather than a directive driven and rules based system. However the interviewee was very specific “there are national objectives for higher education and all institutions must play their part” (Interview 9).

Another interviewee (Interview 11) pointed out that the universities were expected to deliver on a number of fronts including teaching, research and enterprise support. The contribution being made in these areas should be evidence based “using a comparison of targets set and actual performance achieved” (Interview 11).

Interviewee 10 was satisfied that universities understood they were required “to account for the outcomes of undergraduate and postgraduate education and indeed the transparent accounting for outcomes across the institution” (Interview 10) and this person went to say they were satisfied universities were by and large doing this.

A second disconnect between the Presidents and the State representatives emerges when considering accountability for outcomes. The Presidents address the issue from the perspective of an autonomous institution setting its own mission, direction and objectives and reporting publicly on its own performance in delivering against the mission, direction and objectives it has set itself. The Presidents have no difficulty in reporting outcomes in this scenario. However the State representatives have a different perspective. They believe objectives should be set at the system of universities level and resources committed accordingly. Institutional objectives are set to allow institutions play their part in delivering system objectives. We know from the speech of the Chief Executive of the HEA in Limerick in September 2011 (Boland, 2011) that each university can expect to have a diverse mission within the system. Reflecting back to the literature review and the writing of Berdahl (1990) it appears the State wants to limit substantive autonomy, the “power of the university or college in its corporate form to determine its own goals and programmes” (1990, p. 172). It also appears the State trust the universities to continue to operate procedural autonomy, that is “the power of the university or college in its corporate form to determine the means by which its goals and programmes will be pursued” (1990, p. 172). The State does not seem to want to get involved in internal academic matters. This approach also reflects the view of Dill

(2011) that academic autonomy by the collective academic community is strengthened when procedural autonomy is left in the domain of the institution. This procedural autonomy allows the academic community set entrance requirements, that is matriculation, determine course duration and content, modes of delivery, examination protocols and qualification standards in teaching and to choose who to collaborate with in research. Provided that this is all done “with quality” (Interview 11), and we know the State representatives believe it is, then universities will be left to self-govern in this domain.

A disconnect exists between the Presidents experience of accountability and the norm that is expected from the State representatives. Two possibilities exist for this. The first is that there exists deep philosophical differences between the types of accountability expected in the relationship between university and State. This is possible. The discourse on governance in the literature has seen objections raised to interference by Berdahl (1990), Readings (1996), Braun (1999) and Peters (2010) amongst others.

There is the suggestion, as stated above, on the part of the State representatives to interfere in what Berdahl has called “substantive autonomy” (1990, p. 172). One interviewee (Interview 9) was clear that the Minister and the State should set policy and that the universities should play their part in implementation. This interviewee spoke of the State’s right to set policy targets for access, life long learning and similar matters which the universities must implement. Berdahl’s definition of “substantive autonomy is the power of the university or college in its corporate form to determine its own goals and programmes” (p. 172) is certainly, to some extent, under threat. This interviewee went further and stated that a totally private university who was not accepting public funds and was not implementing public policy would still be required to account for its activities to the State at two levels, firstly as a matter of “consumer protection so to speak” (Interview 9) and secondly to justify the role it played in the overall system.

In trying to solve the dilemma of where to draw the line on what is too much accountability and too great a limitation on autonomy, Berdahl has cited Bailey, Vice-President of the American Council on Education

At heart we are dealing with a dilemma we cannot rationally wish to resolve. The public interest would not...be served if the academy were to enjoy an untroubled immunity. Nor could the public be served by the academy's being subjected to an intimate surveillance. Whatever our current discomfort because of a sense that the State is crowding us a bit, the underlying tension is benign

Bailey (1975) as cited by Berdahl, 1990, p. 180

The underlying tension, which may not be so benign, certainly exists in Ireland today. The speech of the Chief Executive of the HEA made in September 2011 suggests that an institutions ability to set its own objectives without interference from elsewhere is under threat. The concept of “directed diversity” (Boland, 2011) at best implies a joint setting of objectives between the institution and the State.

Given this possibly less than benign conflict between university and State it will be important for university leaders to understand where they wish to compromise and where they wish to defend autonomy as they understand it.

The second possibility for the disconnect is that the actual exercise of accountability by the HEA on the part of the State does not reflect the type of accountability that the State representatives expect. This too is possible. Both Presidents and State representatives have called for better explanations of their own position and understanding be made to the other. There are some State representatives who believe the HEA may not have the skills and policy appreciation necessary to fulfil the role required in relation to regulation and accountability. The Presidents believe the HEA do not have the appreciation of the purpose or potential of universities and that better qualified staff are required if the HEA is to take on a regulatory role. The OECD agreed with this position when it recommended the HEA be replaced by a Tertiary Education Authority “to coordinate better the development of the tertiary education system” (2006, p. 39). The *National Strategy for Higher Education to 2030* notes

The composition and skill sets of the HEA executive will need to be reviewed...in particular the premium now placed on accountability for national goals, system leadership and assessment of performance would suggest the need for a stronger infusion of specialist skills in those areas

Hunt, 2011, p. 91

There seems to be some agreement on the part of Presidents and State representatives that some additional skills are required in the HEA. Discussion and agreement between the universities and the HEA on the skill-sets required, and how they might be provided, could well be a catalyst for a better and long-lasting understanding on the appropriate balance to be struck between autonomy and accountability.

5.4 Topic 3: Purpose and role of the university in modern society

The literature reviews in Chapters One and Two make it clear that the purpose and role of a university in modern society is not undisputed. Teaching and research are universally agreed roles for the university. However the emergence of public policy objectives in the economic development sphere on the one hand and the advancement of a better society on the other hand has triggered a discourse on the purpose and role of the university. Drucker, 1993; Skillbeck, 2001; Duderstadt, 2002, 2003; Shattock, 2003, 2006); Hunt, 2011 and others are to the fore in stating the university is the incubator for economic prosperity and ultimately societal success. Fleming, 2008; Peters, 2010; and Kamenetz, 2010; argue that the university should be about reason, critical citizenship and personal development. Others such as Schuetze and Slowey, 2002; and Grummell et al., 2008; feel the university should be a vehicle to actively address disadvantage and exclusion.

As a result of the first interview and the feeling held that perhaps the State did not trust the university sector a follow-on question was added to the semi-structured questionnaire. This question asked if the Presidents felt the State and the universities would agree on the mission and purpose of the university. It is important to note the interviews took place six months after the publication of the *National Strategy for Higher Education to 2030* (Hunt, 2011). In addition all interviews took place after the speech of the Minister for Education and Skills at the Royal Irish Academy on 1 June 2011 when he formally announced the adoption of the strategy as government policy.

All seven Presidents had at least some reservation about whether the State understands the mission and purpose of the university. “No, I do not think so. There are things the

universities and the State would agree on, not necessarily the right things but the priorities” (Interview 1). Another stated

I think there is a huge gap in understanding. I think many people in one agency of the State understand the sector but when you go closer to government the whole thing breaks down and I am shocked at the lack of understanding

Interview 2

Another stated that “I do not believe the State has any concept of the university” (Interview 3). Another offered “In my view I think the State has a very limited understanding on what the university is”. Another President was also not convinced of the knowledge about universities in State agencies and commented “I don’t think they have a well informed view of the way things are” (Interview 6). Yet another President commenting on the lack of understanding he felt existed stated that “there is a poor understanding by the general public and therefore by the politicians of how universities do their business” (Interview 7). Another stated

Those in power do not understand what the universities are doing and they fear people, I think they fear because of a lack of knowledge of what universities might do or are about

Interview 4

The Presidents offered some suggestions on why they felt the mission and purpose of the university sector was not understood by the agencies of the State. Communications between the university and the various arms of the State was identified as contributing to the problem (5 of 7). One President stated that “I don’t think we have put enough effort as institutions into building relationships with these bodies” (Interview 2). Another President acknowledging a trust deficit and a lack of understanding stated

If there is a bridge to be built it works both ways, it’s to enhance that understanding of how, of what universities are trying to achieve and how they are achieving it. It’s probably like the old days when trust was based on communication

Interview 6

Another President, referring the publication of the *National Strategy for Higher Education to 2030* (Hunt, 2011) and the recommendation contained therein for a

strategic dialogue between the HEA and the universities stated “I think until the dialogue happens it will be difficult to determine if there is agreement on the mission and purpose of the university” (Interview 7).

Another theme to emerge was the lack of senior qualified people in the agencies of the State with a first hand knowledge of the modern university. One President stated it was likely most senior post holders in State agencies and government departments had attended college before 1995. He felt this was when the institutions began to move away from being colleges, that is teaching focused third level institutions to being universities with a strong focus on research and the integration of research and teaching, the growth in post-graduate and PhD students and graduates and the emergence of commercialisation activities. This same President also commented that these officials were more likely than not to have gone to one of two institutions and their view of the universities was coloured by their own experience. This President went on “I never met a PhD in this particular agency of the State” (Interview 4). Another President made similar comments. He stated standards were not necessarily as good 30 years ago as they are now and that officials’ own experience of college could be colouring their views of the universities. This President urged more and better communication of the case for the universities (Interview 2). A similar theme was picked up by another President “The board of HEFCE, the agency of the State in the England and Wales that funds teaching will always have a member who has held a senior position in a university. I don’t think any member of our relevant State agencies has led an institution” (Interview 6). Another President, recognising that there should be a natural tension between the universities and the State felt the universities needed to attempt to understand the position of the State and its agencies better (Interview 1).

However to look at the question of understanding the purpose and mission of the university, the only reasonable conclusion to draw is that the Presidents as a group do not feel the agencies of the State understand the mission and purpose of the modern university. Again the recommendation in the *National Strategy for Higher Education to 2030* (Hunt, 2011) that there should be an infusion of skilled people into the HEA would surely meet with the approval of the Presidents.

Another reasonable conclusion to draw is that the Presidents, or at least a majority of them acknowledge that better communications between the universities and the agencies of the State could lead to greater understanding. If this were to happen the greater understanding might in turn lead to greater trust. This openness to better two-way communication might well have an important part to play in the discourse of university governance and the reform of university governance in Ireland. However the issue of the balance between autonomy and accountability, discussed in Theme 2, will need to be resolved before a meaningful engagement can happen in this area. These issues and themes are interrelated. Trust and trustworthiness are also in the mix. Indeed trust of a different type, trust that all parties will enter discussions with an open mind and seek to achieve optimal outcomes to the overall process honestly and in accordance with traditional academic values and the demands of a modern society will need to exist to facilitate good communication.

The State representatives understand that the universities have a broad agenda. The representatives recognise there can be tensions between institutional objectives and expectations and State priorities. They believe State priorities must take precedence in the use of State resources. One interviewee stated that “institutional priorities should be aligned to national priorities” (Interview 11). This interviewee went on to state that the university should be free to pursue other objectives “but that others interested in those objectives should fund that” (Interview 11). Other State representatives made similar comments.

One State representative (Interview 9) felt that the ‘strategic dialogue’ process set out in the *National Strategy for Higher Education to 2030* (Hunt, 2011) would, if carried out correctly, be a catalyst for a shared understanding for purpose, role “and expectation” (Interview 9). Another interviewee picked up on this theme. This interviewee stated that “these things get dealt with in a properly developed strategic dialogue process” (Interview 11). This interviewee did go on to state that “society demands certainty of regulation”. The interviewee then stressed the primacy of State expectations.

It can be concluded therefore that the State intends to become more regulatory towards the universities in the years ahead and that they will use the strategic dialogue process for this purpose. They do understand the universities have multiple purposes but the

State wants State objectives met by “the university system” (interviewee 11). Understanding how the universities can continue to play the important role of critic of the State (Duderstadt, 2002; Shaw, 2003) in this new governance framework should be a key concern of the universities as the national strategy is rolled out.

