ACCORD submission in response to: ToR 4 Governance, accountability and community - Enhance regulatory and workplace relations settings to support universities to meet their obligations to both staff and students. - Explore the contribution that higher education makes to the Australian community, national security, and sovereign capability. and Q36 Discussion Paper What regulatory and governance reforms would enable the higher education sector to better meet contemporary demands?

SUMMARY: Competing demands for greater accountability and reduced regulatory burdens may be addressed by strengthening internal academic governance mechanisms, in order to provide greater assurance that public goods are being achieved, and thereby also confirming to the community that expectations are being met so that institutional trust is also maintained, which in turn should justify greater institutional autonomy, including for funding allocations and strategic direction.

INTRODUCTION: Responses to the Accord agenda reviewed by the Nous Group consultation report highlight competing demands within the sector for more funding and less red tape, on the one hand, and, on the other, a desire for greater accountability. The first concern – essentially about sovereign risk – has become more pressing, given that funding has declined and/or become increasingly tied over time, and regulatory burdens have concomitantly increased. Allied with this view is a preference for greater autonomy and self-governance, including more untied funding and alleviation of reporting burdens. The second concern – which is essentially related to trust – reflects a perception that business motives have circumscribed the public goals of universities. The sector still enjoys relatively high trust (Biddle and Reddy, 2019). However, this is unable to be taken for granted, as there is declining trust in society more generally, and in public institutions particularly (see Edelman, 2022), and with a concerning deterioration of trust in expertise and science (Atkins and Menga, 2021; Frunzaru et al., 2018; Motta, 2018). Although the two positions appear to be in contradiction the tension may also reveal a solution. The solution that is proposed here is to strengthen and improve internal accountability via academic governance, thereby engendering and securing greater public trust, and in so doing also earning enhanced autonomy. Academic Boards/Senates form a vital part of the university governance ‘triumvirate’ which also includes the executive (Vice Chancellor and senior management), and Council. Carnegie and Tuck (2010, 432) describe these bodies as the three key components of university governance: “academic governance, business governance and corporate governance. Respectively, these components of university governance … are concerned with scholarship, performance and conformance and they are each integrated into a governance framework for effective university-wide governance.” Unfortunately, academic governance is often overlooked, or under-estimated (Rowlands, 2017). If internal accountability were to be strengthened by improving academic governance, greater assurance that public good objectives will be met may be provided – and community expectations and trust assured – thereby earning greater institutional autonomy regarding strategy and spending, and in turn alleviating the burden of external oversight, with mutually reinforcing and reciprocal benefits for the sector, society, and the state.

DISCUSSION AND CONCLUSIONS: Universities are dependent on state funding and must be held accountable for achieving public goods, in knowledge generation and sharing and in building a civil and sustainable society. The need for the latter has increased, while state support for the university sector has declined, in style and in substance, particularly recently, with priority placed on utilitarian and economic outcomes rather than other public goods, and increasingly coming with strings attached – which cumulatively act as significant constraints on either agenda being achieved (see Degn and Sørensen, 2015). The repercussions of this situation are serious, including growing reliance on alternative sources of funding, notably via the international education market and commercial partnerships, which carry risks as well as benefits (see Evans and Stone, 2021; Heller, 2022). In particular, the increasingly animated business models adopted by universities in pragmatic response to the funding environment risks undermining academic standards and thereby also threatening public trust, as well as engendering a growing appetite for greater accountability. Accord submissions highlighted perceptions of the changing role of higher education in Australian society, which increasingly reflect corporate interests that are feared to be undermining the sound governance, accountability and community engagement of diverse institutions (Nous, 2023, p. 64). Specifically, the Nous report highlights that there are “perceptions of a trend of neo-liberalisation and corporatisation among universities” and that “many submissions cited general, and sometimes specific, concerns about university policy changes that are characteristic of a trend of neo-liberalisation, corporatisation, and/or privatisation” (p 69). There were multiple submissions expressing “concern that universities, often in line with the perceived trend of acting increasingly like private corporations motivated by profit, are neglecting more traditional foci on intellectual pursuits” (Nous, 2023, p 70). A few submissions “called for greater oversight for, and accountability of, university council members, vice chancellors, and other senior administrators. Some submissions alluded to concerns about the public accountability of Australian universities, or otherwise criticised what are perceived to be excessively high salaries of senior executives” (Nous, 2023, p 74). University councils were criticised as being “un(der)representative and motivated by corporate interests. Some submissions alluded to university councils and governing bodies being more motivated by profit-driven interests than academic ones, exemplifying tensions between corporate and academic priorities across universities. Submissions called for a greater academic voice and representation in university governance” (Nous, 2023, p 82). Strong and effective academic governance is recognized as vitally important in the research literature and by a range of stakeholders, including external regulatory bodies. Michael Tomlinson (2018), then with TEQSA, identified that the “importance of strong academic governance…cannot be overstated” and that it is essential for ensuring compliance via “competent academic oversight and monitoring of all academic activities at the institutional level”. Tomlinson (2018) notes that “…for a provider to operate effectively and efficiently, a strong and respectful relationship must be fostered between the corporate and academic governing bodies and management…This respectful relationship should allow academic governing bodies to have a fundamental influence on the operations of a provider.” The scope of academic governance thus goes beyond quality assurance and the literature foregrounds the importance of the academic voice and collegiate decision-making, including in improving student experience (Wojcieszek et al., 2014), better research performance (Antoni et al., 2021), effective leadership, and increased job satisfaction (Bryman, 2007; Burnes et al., 2014; Victorino et al., 2018) (see also Henkel, 2002, p 34; Michavila and Martinez, 2018). Collegiate decision-making embodies good governance ideals of participation, consultation, shared power, consensus, equality and egalitarianism, as well as citizenship and community membership, of both institutions and disciplinary communities (see Elton, 2008; Kligyte & Barrie, 2014). Shattock (2012) and Karran and Mallinson (2019) note that UK institutions who have retained collegiate decision-making continue to be more successful (see also Michavila and Martinez, 2018). The UNESCO Recommendation on Higher Education Teaching Personnel (1997) highlights the relationship between collegiate decision-making and autonomy, providing that academics should have “…the right and opportunity, without discrimination of any kind, according to their abilities, to take part in governing bodies … and they should also have the right to elect a majority of representatives to academic bodies within the higher education institution” (cl 31). The research evidence highlights the value of including the academic voice on University Councils, as well as on Academic Boards/Senates. Both teaching and research performance may be improved by having greater numbers of internal rather than independent members on Council, and that “…committees showed a negative relationship with teaching performance, suggesting that excessive monitoring may negatively influence teaching quality” (De Silva Lokuwaduge and others, 2015a, p. 811; see also 2015b). Shared governance