5.5 Topic 4: Fitness for purpose of the architecture of governance

Some questions in the semi-structured questionnaire were designed to elicit the views of the Presidents on the appropriateness or otherwise of the existing governance relationship between the State and the universities. The representatives of the State were also asked questions to elicit information in this regard. It is necessary to know whether issues and difficulties existing between the universities and the State arise because of the substantive issues themselves or whether they are symptoms of poor governance structures. Questions were also asked in relation to internal institutional governance. This was to provide background on the internal governance and management of the university and to provide an understanding on how institutions position themselves in the interface with external governance agencies.

The Presidents were asked to specifically address the appropriateness of a buffer body between the Minister and his/her Department and the universities. This is important. The *National Strategy for Higher Education to 2030* (Hunt, 2011) is calling for a new relationship between the State and the universities. As stated the *National Strategy for Higher Education to 2030* (Hunt, 2011) places the HEA at the heart of the relationship and recommends a ‘strategic dialogue’ between the HEA and the universities to determine the role the university will play in national policy and to facilitate monitoring of performance against targets. The review of the literature has shown that a buffer body exists in most developed countries and that the role of the buffer body is well defined. Kogan (1998) and Van Vught et al (2010) have documented the role and function of the buffer body in a number of jurisdictions. Berdahl (1990) has commented on the importance of a sensitive relationship between universities and the buffer body.

Four of the seven Presidents expressed support for the concept of a buffer body and all of these seemed to suggest that body should continue to be the HEA. However reservations were expressed about the capacity of that State agency to carry out the role properly. One President stated “I think the HEA is the right way, yes I do think we need a body that sits between us and the Department”. This President went on to state

We need a body that has specialist capacity to understand our requirements. The HEA is possibly too weak in the sense that it does not have enough information, is too politically driven, I think it needs to be more independent, it needs to work more closely with us, it needs more specialist resources but I would have faith in a body like that

Interview 2

This President went onto describe the role of the body as “to work with us to make our case to the State”.

Another President stated “I think it’s the right structure” (Interview 3). This President also wanted a supportive advocacy type buffer body.

Another stated “I think the governance model of having a Department of Education and a HEA is probably a good one” (Interview 4). This President acknowledged it is the normal structure internationally. However he was unhappy with current governance and staffing at the HEA

The Act enables too much micro-management and secondly we have not been able to ensure that Department or the HEA are populated at a senior level by people with the competencies necessary to oversee and to develop policy for a modern university sector

Interview 4

The President of another university stated “I think there is a need for a buffer body between Government and higher education” (Interview 5). He advocated reform of the HEA arguing that retaining it in its current guise “will actually not do very much”. He went on to describe what positive result might arise from reforming the HEA

A stronger HEA in my mind is about more robust policy making, evidence based and I would say more advocacy for higher education as well as of course being the body responsible for implementing government policy.

But I think the advocacy has not been there. A stronger HEA in my mind would mean greater policymaking and greater advocacy for the system

Interview 5

One President on being asked if they felt the buffer body between the universities and the State should be removed stated

I think there are advantages and disadvantages either way. I do not think that is the core issue, I think the core issue is the level of expertise you have either on the buffer body if it is to exist or the experience and expertise within the Department and I think either could possibly work

Interview 6

This President felt that “significant enhanced capacity representing third level” (Interview 6) was required on the part of either the HEA or the Department. It is interesting this President agreed with his four colleagues who accepted the need for a buffer body in describing the purpose as representational or advocacy based.

Two of the Presidents approached this question from a different perspective. Both were concerned for university autonomy and felt the buffer body and its role could cause confusion and even, in one case, fundamentally change the relationship between the universities and the State. One addressed the proposed role of the HEA as described in the *National Strategy for Higher Education to 2030* (Hunt, 2011) document. Pondering how the concept of ‘strategic dialogue’ might evolve he stated

The nature of this approach and the balance between autonomy and accountability which is inherent within it and also the notion of distinct missions of universities and other higher education institutions and perhaps even the concept, and the term has been used, of service level agreements where the university signs up to a particular set of deliverables that align with national priorities, that whole process is as yet to be rolled out fully

Interview 7

He goes on to observe that the balance between accountability and autonomy “will define something quite significant”. This President then goes on to say he feels Hunt (2011) erred in not having both a regulatory and performance monitoring function alongside “a higher education policy institute dealing with issues that are important to the sector itself”. It is interesting this President, whilst being concerned with the balance of autonomy and accountability in governance and compliance, also expressed a

desire to see an advocacy type body, albeit not the HEA as it exists or is intended to be within the structures of the *National Strategy for Higher Education to 2030* (Hunt, 2011). The findings and recommendations of Berdahl (1990) and Dill (2011) in relation to autonomy and the continuing importance of academic self-governance on procedural matters, and the concern that this procedural autonomy might be under threat is reflected in the statements of this President.

The remaining President felt that the buffer body “was not fit for purpose” (Interview 1). Arguing that higher education required a high level of autonomy to work well he felt “the concept of higher education autonomy was devised and developed intellectually at a time when higher education was a minority project, an elitist project” (Interview 1). In his view massification in terms of high participation rates make funding the project hugely costly. The natural tendency of governments and officials was to exercise control, create central management and “higher level education was becoming much more like secondary schooling was formally” (Interview 1). He described this as having very little autonomy, required significant central oversight on decisions and with course content determined outside the institution. He sees a conflict between autonomy and mass participation. He concluded on this question by stating

The more emphasis there is on mass provision, the greater will be the emphasis on providing a service, the greater will be the tendencies to make universities look like secondary schools today

Interview 1

This President felt the universities needed to “disconnect their funding regime from the public purse”. He also speculated that at sometime in the future the universities might surrender traditional third level to central state management in return for an autonomous fourth level sector. He expanded on this by stating fourth level institutions would award doctoral level qualifications and would focus on research as against teaching. He did think there might be some merit in separating funded research from the universities as currently constituted. In summary however this President saw the HEA, as envisaged by Hunt (2011) as a threat to the university sector and particularly to the normally understood autonomy of the university. He specifically mentioned the loss of autonomy in course content, the loss of autonomy over appointments and the loss of autonomy over quality assurance, the latter possibly to an independent examinations commission

for third level. This latter point echoes the findings of Drucker, 1993; Duderstadt, 2002; Schuetze and Slowey, 2002; and others in relation to the separation of teaching and credentialing. It also addresses the concern of Berdahl (1990) that the balance between substantive and procedural autonomy might be struck at an incorrect intersection.

From the responses to this question it can be concluded that the majority of the Presidents want a buffer body that will advocate with central government on its behalf. Whether the Presidents believe the type of reformed HEA recommended in the *National Strategy for Higher Education to 2030* (Hunt, 2011) is such a body cannot be determined from the responses. What can be determined is that the *National Strategy for Higher Education to 2030* (Hunt, 2011) does not suggest that advocacy and representation is a core role for the HEA and certainly neither the speech of the Chief Executive of the HEA delivered in Limerick (Boland, 2011) at the start of the current academic year nor the Minister's speech at the Royal Irish Academy announcing the formal adoption of the strategy as government policy delivered on the 1st June 2011 (Quinn, 2011) suggest that this is part of the role as understood by either of them. Hunt (2011) does recommend that the HEA should report to the Minister "on the outcomes of the strategic dialogue. This should inform the estimates process in the determination of the overall allocation for higher education" (p. 92). This is the only possible recommendation in the report which would allow the HEA to advocate on the part of the sector. If the Presidents expect the HEA to advocate on behalf of universities and to put the university view of the world to the Department and if this conflicts with the understanding of the HEA's own perception of its role and how the Minister views the role of the HEA, then the process of strategic dialogue is doomed to failure.

A question on internal governance arrangements of the university itself and the nature of decision making within the institution was included in the semi-structured questionnaire put to the Presidents. This is important from two perspectives. Firstly, in Chapter 1 we identified trust and honesty go hand in hand. Universities in particular have a history of openness and collegiality. However critics of new public management as it applies to the university argue that central management and external accountability, and external steering, have changed the dynamic of governance in the academy. Salter and Tapper (1995) have identified reduced autonomy and power for individual academics but increased autonomy and power for the corporate university. Berdahl

(1990) recognised that phenomenon but wanted to preserve academic freedom above all else. Dill (2011) on the other hand has argued the recent establishment of a performance culture, based on measuring outcomes achieved using evidence based KPIs, has strengthened the collective academic oligarchy by the agreement of standards that all conform to.

A number of the Presidents chose to comment on the separation of governance and management (6 of 7). A fairly uniform system of an executive management committee being responsible for day to day management and decision taking in relation to the implementation of policy was described. Executive management committee members report or are answerable to the President with the President being answerable to the governing authority for delivering the strategic plan. One interviewee stated he wanted “to separate clearly the role of governing authority from the role of the university management team” (Interview 4). Management present a plan to governing authority and “then effectively have governing authority hold them responsible for implementation”(Interview 2). A number of Presidents (5 of 7) stated they took definite actions to avoid situations where governance and management could become confused with one another. Typical actions included reducing the number of internal senior managers on the governance committees of the university. A number stated that the committees were at one stage perceived as an extension of management (4 of 7).

The model described is managerial in nature and is focused on delivering on a stated university strategic plan. When pressed on the issue of consultation a number of Presidents described the roles of faculty structures and committees as consultative fora. One described faculty structures as “information conduits” (Interview 1). This President felt the management and governance structures in his university had become overly focused on the executive management team focus and he hoped to put measures in place to involve more academics in decision making of all kinds, including involvement in the prioritisation of new staffing decisions.

One university was markedly different from the central managerial model described by the other six. The President in this instance described an organisation “that is probably the most participatory organisation in the country”. He then went on to describe detailed processes of consultation involving democratic structures and widespread staff

involvement. It is interesting to note that three Presidents did not mention academic council when describing the internal governance and decision making within their university. All three acknowledged the role of academic governance being carried out by academic council when pressed. Interestingly no President mentioned trust when discussing internal governance and decision making.

From the responses received the only reasonable conclusion to be drawn is the Irish universities are largely managed using the approach of the “strengthened steering core” as described by Clark (1998) and promoted by Shattock (2003, 2006). The structure of internal governance and decision making is itself biased to promote a managerial approach as described by Braun (1999). Universities therefore are defaulting to a uniform, non-diversified form of governance at the very time that policy makers are promoting the concept of diversity in provision and mission. That is not to say that one excludes the other but it does appear that the university system – with one exception – is defaulting to one management methodology or approach and that participatory collegiality is not a primary focus or primary driver for that emerging model.

A question was included in the semi-structured interview questionnaire to elicit the views of the Presidents on whether they thought governance as it is set down in legislation and as it is operated by the agencies of the State was something to be valued and embraced or that it was something of a hindrance to the President in achieving the strategic intent of the university.

The majority of Presidents felt governance in its broadest sense of internal and external governance was positive (4 of 7). Two felt it was a hindrance, largely because of interference and one felt it was neither “a help nor a hindrance” (Interview 6). Governance in this instance includes the external governance of universities by the State and the internal governance of university faculties, schools, departments and units by the university management.

One President felt internal governance worked well. He went on to say “The relationship with the agencies of the State is largely positive” (Interview 2). This President also wanted “to see more engagement on the strategic side”. He bemoaned the fact the agencies of the State stood aside while many courses related to the

construction industry were allowed to be replicated across the country in universities and institutes of technology. This President felt “the HEA should have been more engaged in that. I would see that as a failure of the system”. This President felt the State had a legitimate interest in “trying to manage provision”

Another President made similar remarks. He stated

So I would take the view that the expectations of governance are reasonable within the university sector in so far as it is a State funded project. I think they are generous to be honest. I find the kind of academic and financial autonomy allowed to me as President and to the university to be generous

Interview 1

Noting that the investment in third level education translates into “a private good” he states the sector is fortunate with the degree of autonomy it is allowed and the extent to which scarce government resources continue to flow to the sector without any real challenge. This President felt “there could be greater coordination between institutional goals and national priorities”.

Another President stated “I have the fundamental view that good governance is absolutely critical to the success of any organisation” (Interview 4). He goes on “good governance equals success”. This President supports “diversely different organisations” and bemoans “the amount of energy that is dissipated between universities and the agencies of the State” (Interview 4).

Another President commented on the operation of internal and external governance. Supporting openness and transparency in internal operations he stated “it helps reinforce good strong systems” (Interview 5). On external governance he sought “maximum flexibility”. He stated “I would see no problem with government as a sponsor of higher education determining how much it can give”. But after that he felt “you get the best value by institutions having total flexibility, without breaking the law of course”. This President preferred to talk of the concept of flexibility as against the concept of autonomy. “Autonomy has a note somehow of going off and doing mad things” (Interview 5).

One President who felt governance as exercised was neither a help or hindrance but he did feel it had a part to play in universities. He stated “I think it is part of a healthy organisation and I think it is just the world we live in” (Interview 7). Governance must happen but it does not impact on the strategic intent of the organisation. However he is hopeful that a future time “once governance settles down in the culture of the organisation itself it might be useful” (Interview 7).

The two Presidents who felt governance and interference go hand in hand addressed the issue from different perspectives. One stated “Quality processes help. Detailed criteria for the use of State monies are a hindrance” (Interview 3). He expanded on this by stating quality processes involved external examiners, peer review of departments and functions, regular reviews and examinations of course content and an organisational commitment to acting on the findings made in these reviews. This President felt the State should have no input to the university other than to expect “a balanced budget”. The State could decide how much to give “but once given it is given” it is a matter for the university to use it for proper university purposes (Interview 3). This President did go on to say that the State “should agree KPIs for universities to pursue. The contribution to social and economic development should be there” (Interview 3).

The remaining President stated “on balance governance hinders” (Interview 6). This President goes on to state the Irish universities are “shackled in comparison with the equivalent UK institutions”. They have, he states “operational autonomy”. This President envies “the quality of the dialogue between universities and funding agencies and the quality of policy making”. This President stated he feels external governance does not work in Ireland because of the quality of the engagement rather than rejecting the notion of engagement taking place.

A question on the governance architecture was included in the semi-structured interview questionnaire given to State representatives. It was designed to allow comparison between the responses of the State representatives with the responses of the university Presidents. At a time when the State is seeking reforms in higher education through the *National Strategy for Higher Education to 2030* (Hunt, 2011) and the national public service agreement an understanding that the State representatives and the university Presidents viewed the structures of governance between the State and the universities in

a similar or different way would add significantly to the discourse on governance and accountability. Similarly knowing whether the State officials and Presidents suggested similar or different changes to the current arrangements would be of assistance to researchers and policy makers.

One interviewee took the view that “the relationship is not totally broken but it needs some improvement” (Interview 8). This person went on to state that “universities need to understand what government wants and what funding they are prepared to give for that”. On the other hand the universities had a right to “know what they are expected to deliver and if they deliver what they will get for that”. This interviewee expressed the hope that the strategic dialogue recommended in the *National Strategy for Higher Education to 2030* (Hunt, 2011) would lead to this kind of understanding. The interviewee concluded with “Of course the universities will do additional things to those things the State wants them to do, but that is alright and even necessary. Others should remunerate the universities for that”. It is interesting that this interviewee took a similar line to that taken by the majority of Presidents, that the structures were largely adequate but that better communications between the universities and the State, and a better understanding of each others positions would lead to a better governance relationship.

Two interviewees were less sure. One stated “I do not think the current governance arrangements are fit for purpose” (Interview 9). When pressed, this interviewee stated “greater clarity was needed around the role of the Department of Education”. This interviewee stated that “the role of the HEA should be one of steering, not of rowing”. This is classic new public management/new managerialism speak. This person hoped the strategic dialogue proposed by Hunt (2011) might lead to change in this regard. This interviewee felt that a buffer body between the Minister and the Minister’s Department and the universities was probably a good thing but that the buffer body “must have the skillsets and the orientation” to execute the role effectively. This interviewee wondered if the HEA as currently established and staffed “was not captured by the universities or the bigger ones anyway”. This interviewee felt the HEA was sometimes inconsistent in how it played its part in university governance. It reacts to political criticism of the university in a “somewhat heavy handed way” yet at other times “is very much hands-off”. Ultimately this person wanted to see a buffer body “that would be steering an overall system to where it wanted to go”. Policies in relation

to courses, lifelong learning, adult learning, accumulation of credits over time and similar issues need to be addressed in a comprehensive “system-wide basis”. Interestingly this interviewee did not see structural arrangements as the problem as “I think this may not be where the impediments are” but felt the policy making and system steering capacity was the deficit.

Another interviewee addressed the temptation of political interference. This person supported a buffer body between the Minister and the Minister’s Department and the universities. The interviewee stated

Having a buffer body such as the HEA is a very healthy situation and the reason it is very healthy is that otherwise it would be very difficult for even the best and strongest Minister of Education not to have some interference in the way funding is allocated

Interview 10

This interviewee felt the “architecture” of governance was about right. The interviewee spoke of the need to understand the position of all parties in the governance arrangement.

How to ensure the autonomy of the institution, while at the same time ensuring that a situation such as happened in an institution fairly recently that featured in our newspapers where there was a real perception amongst the public that funds were misappropriated or misused. How to ensure this does not happen while allowing Presidents and management make the decisions on how to use funds, that’s the trick and that I think is still a work-in-progress

Interview 10

The interviewee spoke about the need “for mutual respect” between the universities and the State bodies and a better understanding of each others positions being developed.

Another interviewee also supported the need for a “specialist agency” (Interview 11). Stating that the university had a very broad remit including education, supporting the enterprise agenda, cultural development, social inclusion created “a need to broker all of those roles somehow”. This required a “level of focus and expertise” which could not be accommodated in a large government department. This interviewee wanted to see a buffer body that was capable of translating government policy and expectations into “a

system wide response to the full government agenda”. Supporting autonomy for institutions within agreed limits this interviewee commented that

The State expresses what it wants, invests in the university sector the value it places on the outcomes it wants and the universities are accountable for the delivery. The buffer body mediates the full outcome delivery between the universities and the State where not every university will be involved in every aspect.

Interview 11

This interviewee specifically stated that “micro-management must be avoided”.

From the responses received it can be concluded that the existence of a specialist buffer body between the universities and the State, that is developmental and policy driven, has strong support amongst the Presidents. The support is contingent on the body having the skills, knowledge and focus to allow it to be credible with the universities in terms of the personnel employed and the strategic direction set. It therefore must be capable of listening to the universities and prioritising between them in an unbiased way. At the same time it must be aware that government policy is the primary driver of the university system.

It can be concluded from the responses received that the Presidents believe strong internal and external governance are good for universities. The area where most improvement could be brought to bear is in the quality of the strategic oversight of the universities by the State and placing the objectives and goals of the university in a national context. The answers to these questions show a consistency in the approach of the Presidents to governance, governance structures and the purpose of governance. The Presidents were unhappy with the micro-management of the HEA. The Presidents would welcome a more informed, more strategically focussed and more policy led HEA. The majority of Presidents are accepting that the State has a role to play in setting strategic direction within overall national priorities set by government. This reflects a desire on the part of the Presidents for a ‘strategic dialogue’ as recommended in the *National Strategy for Higher Education to 2030* (Hunt, 2011) and discussed in some detail in Chapter 2. It could be concluded that there is the possibility of an emerging disconnect between entering into strategic dialogue with the State and entering strategic dialogue with the HEA. Again the Presidents are referring to a HEA which has not yet

had the infusion of skilled and knowledgeable resources as recommended in the *National Strategy for Higher Education to 2030* (Hunt, 2011). This issue will be addressed in the next chapter.

5.6 Chapter conclusion

This chapter has examined the issues of trust between the universities and the State, the autonomy/accountability dichotomy as experienced by the seven Presidents and senior officials in the government sector, the views of participants in the research on the purpose and role of the university in a modern society and the fitness for purpose of the architecture of governance as seen through the eyes of the research participants.

The State representatives do have confidence that the universities will play their full part in delivering what the State expects them deliver. They have this confidence because of the strategic dialogue proposed in the *National Strategy for Higher Education to 2030* (Hunt, 2011), the accountability mechanisms in place and the link created between delivery on performance and future funding. This is not a trusting relationship based on any kind of confidence that the universities will do the right things on their own initiative. It is a confidence based on the evaluative State inducing desired actions from the State agency university because it is in the financial interests of the university to carry out the desired actions.

The State representatives do have confidence in the quality control and quality assurance processes in universities. The use of the extern, the perceived employability of graduates and the feedback from students are all giving a real confidence to the State that these important processes are working well.

The Presidents do not feel trusted by the State and feel over-audited. Surprisingly, the evidence of the interviews suggests the university Presidents do not necessarily trust each other. There is a strong suggestion in the responses to the question that some Presidents believe the behaviour of a small number of universities has provided justification to the State for not trusting universities. The State representatives certainly singled out two universities in particular and cited them as not trustworthy. The State

representatives also indicated they did not always accept the word of university Presidents. This reflects Trow (1996) and his assertion that the first casualty of accountability is truth-telling.

There is little consistency between the Presidents and the State on the accountability/autonomy dichotomy. The Presidents would prefer to be a service to the State and report on the basis of that service, a service they have chosen to supply. The directed mission of institutions within an overall system landscape is something the State representatives are most keen to have implemented and operationalised. There is mixed views amongst the Presidents on the extent to which they should be held accountable for probity in the management of public funds. The State representatives are absolutely convinced the university should provide full accountability for all expenditure on request from the Minister. The Presidents view this as interference, the State view the same action as good governance.

The interviews also provide evidence that the actual accountability called for on occasion by the State and its agencies is not the type of accountability that the Presidents would have expected to either have to provide or believe provides a good indication of performance. This disconnect will need to be addressed.

The clear evidence from the interviews with the Presidents is that they feel the State or the HEA do not fully understand the role and purpose of a university in a modern society. The Presidents feel the HEA in particular should add to its knowledge of the universities perhaps by employing a former university President or having existing Presidents from other jurisdictions serve on the Authority. On the other hand the State representatives accept that the universities have a broad mission in society, but that the State should fund State objectives and someone else should fund other missions being undertaken by the universities. It can also be concluded that the State intends to use 'strategic dialogue' and other tools to become more regulatory in its oversight of higher education.

As regards the architecture of governance a number of conclusions can be drawn from the interviews. Firstly the 'strengthened steering core' is the normal internal management mechanism in universities. Secondly tensions exist between the

strengthened steering core and the academic communities of universities. Thirdly the role of the buffer body, that is the HEA, does not have a shared understanding on the part of the State and Presidents. Whether it is a funding agency, regulatory agency, planning agency or all three needs to be clarified as a matter of urgency. Certainly the State does not view the HEA as an advocacy agency on behalf of higher education. The Presidents, or at least a majority of them, would wish it would be an advocacy agency. All parties agree that a buffer agency is preferable to direct dealings with a central government department.

Table 2 in Appendix 4 identifies the areas of agreement and disagreement between the Presidents and the representatives of the State identified from the semi-structured interviews. An overall conclusion to be drawn is that the conditions necessary for a trusting relationship between the universities and the State do not exist in Ireland at the present time. It is likely this is to do with failures of regulations in many sectors in Ireland, the state of the national finances, poor communications between the parties on their respective roles and, uniquely to Ireland, the fall-out from unapproved departures from public pay scales paid to senior university personnel.

Chapter 6 Discussion and conclusion

6.1 Introduction

This thesis set about exploring the issue of trust as it manifests itself in the evolving relationship between the State and universities. It foregrounded the related themes of autonomy and accountability as the ‘trust proxy’ and has explored this issue through the lens of the changing nature of university governance and management.

This chapter explores a number of themes that emerge from the archive and investment analyses in Chapter 4 and the findings from the interview topics in Chapter 5. A number of the themes that emerge are consistent with the challenges identified as emerging from the literature in Chapter 1 and Chapter 2. However this chapter makes a significant conclusion relating to trust and the emergence of a new relationship between the State and the universities. While the Chapter will agree that the themes of trust, autonomy and accountability still book-end the relationship between the State and the university, the autonomy/accountability dichotomy no longer fully captures the nature of the emerging relationship. Rather the thesis will propose that this relationship is now best understood as one of the co-optation of the university by the State. This reflects the writing of Baird (1997) and her view that the university was in danger of being co-opted for parliamentary interests. It also reflects critical theorist Jurgen Habermas and the colonisation of the university by those with political and economic interests.

The findings are discussed under the themes of co-optation, the changing nature of the autonomy/accountability dichotomy, how universities have moved from being trustworthy to being distrusted and the role of the university in a modern society where the evaluative State holds sway. Finally the thesis introduces a possible new structure and relationship to preserve some of what is seen as important in the traditional university/State relationship.

6.2 Theme 1: Co-optation of the universities by the State

Drawing on the archive analysis in Chapter 4 and the findings from the interviews carried out with university Presidents and State representatives in Chapter 5 and triangulating these with the emerging challenges identified from the literature in

Chapter 1 and the contents of the *National Strategy for Higher Education to 2030* (Hunt, 2011) discussed in Chapter 2 it is concluded that the understanding of the relationship between the degree of autonomy available to the university on the one hand, and the level of accountability by the universities to the State on the other hand, and attempting to strike a notional correct balance between the two, is a false or irrelevant dichotomy and that a new and better conceptual platform is required to capture the current relationship between universities and the State. The historical evidence identified in Chapter 4 in particular shows that over the past three decades a process that appears irreversible and all centralizing has unfolded whereby the State has moved centre stage in every aspect of the university's life. As Ireland moved towards the massification and universalisation of higher education from the late 1970s and began to place an increasing emphasis on the role of the universities in underpinning and driving forward the development of a knowledge economy, the university has become both a microcosm of, and champion of, the social and economic project of the State. To the extent that this has happened it can be argued that the State/university relationship is no longer fundamentally one of autonomy or accountability but rather, a co-optation of the university as a State agency by the State. The universities have been co-opted by the State for State policy purposes and are being used by the State, and funded by the State, to deliver State policy objectives. The universities are accountable for the outcomes they achieve against national priorities. The universities are no longer free or autonomous to determine their own objectives but must, through strategic dialogue with the HEA, agree their place and role within the wider university system and agree targets and performance criteria with the HEA to demonstrate delivery against these university (sub-system) agreed outcomes. All the while the university remains accountable for its propriety in the use of public resources. This is a new paradigm with the universities as public bodies responsible for achieving government objectives. The old typologies of governance as offered by Clark's (1983) triangle of governance or Van-Vught's (1989) two dimensional variation of State Control and State Supervisory models are no longer adequate in themselves to present the relationship between State and university post co-optation. Braun's (1999) cube of governance with its focus on both the bureaucratic and the political as well as the institution and the marketplace is the closest pre-existing typology to the post co-optation university system in Ireland.

This paradigm shift was not unforeseeable. There have been pointers in the literature for many years and the approach of the HEA to the governance of the universities, post Universities Act 1997, has been a suggestion of possible co-optation. It was identified in Chapter 1 how Kogan (1998) contrasted an autonomous institution with that of the dependent institution. Kogan lists obvious examples of dependent institutions whose objectives are set externally by key sponsors and funders. These include military colleges, teacher training schools or a university in a totalitarian State. Irish universities have become increasingly financially dependent on the government. The investment analysis in Chapter 4 has confirmed a growing level of investment since 1980 as the participation rates in Irish higher education has moved from Trow's (1974) elite provision of less than 15% through mass provision of between 15% and 50% and into universal provision of greater than 50% in 2010. According to the HEA, 63% of the 17-19 year-old cohort were in third level in 2010. However the unit of resource per individual full-time student has declined in recent years and, as a result, the universities have become increasingly financially dependent on the State. Whereas in former times additional activity on the part of the universities could be assumed to lead to additional resources, no such assumption can now be made due to the precarious state of the public finances in Ireland. Chapter 1 also addressed Dill's view that greater oversight by government was linked to a greater marketisation of higher education (2011). Market driven additional allocations have led the universities to 'follow the resources' and, in the process, work to achieving State objectives whatever the impact is on a university's own mission.

Chapter 1 also noted Shattock's (2006) observation that the once "benign relationship" (2006, p. 38) between the State and its universities no longer exists. He states that

The State has utilised its powers over finance to influence institutional behaviour, as might have been expected when the system itself has become so large and the State's commitment has grown to current levels. But the impact on institutional governance of this has been to inhibit freedom of action and to pre-determine strategic decisions

Shattock, 2006, pp. 38-39

Taggart (2004) is cited by Shattock (2006) as concluding that "it was once the role of Governments to provide for the purposes of the universities; it is now the role of the universities to provide for the purposes of Governments" (Taggart 2004 as cited by

Shattock 2006, p 64). This is similar to the comments of Neave who observed the British universities moving from being a service to the State to being a State service (Neave, 1998). Shattock (2006) has documented previous major paradigm shifts that have taken place in the past in the UK at the behest of government (Shattock, 2006, pp. 5-17). This also reflects Neave's (1998) assertion that the power in the university/State relationship rests with the State who can "adjust and elaborate – 'fine tune' is the term usually employed – additional procedures and criteria of assessment as the need arises" (Neave, 1998, p278). It was also noted in Chapter 1 that Berdahl (1990) warned of the risks of effectiveness audits and the potential impact they would have on substantive autonomy. He had identified that interference in procedural matters was "irritating" (p. 173) but did not justify the outrage sometimes accorded to it. It might well be the case that universities, in defending procedural autonomy have allowed themselves to be diverted from what is really important, substantive autonomy over academic matters and the unfettered pursuit of truth.

In Ireland, at the launch of the joint HEA/IUA publication *Governance of Irish Universities: A governance code of legislation, principles, best practice and guidelines* (HEA, 2007) the then Chairman of the HEA stated that

The university is a key part of the community in which it is based and it has a duty to share its knowledge and experience and work towards common national goals. University Presidents, administrators and academics are *public servants*. They are right to take pride in their work and they should have no fears about communicating what they do, the processes by which decisions are made and why the work of our universities represents value for money

Kelly, 2007, p. 1 (emphasis added)

The publication of the *National Strategy for Higher Education to 2030* (Hunt, 2011) has made strategic dialogue a cornerstone of the governance process for universities. The requirement to agree objectives and role of the university within 'a university system', as opposed to system of universities, brings the relationship to one of a "directed" (Boland, 2011, p. 8) university being directed by the evaluative State. The university can now be seen as a tool of public policy and should not be viewed as autonomous in any real sense of that word, and certainly not autonomous as defined by Berdahl, 1990; Skillbeck, 2001; or OECD (2003, 2004). The ability to determine one's own course

and direction no longer exists in the paradigm post co-optation. Viewed in this way the universities could come to be seen as substantially the learning equivalent to the subsidy provided to the IDA to attract foreign direct investment into Ireland or the investment in road infrastructure as identified by Dunbderstadt (2002, p16). The universities can be viewed as the intellectual version of the IDA, the backbone of the knowledge infrastructure required for the development of the economy, that is State agencies with economic development at the core of their mission. As outlined in Chapter 2 the required balance between the political world, the bureaucratic world, the academic world and marketplace (Ashby, 1966) have been thrown out of balance by the Hunt Report and the changes in governance, autonomy, accountability and trust implied therein. The process of change over the past thirty years are crystallised in the *National Strategy for Higher Education to 2030* (Hunt, 2011) with its recommendations for system planning, strategic dialogue, surveillance of universities and reward for successful KPIs. The evaluative State as described by Neave (1998) has triumphed over the critical reason of Peters (2010), the reporting of outcomes using KPIs as espoused by Skillbeck (2001) has displaced the trusted university of Trow (1996) by using accountability to diminish that trust and the centrally planned university systems of Van Vught and Westerheijden (2010) has displaced the university as institution of service to the State (Neave, 1998). The findings of Drucker (1993) that education is too important and too expensive to be left to the universities has found a willing home in the Irish bureaucratic State post Hunt (2011).

The burden of accountability and compliance will be discussed in the next section. But the co-optation of the universities by the State has been facilitated by university management and its acceptance of a ‘creeping bureaucracy’ as necessary to support ever increasing investment. The adjustment of the role of Chief Officer from orchestrator of the competing forces of the political world, the bureaucratic world, the academic world and the marketplace (Ashby, 1966) to that of leader who prioritises activities and aligns staff with the priorities set and focuses on attracting students and staff to the priority areas and the development of the priority areas to a critical mass capable of delivering a global impact (Hunt, 2011), is a further example of the universities being participants in their own change, including their loss of autonomy. Performance funding will flow from the achievement of results of critical mass, provided it has been agreed with the State as an area the university occupies within the higher education landscape. Funding

takes precedence over reason, critical analysis and judgement. And where judgement remains in the university, the judgements will be made by managers and not by academic dons, as observed by Salter and Tapper (1995).

The role of the universities leadership within the strategic dialogue process will be of great interest. How will the influence of the Presidents be aligned with the interests of the academic community at large? Can a head of a university, a public servant and head of a State agency responsible for the implementation of government policy represent the academic community who see the ability to challenge the State and its policies in the interests of a better society as a key motivational influence on themselves and their careers. In Van Vught's (old paradigm) State Control model, the twin power rested with a strong academic staff and a strong State influence over both substantive and procedural matters coupled with a relatively weak internal administrative support function (Van Vught 1989, Berdahl 1990). The State Supervisory model was characterised by a strong central executive team and a strong academic community coupled with a removed State sector, steering at a distance through market mechanisms. The advent of new public management (Braun, 1999), effectiveness audits in addition to legality and efficiency audits (Berdahl, 1990), the evaluative State (Neave, 1998) have all led to a strong external bureaucracy, a strong university management implementing State policy, still removed government and State setting policy but using the strong bureaucracy and university management to ensure policy is delivered. The academic community, as a collegiate whole, is now the weakest link in the post co-optation university governance landscape. Dill (2011) has proposed the collective academics of a 'critical mass discipline' have a new power over academic matters including matriculation, bursaries, research focus and degree awards. A critical mass discipline is one where the number of academic staff is sufficient to allow the discipline to be sustainable from its own people resources and that the people resources act as an academic enabler for each other. He names graduate schools as a good example of this collective autonomy. It is the individual academic, pursuing a narrow and non-critical mass area of endeavour, who is at greatest risk in the new paradigm. If this is the case, then who will challenge society and the direction government it taking it though its policies and its investment choices? Who will represent the vulnerable and weak? Who will prevent the government view becoming a new "habitus" (Bourdieu, 1977) with its norms and assumptions underpinning the way the university works? Certainly not the

institution as it is now an agent of government. Certainly not the President or Presidents as they are heads of State agencies. Certainly not the academics cocooned in critical mass areas of academic endeavour as they depend on a continuous flow of State monies to keep their specialism active. Is there any role for the public intellectual as described by Bourdieu (1977)? It is interesting to note that the recently elected ninth President of Ireland addressed this issue when speaking at the NUI when he was being conferred with a Doctorate of Laws (Honoris Causa) in January 2012. He spoke of the university and the community of scholars within the university needing to challenge received wisdom and the “failed paradigms of life and economy or to offer, or seek to recover, the possibility of alternative futures” (Higgins, 2012, p. 2). The President spoke of “an intellectual crisis that is far more serious than the economic one” (p. 2). He was clearly calling for the public intellectuals to stand up and to challenge government, society and existing norms. Duderstadt (2002) spoke of the academic role of “responsible critic of society” (2002, p14). He might well agree with the President of Ireland in thinking that an intellectual crisis had arisen in Ireland in 2012. The President of Ireland spoke “of bureaucracy within which conformity would be demanded to that which no longer recognised its original moral or reasonable purpose” (Higgins, 2012, p 3). This must be seen as one of the dangers of strategic dialogue.

6.3 Theme 2: The burden of accountability and compliance

The analysis in Chapter 4 of the actual accountability demanded by the State, through the HEA, has confirmed a significant and increasing burden of accountability on universities between 1980, through to 1990, 2000 and through to 2010. Comparing 2010 to 1980 it was concluded in Chapter 4 that the accountability burden had grown exponentially in the intervening 30 years. Thus the suggestion by Braun, 1999; Grummell et al., 2008; Peters, 2010; and Kamenetz (2010) that the burden exists and Braun’s (1999) statement that the beginning of the growth in accountability burden can be traced to the early 1980s has been supported in the Irish university/State relationship. As described by authors including Braun, 1999; Skillbeck, 2001; Duderstadt, 2002; Kamenetz, 2010; Peters, 2010; and others this growth in accountability and compliance corresponds to a period of massification of tertiary education and the growth in the types of academic institutions. Whereas some authors Braun, 1999; Grummel et al., 2008; Peters, 2010; bemoan the additional accountability emerging others such as

Skillbeck, 2001; Duderstadt, 2002; Shattock, 2003, 2006; and Kamenetz, 2010; accept that the parallel increase in public funding required to fund a mass education system brings with it a requirement for greater accountability. In any event the evidence in this research, primarily the evidence emerging in Chapter 4 from the archive and investment analyses is that the growth in accountability through new managerialism or new public management has taken place in Ireland over the past 30 years. The evidence of key performance indicators, time analysis of academics, dedicated funding, workload management systems and the measurement of outcomes at different levels and disciplines corresponds directly with the concerns of Braun, 1999; Grummell et al., 2008; and Peters (2010) set out in the literature review in Chapter 1.

The majority of the Presidents believe accountability for resources (5 of 7), other than presenting audited accounts and dealing in generalities of expenditure is micro-management and interference. The State representatives all stressed the importance of accountability for the use of resources as well as accountability for outcomes. This key disagreement on the nature of accountability was one of the key findings from the interviews reported in Chapter 5.

Accountability in this sense is linked to the proper use of public funds and the achievement of value for money, what Berdahl (1990) has referred to as legality of expenditure and efficiency of expenditure. Shattock has documented how the UK universities must follow a Financial Memorandum. This requires universities to use resources for the purpose for which they are given and to ensure propriety in the use of the resources in all circumstances. The HEA use the 2007 Governance Code (HEA, 2007) to monitor expenditure in a similar manner. Harmonised Accounts for Irish universities were introduced in the 1990s to facilitate comparison between universities and to force universities to disclose expenditure in certain areas. A similar development had taken place in the UK in the 1980s (Shattock, 2006, p. 34).

The interview responses were received from Presidents and State representatives showed that the Presidents believe they are operating within the 'old paradigm' of the possibility of a correct balance being struck between autonomy and accountability whilst the State representatives have moved on to the new reality of the university as agency of the State. As the new paradigm emerges in Ireland, where the universities are

themselves State agencies, a ‘Financial Memorandum for Irish Universities’ would be useful. This would give clarity to the universities and the HEA as to the nature of propriety responsibility for public funds in universities and the extent to which accountability to the HEA was required. This would also help remove the perception shared by many of the Presidents that the HEA are interfering with the running and management of the university. The development of such a memorandum, prior to the establishment of strategic dialogue and as a part of the roll-out of the *National Strategy of Higher Education to 2030* (Hunt, 2011) is recommended.

Compliance refers to the obligations placed on universities as institutions by successive pieces of legislation including obligations relating to freedom of information, health and safety at work, data protection, equality, child protection, ethics in public office, use of the Irish language and various pieces of pensions legislation to name just a handful of the ever growing statutory responsibilities of all publicly funded bodies. The archive analysis showed that there exists a real compliance burden from these types of legislation. However the compliance burden is not unique to universities and occurs in all publicly funded bodies. This burden will continue in the new paradigm of the university as State agency.

We have already seen from the interview findings in Chapter 5 that the general academic community is experiencing a growing accountability burden to the internal ‘strengthened steering core’. As university management respond to the needs of the State, and the related funding available for special purpose initiatives a new burden is being placed on academic staff to service the information needs of the university administration in the first instance and the State in the second instance. The data or information gathered in this way is necessary to allow management demonstrate delivery of strategy and related policy outcomes to its governing body and its funding agencies, largely State agencies. It also allows university management make returns to university league table providers and hopefully assist the university improve its overall position in the ranking, which in turn may assist in further funding. It is interesting that university Presidents did not acknowledge the existence of this growing burden on the academic community. It might well be the case that this additional burden on academic staff might well be driven by the creation of the strengthened steering core built around executive management teams identified in the literature (Clark 1998, Shattock 2003)

and discussed in Chapter 1. It would be useful to have further research into this apparent disconnect. Such research would add to the debate on institutional autonomy versus academic autonomy addressed by researchers including Salter and Tapper, 1995; Braun, 1999; Skillbeck, 2001; and others. It is in the interests of institutions to address this issue. It seems inconsistent to bemoan the extent and nature of accountability on the part of the university to the agencies of the State and to ignore what might be similar concerns on the part of the university academic body towards the university central management. This new research could be used to analyse whether new managerialism as a governance methodology or tool, has been facilitated by the emergence of the central management/State agency axis determining university strategy in line with State objectives without any real input from an ever expanding and more removed academic cohort. The research could be used to inform the discourse on the issues arising from having a disconnected academic community, not necessarily involved in a critical mass area of education as defined and understood by Hunt (2011) and research in their own universities and begin to map a way forward to involve them in their proper role of academics and critics of society within the academy as part of a wider learning landscape.

A related piece of research is also recommended. Using the approach adopted in the analysis of the Maynooth Archive in Chapter 4 the decision-making carried out in the academic councils of a number of universities over a period of time could be analysed. The purpose would be to identify if the collegiate council had lost influence or importance over the period. The research could examine the nature of decision-making in other fora also, including the executive management team, the governing body or perhaps the President's Office.

6.4 Theme 3: From trust to distrust

The connection between a diminution of trust and the growth in accountability and steering mechanisms such as special purpose funding was identified in the literature through the work of Trow, 1996; Kogan, 1998; Neave, 1998; Goedegebuure and Hayden, 2007; and others was discussed in Chapter 1.

We have seen in Chapter 5 that the State representatives do not fully trust the universities. All State representatives commented on known breaches of approved pay levels and departures from public guidelines on levels of pay, as disclosed by the Comptroller and Auditor General in his report *Irish Universities: resource management and performance* (2010) and felt these deliberate actions on the part of university management did cause concern in the institutions of the State about the trustworthiness of institutions. The Presidents (6 of 7) acknowledged in the interviews discussed in Chapter 5 that they did not feel trusted by the State and that some of the interference they felt was happening on the part of the State into the running of the universities was a result of breaches of trust. Some Presidents (4 of 7) acknowledged the State had grounds for not trusting the universities, the other two of the six did not address whether the State had any basis for distrust. Berdahl's (1990) assertion that the audit of the legality of expenditure and the efficiency of expenditure was an inconvenient irritation was framed with a mindset that the audit would not uncover illegality. Unfortunately that is what happened in Ireland in 2010. A series of unapproved payments to senior managers in universities were uncovered and reported by the C&AG. This went to the very heart of what Kelly (2007) had said at the launch of the 2007 code of governance document (HEA, 2007). The exercise of good governance in public was required to generate public trust. Self-governance by the universities of themselves was seen in a very public way to have led to breaches of trust. The State representatives were clear in the interview process that the loss of trust resulting from this behaviour would not easily be won back.

It can be concluded that the trusting relationship defined by Kramer (1999, 2009) and Matthews (2010) or the trust in institutions described by Coleman (1988), Putnam (1993) and Fukuyama (1995) simply does not exist on the part of State representatives in the universities to the extent the State would transfer resources from the State to the university and not ask for full accountability for the use of those resources. Perhaps a natural reluctance on their part in this area is compounded by the C&AG Report (2010) which was mentioned by State representatives in interview numbers 8, 9, 10 and 11. These events were also acknowledged or referred to by Presidents in Interview 1, 2, 5 and 7. Interview 11 also acknowledged trust had declined at an overall societal level and self-regulation by any profession or other body was unacceptable. This interviewee cited failures in the banking sector and medical profession as examples of areas where

public confidence has been compromised. One President (Interview 5) also acknowledged this societal change. The loss of trust identified in the literature by Kogan (1998) and Goedegebuure and Hayden (2007) is well illustrated in the Irish experience. It is fair to say that a special circumstance exists in Ireland, that is the publication of the C&AG Report (2010), gives additional grounds for the Irish State not to trust autonomous universities. It can be concluded from the findings reported in Chapter 5 that the breaches of approved public pay levels for senior university employees are causing an element of distrust on the part of the State in universities. This is having an impact on the relationship between the university and the State and having a significant impact on how reform is being implemented in university governance.

So there is significant evidence in this thesis of the diminution – if not collapse – of trust in universities by the State. University leaders on their part feel however that the State lacks a comprehensive understanding of the university and of its role in a democratic society. And it should also be pointed out that within the context of the new relationship emerging between the State and the university, loss of trust becomes more of an irrelevancy than an irritant. As little more than a State agency within a multiplicity of such agencies the university comes to have the same kinds of accountability as all these other bodies.

Mechanisms must be found to create opportunities for trust to re-emerge in this important relationship in the paradigm of the State relating to universities as State agencies in their own right. The fact the Presidents are addressing a paradigm that no longer exists, autonomous universities pursuing a university agenda for the good of society with academic critics of the world around them contained therein, does not completely rule out the relevance of their concern. The university as public body, publicly accountable can only play its role in society if there is clarity on what the role is. It has already been concluded that the university is a State agency with an economic development purpose at its core. But what else can the State agency university be and who should decide?

6.5 Theme 4: The university and society

As outlined earlier there is an extensive body of literature on the role of the university in society. Mora (2001) has written about “the universal university”, this being a university with many missions across the academic, enterprise, cultural and community spheres. Kerr had written of the “multiversity” as early as 1963. Peters (2010) has addressed the “university of excellence”. Clark (2004) addresses “hybrid universities”, some of which are State controlled and some of which make “mutual adjustments in related markets”. Rhodes (2001) has coined the phrase “the American University” which was dedicated to scholarship, learning, research, widening access and expanding public service. Duderstadt (2002, 2003) has used the term “global university” to address a university focused on teaching and learning, access and lifelong learning, community and enterprise, civil society and culture. Goddard (2009) has written about the “Civic University”, which engages with many strands of society. Drucker (1993) has written about the “school in society” (p. 186) and its function of ensuring universities are open systems with many opportunities to learn and develop, a “random access” system where learners can enter at various stages and accumulate knowledge, credits and ultimately credentials to evidence their learning. Drucker(1993) like Mora, 2001; Duderstadt, 2002, 2003; Shattock, 2006; and others believes the institution should be accountable for its performance. These writers and others identify many challenges for the university at this time. These include massification, part-time non traditional learning, non-traditional learners, adult and continuing education, the use of technology to aid learning and access, access for under-represented groups, scarce funds, an enterprise agenda, a research agenda, a community agenda, a cultural leadership agenda, increasing competition, increasing collaboration, loss of trust in society that a university qualification can provide a better life experience (Kamenetz, 2010) and the normal management issues that go with running any substantial enterprise.

Not surprisingly the Presidents of the seven Irish universities are fully aware of the international discourse on the purpose, function and role of the university at this time. Their responses in the interviews suggest they want to address the full range of issues and seek agreement with the State how this is done. They are hoping, but are not confident, that the strategic dialogue as recommended in the *National Strategy for Higher Education to 2030* (Hunt, 2011) will create the means by which universities will be funded and empowered to address a full agenda of societal importance. The real

issue for the Presidents is that they do not believe the apparatus of the State, the Department of Education of Skills, the Department of Public Expenditure and Reform and the Department of Finance or the HEA have a full appreciation of the role and function of the university or how it can best contribute to society. In fact they believe the lack of knowledge, skill and expertise creates both a policy deficit in terms of approaches to address the substantial agenda for universities already documented and emerging issues that may not yet be known and creates an incorrectly focused governance and accountability framework which addresses resource usage more than strategy and outcomes. It can also be concluded from the responses received that the Presidents accept governments have national priorities. They have no dispute with Kogan, 1993; Mora, 2001; Duderstadt, 2002; Skillbeck, 2001; T. Christensen, 2010; and others who document the interest of government in university outcomes. However they do not support the concept of “directed diversity” as promoted by the HEA (Boland, 2011, p. 8). They would wish for some flexibility in deciding how their own institution would respond to national priorities set by government. The difference therefore is between a system of higher education as promoted by the State and a landscape of higher education institutions as promoted by the Presidents. In this context ‘system’ implies a more or less centrally co-ordinated, interrelated set of higher education institutions, mutually complementary and individually contributing to an explicit national strategy. ‘Landscape’ implies a more or less organic, loosely coordinated and largely independent collection of higher education institutions subject to individual compliance requirements but with little reference to a central strategic purpose at national level; each institution in more or less free to determine its own mission and its own way of being.

The State representatives all believe that the role of the university must be defined within the objectives set for the overall system of universities. They also support the idea of the ‘buffer body’ acting to mediate the national priorities with individual institutions. Whereas the Presidents would prefer the buffer body to represent its interests to government, the State representatives view the buffer body as assigning objectives to each university based on its strengths and the needs of the overall system to deliver national policy objectives. Clearly these are mutually exclusive, the Presidents preferred option belonging to now defunct paradigm based on an appropriate balance being found between autonomy and accountability whereas the State

representatives are again informing their view based on the new paradigm of university as State agency. The Presidents' responses would suggest that they see a conflict between and strategy setting body and a regulatory body. The Presidents have concerns that the body that seeks financial accountability at a level that, in their eyes, borders on interference and micro-management might also be the body that assigns resources to pursue a strategic agenda of national importance. The State representatives see no conflict between the two functions being exercised by one body. One President (Interview 7) expressed disappointment that the *National Strategy for Higher Education to 2030* (Hunt, 2011) did not recommend the creation of an additional body charged with developing policy and ensuring institutional strategies can deliver national strategies. This President felt such a body "would be transforming" on the higher education landscape.

From the evidence in Chapter 4 the journey of the HEA from advocacy agency in 1980 to regulatory agency in 2010 has been documented. Given the differing views of the Presidents and State representatives on the proper role for the HEA further research is recommended on the evolution of the HEA between 1980 and 2010. Such research could examine the Higher Education Authority Act (1971) and subsequent changes in legislation referencing the HEA, HEA and Department of Education and Skills publications, correspondence from the HEA to the universities, the minutes of HEA formal board and decision-making body meetings and possibly interviews with past and present members of the Authority. The purpose of such research would be to get a clear understanding of the knowledge and expertise of the HEA in relation to third level policy setting and institutional and system governance.

Research into the role and structure of buffer bodies internationally is also recommended. How Ministries of Education or Enterprise liaise with universities and intermediary bodies could be examined. The various types of accountability demanded by the various types of buffer bodies could form part of this research, with the intention of understanding the purpose and intent of the accountability.

Government have a key role to play in addressing the chasm in understanding that exists between the Presidents and the State representatives. A way forward would be for government to convene a conference of Presidents and key policy makers and decision makers in government departments and the HEA to determine how the intersections of

national policy, institutional strategy, accountability for outcomes and accountability for the use of resources can be accommodated while ensuring that the overall university system, or all the universities, maximise their potential and deliver real good for society on a continuing basis. Clarity on how these matters will operate will lead to much better outcomes for society and the universities and will avoid wasting resources arguing over matters which can and should be codified. In creating the structures or codes required to give effect to this recommendation all parties should be cognisant of the public requirement for regulation and accountability and the real absence of trust which has arisen as a result of many failures across many sectors. Those involved should remember the need for sensitivity in the governance of universities as the political world, the bureaucratic world, the academic world and the marketplace come to grips with the idea of the university for the 21st century. The *National Strategy for Higher Education to 2030* (Hunt, 2011) suggests the infusion of skills and knowledge into the HEA can address a key problem – that the HEA is not capable of governing, managing or steering the universities. An infusion of skills and knowledge would be helpful to allow either arm of the HEA, regulator or policy planner, to play its role more fully. However the idea that the body charged with regulation can also be the body charged with policy setting and strategic steering is open to challenge. Lessons learned in other sectors must be heeded.

Chapter 7 Summary findings and recommendations

This chapter summarises the findings, conclusions and recommendations found in this thesis.

Chapter 4 identified that the Irish university/State relationship has moved from one of minor focus on the part of the State in the universities in 1980 to a situation where the universities and their activities are viewed as national assets in the pursuit of economic objectives by 2010. That is not to say the universities were largely autonomous in 1980, the evidence of the Maynooth Archive is that they were substantial areas for which the university required specific State approval for individual decisions, which according to the literature identified in Chapter 1 would normally be governed by autonomous universities. As shown in Figure 6 ‘Governance and accountability framework as at 1980’ the university could not employ and dismiss staff according to its own rules, could not set staff salaries, could not decide student enrolment levels and had only limited autonomy over the level of fees charged to students, in making investment decisions on priority areas for the university or to embark on new academic endeavours. These were all key areas of autonomy identified by Ashby, 1966; Kogan, 1998; and the OECD (2003). The universities, with 14% of the school leaving cohort enrolled in 1980, probably was a more intimate experience than that possible in the universal provision system of 2010 with 63% of the school leaving cohort enrolled in higher education. The university is transformed by 2010 as a result of massification, the recognition that higher education has a role to play in the development of the Irish economy, by the substantial growth in the number of institutions in the Irish higher education system, by the substantial absolute growth in government investment in teaching, by the changes in public governance that have taken place over the intervening thirty years and by the perilous financial state of Ireland in 2010. With the enactment of the Universities Act, 1997 the universities were given very substantial autonomy over a wide range of matters and were substantially fully autonomous as shown in Figure 8 “Governance and accountability framework as at 2000”. However by 2010 this autonomy was coming under pressure. Partly as a result of the national finances and partly as a result of abuses of the autonomy allowed in the Universities Act, 1997 and

reported upon by the C&AG (2010) the universities were being forced to be more accountable in many ways. Specific findings made in this Chapter include

- i. The universities gained significant autonomy over many of the decisions it takes but this autonomy has been counter-balanced by a significant growth in accountability and compliance requirements. The autonomy gained up to the mid-2000s is coming under threat as a result of the deterioration in the national finances and partly as a result of a loss of trust on the part of State arising from findings of impropriety made by the C&AG (2010), particularly the freedom to hire staff, set salaries and invest in university set objectives.
- ii. The nature of internal governance and accountability to the central administration changed over the period. The Universities Act 1997, the power to adopt legally binding university statutes, unit costing, employment control frameworks, quality assurance processes and the responses required from the university to the deterioration in the national finance post 2008 all give rise to additional accountabilities and reporting requirements being placed on university academics and department/unit managers and are leading to the consolidation of decision-making in the university central administration.
- iii. Higher education funding has increased in absolute terms from €64m in 1980 to €1,248m in 2010. Funding per student has grown from €2,450 per student in 1980 to €6, 873 in 2010, about the same level as the year 2000. However the overall proportion of government going into higher education has declined from 1.44% in 1980 to 1.3% in 2010, having risen to 2.2% in the year 2000. This decline has occurred against a background of a growth in the participation rates of the 17-19 year old cohort from 20% in 1980 to 63% in 2010.
- iv. The HEA has migrated from being an advocacy agency on behalf of the universities in 1980 to being a regulator of the higher education system and the evaluator of higher education institution performance. This has led to a disconnect between the views of the Presidents who believe the buffer body should be an advocacy body and the State representatives who believe the buffer body should behave as a regulator.

Chapter 5 examined the views of the Presidents of the seven universities in Ireland and representatives of the State on a number of matters relating to governance, trust,

autonomy, accountability and the role of the university in society. A number of conclusions were reached based on the evidence from the interviews.

1. The Presidents do not feel trusted by the State or its agencies.
2. The Presidents do not trust each other and some Presidents resent the actions of others which have caused public disquiet.
3. State representatives are concerned at some practices in the universities and two universities in particular, arising from matters reported by the C&AG (2010).
4. The universities are trusted by the State, but in a qualified way. The State is confident that the universities can deliver on State policy objectives through close direction from the HEA and monitoring of results by the HEA. The State does accept that the universities have delivered positive results for the country in recent years but that a different approach to strategic development of the sector and the governance and management of institutions is required.
5. The State will require the universities to demonstrate their trustworthiness through reporting and accountability for outcomes and audit arrangements.
6. The State representatives support the recommendations in the *National Strategy for Higher Education to 2030* for greater accountability on the part of the universities.
7. There is consensus amongst the Presidents and State representatives that grade inflation is not taking place in Irish higher education and that the universities can be trusted with quality management. Both the Presidents and State representatives are satisfied with academic standards in Irish universities and the wider higher education system.
8. The State has confidence that the universities will deliver on agreed national priorities and will monitor that delivery through reporting and accountability to the State. Non-delivery will be punished through the management of financial resources on the part of the State.
9. A growing burden of accountability, including financial accountability, is confirmed by the Presidents as is a growing burden of compliance with new and existing legislation.
10. The Presidents do not believe the agencies of the State have the knowledge or expertise necessary to guide the universities or determine a strategic direction for them.

11. Both Presidents and State representatives accept that better and more open communication between the universities and the State is necessary.
12. Both Presidents and the State representatives agree that there exists a need for new skills to be brought into the HEA.
13. The State representatives believe a more regulatory environment will emerge in the years ahead.
14. The Presidents and the State representatives have different views on the role and purpose of the HEA.
15. Irish universities are largely managed using a 'strengthened steering core' approach as described by Clark (1998).
16. The Presidents believe strong internal and external governance are good for universities.
17. The Presidents are concerned that entering strategic dialogue with the State and entering strategic dialogue with the HEA may not be the same thing, at least until the HEA addresses the skills gap identified in the Hunt Report (2011).
18. A strong developmental and policy driven HEA has strong support amongst the Presidents and the State representatives provided the correct skills and experience are present in that agency.

This Chapter makes an overall conclusion that the conditions necessary for a trusting relationship between the universities and the State do not exist in Ireland at the present time. Chapter 5 suggests this is likely to do with failures of regulations in many sectors in Ireland, the state of the national finances, poor communications between the parties on their respective roles and, uniquely to Ireland, the fall-out from unapproved departures from public pay scales paid to senior university personnel.

Chapter 6 contains the most significant finding in this thesis is that the university has been co-opted by the State for State purposes. The university has become both an intellectual IDA and a knowledge infrastructure investment to support economic development and attract foreign direct investment. It is no longer a service to the State, but a public service. Throughout this thesis a number of recommendations have been made for further research in the areas of governance, accountability and autonomy.

This thesis contains a number of recommendations for further academic research in the area of university governance and two specific policy related recommendations to do with the implementation of the *National Strategy for Higher Education to 2030* (Hunt, 2011). It is recommended further research is carried out into the apparent disconnect between the drivers for the internal compliance and accountability burden and the external compliance and accountability burden and where each burden is most acutely felt. The role of the university administration in creating the demand for information to monitor its own performance and return summary data to the agencies of the evaluative State should be understood. How the demands of internal accountability align with internal autonomy and decision-making should be examined to ensure there exists appropriate consistency between internal and external accountabilities.

A related piece of research is also recommended. Using the approach adopted in the analysis of the Maynooth Archive in Chapter 4 the decision-making carried out in the academic councils of a number of universities over a period of time could be analysed. The purpose would be to identify if the collegiate council had lost influence or importance over the period. The research could examine the nature of decision-making in other fora also, including the executive management team, the governing body or perhaps the President's Office.

Given the differing views of the Presidents and State representatives on the proper role for the HEA further research is recommended on the evolution of the HEA between 1980 and 2010. Such research could examine the Higher Education Authority Act (1971) and subsequent changes in legislation referencing the HEA, HEA and Department of Education and Skills publications, correspondence from the HEA to the universities, the minutes of HEA formal board and decision-making body meetings and possibly interviews with past and present members of the Authority. The purpose of such research would be to get a clear understanding of the knowledge and expertise of the HEA in relation to third level policy setting and institutional and system governance.

Research into the role and structure of buffer bodies internationally is also recommended. How Ministries of Education or Enterprise liaise with universities and intermediary bodies could be examined. The various types of accountability demanded by the

various types of buffer bodies could form part of this research, with the intention of understanding the purpose and intent of the accountability.

This thesis also concludes that the factors necessary for a trusting relationship between university and State do not exist in Ireland today. To address this a conference, convened by government, attended by Presidents and key policy makers in various government departments and the HEA should be held to determine how the intersection of national policy, institutional strategy, accountability for outcomes and accountability for the use of resources can be accommodated while ensuring the overall university system, or all the universities, maximise their potential and deliver real good for society on a continuing basis.

It is recommended an Irish 'Financial Memorandum' should be published which sets out the probity requirements on the university State agency and the accountability related to that exercise of probity. This should be negotiated and published at an early stage of the process leading to the implementation of the recommendations of the *National Strategy for Higher Education to 2030* (2011).

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Appendix 2

Semi-structured interviews with university Presidents

President, thank you for agreeing to meet with me today. Before I begin can I confirm you are the President of [name university], a university established in [insert year] and currently with [insert number] staff of which [insert number] are academic staff. You have roughly [insert number] FTE students of which [insert number] and undergraduates and [insert number] are postgraduates. Your annual budget from the HEA is [insert amount] of which [insert amount] comes through free fees, [insert amount] comes through core recurrent grant and the balance coming from specialist funding. Is this correct?

To allow me get an understanding of the governance of [name university] can I inquiry on the nature and level of communications and collegial decision making at the university. I am referring to genuine participation in decisions and not just consultation about decisions or the impacts of decisions. Can you talk to me a little about the situation at [name university].

President, Can you comment on whether you have experienced an increasing burden in terms of accountability and compliance? Can you describe how this increasing burden has manifested itself? Are you, is this university satisfied with the burden/additional burden?

Deep down do you believe “the State” – HEA, DoES, DoF, Ministers, Civil Servants – trusts you, [name university] “to do the right things and that you do them right”. Do you think that the university and the State share an understanding of “the right things”?

Do you believe the current governance relationship between universities on the one hand and the HEA and the State on the other hand are fit for purpose? Do you believe the structures in place are as good as they could be or do you think improvements could be made? Finally on this topic if you had a blank sheet of paper to develop a new

relationship structure between the universities and the State would it be similar or different to that existing today and why?

President, you will be aware of recent public comment on dumbing down and grade inflation. Do you feel the coverage might have any impact on the confidence and trust of the public in [name university] or any knock on affect on the State's confidence in [name university].

The objects of a university are set out in the *Universities Act, 1997*. The strategic intent of [name university] is set out in your latest strategic plan. From your perspective as Chief Officer, do you feel the nature and extent of governance and accountability requirements helps or hinders the university go about its business?

Semi-structured interviews with State employees

Madam/Sir thank you for agreeing to meet with me today. In arranging this meeting I have outlined the nature of my research investigation. From where you sit do you believe the universities as institutions are trustworthy? If it helps I think you might confirm yes if you normally accept the utterances of the universities in relation to third level policy for example. You might also answer yes if you think the universities are fully compliant or endeavour to be fully compliant with all legislative requirements and government guidelines. You might answer no if you think the universities as institutions are less than transparent about their policies, procedures and matters governed by public policy.

Does recent public comment on dumbing down in third level affect your confidence in the universities as a whole or in any individual university?

Do you believe the current governance relationship between universities on the one hand and the HEA and the State on the other hand are fit for purpose? Do you believe the structures in place are as good as they could be or do you think improvements could be made? Finally on this topic if you had a blank sheet of paper to develop a new relationship structure between the universities and the State would it be similar or different to that existing today and why?

Hardin, a writer on trust between the citizen and the State has identified certain citizens do not trust institutions of the State but do trust individuals within institutions. Are there any parallels between the State and the universities?

Madam/Sir thank you for your cooperation and openness here today. Goodbye.

I have deliberately developed the questions as open ended questions to allow the interviewees express their views fully and to give them scope to raise any matter they wish when answering the broad questions. I will probe the interviewees on their answers to ensure I understand their position in relation to the big question of trust.

Appendix 3

NATIONAL UNIVERSITY OF IRELAND MAYNOOTH

Financial Statements
Year ended 30th September 2011

Statement of Corporate Governance

The National University of Ireland, Maynooth is committed to operating best practice in all aspects of corporate governance. This summary describes the manner in which the university has applied the principles set out in the “Governance of Irish Universities” document agreed between the university and the Higher Education Authority during 2007 and adopted by the Governing Authority of NUI Maynooth in June 2007. Its purpose is to help the reader of the financial statements to better understand how the principles have been applied and to obtain a better understanding of the governance and legal structure of the university.

The university is recognised as an independent legal entity under the *Universities Act 1997*. Section 14.1 of that act provides that a university shall “have the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct its internal and external affairs and be entitled to regulate its affairs in accordance with its independent ethos and tradition”.

The **Governing Authority** of the National University of Ireland, Maynooth is the main governance and decision-making entity within the university. Under the *Universities Act 1997* “the functions of a university shall be performed by or on the direction of its governing authority” and “all acts and things done by a governing authority, or in the name of or on behalf of the university with the express or implied authority of the governing authority, shall be deemed to have been done by the university”.

The membership of the fourth Governing Authority of the National University of Ireland, Maynooth is made up of 29 members and is as representative as possible consistent with the provisions of the *Universities Act 1997*. In addition there has been an independent Chairperson since 2004. Baroness Nuala O’Loan was elected Chairperson in February 2011.

Half of the membership is drawn from outside of the university community (lay membership) and half is drawn from the university community including three student representatives. The decisions of the Governing Authority are published on the university’s website www.nuim.ie. Under section 34 of the *Universities Act 1997* the Governing Authority shall approve the strategic plan of the university and ensure a copy of the strategic plan is sent to the Minister for Education and Science and to the Higher Education Authority.

The Bursar acts as Secretary to the Governing Authority.

The **Academic Council** is the academic authority of the university and draws its membership entirely from the academic staff, students and academic support services staff of the university. Its role is to control the teaching and research work of the university.

The principal academic and administrative officer of the university is the President. The President has a responsibility to the Governing Authority for maintaining the efficiency and good order of the university. The President can be summoned to appear before the Public Accounts Committee or other Committees of the houses of the Oireachtas. Professor Philip Nolan was appointed President in August 2011.

The financial management of the university is prescribed under various sections of the *Universities Act 1997*. The President is supported by a University Executive team comprising the Deputy President and VP for Innovation, the Registrar, the Bursar, the VP for Research, the VP for International Affairs, the Director of Corporate Services, the Director of Human Resources, and the Deans of Faculty and Graduate Studies. The structure of the University Executive is under review.

The Governing Authority meets six times a year. In addition, the Governing Authority has established three standing committees of the Governing Authority with written terms of reference and specified membership including lay membership. The Audit and Risk Assessment Committee is chaired by an independent lay member of the Governing Authority.

The Audit and Risk Assessment Committee meets four times a year with the university's external auditors in attendance at two of those meetings. It considers detailed reports together with recommendations for the improvement of the university's systems of internal control and management's responses and implementation plans. The Committee reports directly to Governing Authority and has the authority to call for any information from the finance office, the senior officers of the university, from internal and external auditors and others who it considers necessary to discharge its responsibilities effectively. The Bursar attends meetings of the committee on request. The Administrative Officer supporting the Governing Authority acts as Secretary to the Committee. The Bursar is not a member of the Committee. Whilst other senior officers attend meetings of the Committee from time to time by invitation, they are not members of the Committee. Once a year, the Committee meets the external auditors on their own for independent discussions. During 2011 the Committee met with a senior representative from the Office of the Comptroller and Auditor General. This was the first such meeting between the Committee and the Comptroller and Auditor General.

The Planning, Development & Finance Committee has oversight responsibilities in the areas of operational planning and budgeting, quality assurance, fee structure, student support services, procurement, asset management, campus development, health and safety, the promotion of the Irish language and the judicious use of the university seal. The Committee meets six times a year. The Committee is chaired by the President and the Director of Corporate Services acts as Secretary to the Committee.

The Human Resources, Staff Development & Equality Committee has oversight responsibilities in the areas of staff planning, staff selection and promotions procedures,

sabbatical leave procedures, staff policies, counter-acting sources of discrimination and the promotion of equality. The Committee meets four times a year. It is chaired by the President and an independent officer acts as Secretary to the Committee.

The Senior Officers of the University meet on a regular basis and receive reports on key performance and risk indicators and consider possible control issues brought to their attention by early warning mechanisms which are embedded within operational units (including faculties and departments).

The university maintains a Register of Interests of members of the Governing Authority and of senior officers and staff in accordance with its legal obligations under the *Ethics in Public Office Acts 1995 & 2001*.

Statement on Internal Control

In order to comply with Section 2.10.4 of the Code ‘Governance of Irish Universities’ the Governing Authority of NUI Maynooth states:

- NUI Maynooth adopted the Higher Education authority/Irish University Associations Code ‘Governance of Irish Universities’ in June 2007 with minor adjustments to reflect items unique to NUI Maynooth.
- A Code of Conduct for members of the Governing Authority was approved in June 2009 and brought to the attention of all members of the fourth Governing Authority on its establishment in October 2010.
- A Code of Conduct for staff was approved in September 2009 and is brought to the attention of all new staff as they join the university.
- No financially significant developments other than those disclosed in the annual Accounts took place in the financial year to 30th September 2011. No new joint ventures were entered into during the year.
- The university and its subsidiary companies endeavour to comply with public pay guidelines and the Framework for Departures from Approved Levels of Remuneration agreed with the HEA under Section 25 of the *Universities Act 1997*. In carrying out a review of Management and Control in the Third Level Sector the Comptroller & Auditor General made observations on the remuneration of three staff at NUI Maynooth (Report 75). The HEA requested the university to regularise all matters relating to these staff members during the year 2010/11. This process has now been completed and all matters have been regularised. The university has appropriate procedures for the timely production of annual financial statements.
- The university outsourced its internal audit service to Mazars in September 2008. The Internal Auditors are fully aware of the HEA/IUA Code of Governance and the expectations in relation to Internal Audit and the annual Statement of Internal Control. Internal Auditors carry out an annual programme of risk based audits with reporting to the Audit & Risk Assessment Committee who notify any significant items to Governing Authority. During 2010/11 no significant items were reported to the Governing Authority.
- The university confirms that procurement procedures are in place and have been communicated to all budget holders. The procedures reflect EU Directives, legislation and Government policy as we understand them. The Internal Auditors carried out a detailed study into the operation of the procedures during 2007 and again in 2010. No material non-compliance issues were identified. To the best of

NUI Maynooth's knowledge and belief the university has been compliant with the published procedures.

- The disposal of university assets to third parties and employees is governed by procedures communicated to all staff. To the best of NUI Maynooth's knowledge and belief the university has been compliant with these procedures.
- NUI Maynooth has put in place processes and procedures to ensure compliance with the Guideline of the Appraisal and Management of Capital Projects issued by the Department of Finance in February 2005.
- NUI Maynooth has to the best of its knowledge and belief followed the Guidelines in achieving value for money in public expenditure as set out in the address by the Minister for Finance on 20th October 2005 and communicated to Universities.
- NUI Maynooth seeks to be compliant with taxation laws and is committed to ensuring that all known tax liabilities are paid at the relevant due dates.

The Governing Authority acknowledges its responsibility for the university's system of internal control; covering all material controls including financial, operational and compliance controls and risk management systems, that support the achievement of the university's policies, aims and objectives, while safeguarding the public and other funds and assets for which the Governing Authority is responsible.

The system of internal control is designed to manage rather than eliminate the risk of failure to achieve policies, aims and objectives or to conduct affairs in an orderly and legitimate manner. To that extent it can, therefore, only provide reasonable and not absolute assurance of effectiveness.

The Governing Authority is of the view that there is an ongoing process for identifying, evaluating and managing the university's significant risks to the achievement of strategy, policies, aims and objectives, that has been in place for the year ended 30th September 2011 and up to the date of approval of the annual accounts, and that it is regularly reviewed by the Governing Authority.

The following processes have been established by Governing Authority for reviewing and evaluating the effectiveness of the systems of internal control:

- The Audit and Risk Assessment Committee has been established with terms of reference and an Audit Charter consistent with the governance guidelines laid down in *Governance of Irish Universities: A Governance Code of Legislation, Principles, Best Practice and Guidelines* published jointly by the HEA and IUA in 2007.
- During the year under review and up to the date of approving the Statement of Internal Control the independent internal auditors, Mazars have presented the following reports to the Audit and Risk Assessment Committee:
 - Internal Audit Work Programme (March 2011)
 - IT Security Review (March 2011)
 - Payroll Procedures Review (February 2012)
 - Internal Financial Controls Review (February 2012)

No findings requiring immediate action or notification to the full Governing Authority were reported. Mazars and the Audit and Risk Assessment Committee have both expressed themselves satisfied with management

responses and action plans, if implemented, to address the risk areas identified. Management have confirmed that work is completed or ongoing in all areas in line with the documented management responses.

During 2010/11 Deloitte completed the external audit of the Consolidated Accounts and Harmonised Accounts for 2009/10. A 'management letter' was received by the university in February 2011. No material misstatement, error or fraud was reported. Findings were made in relation to controls in operation in the financial applications (HR, Payroll, Accounting) in use in the university. The report was presented to the Audit and Risk Assessment Committee in February 2011. The Auditors and Committee expressed themselves satisfied with the management response and actions identified to address the weaknesses identified. Management have confirmed work is either completed or ongoing in relation to the findings.

During the year under review the Comptroller & Auditor General carried out audit field work in relation to the Statutory Audit of the Accounts for the year ended 30th September 2010. On 11th October 2011, an Audit Report was received for 2010. There are ongoing discussions between the Office of the Comptroller & Auditor General and the university relating to three possible management letter points.

- Regular Senior Officers meetings, chaired by the President, are held to address ongoing issues and the implementation of objectives agreed with the Governing Authority. Control issues emerging are addressed at these meetings. The meetings are minuted and the minutes are available to the Audit and Risk Assessment Committee, Internal Auditors, External Auditors and the Comptroller & Auditor General.
- A formal process is undertaken on an annual basis to identify evaluate and mitigate risks. The Risk Register is updated annually following wide consultation in the university. Matters raised by the university community are collated by a sub-committee of senior officers and a primary risk register and summary risk register are presented to Governing Authority. The process leading to the final document is reviewed by the Audit and Risk Assessment committee. The Director of Corporate Services is the custodian of the Risk Register and monitors movements throughout the year. Any significant change in risk is brought to the attention of the Senior Officers meeting, the Audit and Risk Assessment Committee and Governing Authority.
- The key information systems in use at the university are the Student Records System, the General Ledger and Payments System, the Payroll System, the HR System, the funded Grants Applications System, the e-Learning System, email and the Financial Reporting System. The systems are managed by the Computer Centre. The Director of the Computer Centre reports to the Deputy President. The Computer Centre present an annual report to the Academic Council Support Services Committee and to the Information Technology Management Steering Committee (ITMSC), a sub-committee of the University Executive. The President chairs this Committee.

Budgets are prepared using systems data extracted by the Bursar's Office and assumptions made. A working budget is adopted by Governing Authority, usually in September before the commencement of the financial year. This working budget is then updated following the outcome of the HEA Annual Recurrent Grant distribution process. A revised budget is presented to Governing Authority in February each year. The Bursar updates the Authority on material variances from the budget at other meetings. Prior to the year end an estimated outturn versus the budget is presented. Since the year-end, the University Executive have held two detailed workshops on resource allocation in the university and the systems and processes used to distribute budgets and control costs. The President has indicated to Governing Authority that he wished to see modifications to the resource allocation model for 2012/13.

- Quality is of primary importance to the university. During 2008/09 a senior academic staff member was appointed Director of Quality for the first time. The Director retired at the end of 2010/11 and the responsibilities of the post were transferred to the Deputy President. All academic departments are externally reviewed on a rolling five year cycle. Findings are brought to the attention of the President and Academic Council. They also feed into the annual budget setting process if required. Support service departments follow a similar cycle.

The university was the subject of an institutional review by international experts using guidelines agreed by the Irish Universities Quality Board. The report of the expert group has been published on the IUQB website. The recommendations of the review team were considered by senior management, Academic Council and Governing Authority and a formal implementation plan to address the recommendations was agreed by Governing Authority. Progress on the agreed plan was reported to Governing Authority in September 2011 and noted by that body. In addition, Annual Reports are made to the IUQB. Implementing the agreed recommendations is the responsibility of the Deputy President.

- The Governing Authority has undertaken a review of the effectiveness of the system of internal control. The Governing Authority review of the effectiveness of the system of internal control is informed by the university's Internal Auditors in conjunction with the work of senior officers and other assurance functions. The Internal Auditors submit regular reports which include an independent opinion on the adequacy and effectiveness of the university's system of internal control, with recommendations for improvement. The Governing Authority review of the effectiveness of the system of internal control is also informed by the work of Senior Officers within the university, who have responsibility for the development and maintenance of internal control framework, and by comments made by the external auditors in their management letter and other reports. As a result of the overall review of the effectiveness of the system of internal control the Governing Authority, external audit, internal audit and the senior officers of the university have identified no material weaknesses.

The subsidiary companies do not employ any staff directly. Staff of the university carry out duties related to the activities of the subsidiary companies and the university charges the subsidiary for these services. The Governing Authority confirm that:

1. Each subsidiary has a Board of Directors drawn from the Senior Officers of the university, who are also members of Governing Authority and the Code of Governance agreed between the HEA and the university applies to the activities of the company as does the Code of Conduct for staff and the Code of Conduct for members of the Governing Authority. The normal policies and procedures of the university apply to the subsidiary companies.
2. Each subsidiary produces its own financial statements which are independently audited. All subsidiaries are included in the Consolidated Financial Statements.
3. Formal institutional arrangements are in place for reporting including reporting to the Audit and Risk Assessment Committee and the Governing Authority on an annual basis.

Active subsidiaries have written to the Governing Authority acknowledging the responsibilities of the Directors for governance to the standards demanded by the university's own Code of Governance.

Statement of Responsibilities

The university is required to comply with the Universities Act 1997, and to keep in such form as may be approved of by An tÚdarás Um Ard-Oideachas, all proper and usual accounts of money received and expended by it. In preparing those Accounts, the university is required to:

- select suitable accounting policies and apply them consistently
- make judgements and estimates that are reasonable and prudent
- prepare the financial statements on the going concern basis unless that basis is inappropriate and
- follow applicable accounting standards, subject to any material departures being disclosed and explained in the financial statements.

The university is responsible for keeping proper books of account which disclose with reasonable accuracy at any time the financial position of the university and which enables it to ensure that its financial statements comply with the Universities Act 1997, the Statement of Recommended Practice – “Accounting for Further and Higher Education Institutions” and are prepared in accordance with accounting standards generally accepted in Ireland. The university is also responsible for ensuring that the business of the university is conducted in a proper and regular manner and for safeguarding all assets under its operational control and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Signed on behalf of the Governing Authority on 16th February 2012

Professor Philip Nolan
President

Mr Mike O'Malley
Bursar

Appendix 4

Interview Summary Findings

Topic	Presidents	State reps.	Comment	Conclusion
1. Trust				
1.1 Uni to State	No			Overall consistency in the understanding of the status of trust in the relationship i.e. only qualified trust exists.
1.2 State to Uni		No	A qualified trust subject to evaluation. C&AG Report (2010) cause of concern. State finances cannot be ignored.	
1.3 Grade inflation: Agree not a problem	Yes	Yes	Both happy with academic standards	
2. Autonomy & Accountability				
2.1 Satisfied with burden	No		View some of burden as interference.	Government need to facilitate a round-table conference on accountability and role of the HEA. Codify strategic measurement, probity accountability and limits to autonomy. Financial memorandum.
2.2 Nature of requests	No		Operational, not strategic focus. Possible 'siege mentality'	
2.3 Burden on universities		Yes	Universities must show results and probity	
2.4 Nature of request		No	Prefer greater mission focus within system	
2.5 Accountable for outcomes	No	Yes	Philosophical differences on accountability.	
2.6 More skills in HEA	Yes	Yes	Agreement HEA has a skills gap.	

3. Purpose of Uni				Better and more open comms are required between Unis and the State. Strategic dialogue might bridge this gap, provided done sensitively.
3.1 State understand unis	No		Need more expert skills Accept better communications required	
3.2 State can oversee Hunt	No		Skills gap again	
3.3 Understand uni agenda		Yes	Broad but must focus on State concerns	
4. Architecture of governance				A better equipped HEA is desired by all.
4.1 Buffer body appropriate	Yes	Yes	Different emphasis: advocacy vs. regulatory.	
4.2 satisfied with internal gov.	Yes		Strengthened steering core is norm linked to representative bodies and units within uni & HEA and other agencies outside.	
4.3 Support governance per se	Mixed	Yes	On balance it is accepted here to stay.	

Table 2: Point of agreement and disagreement: University Presidents & State representatives Summer 2011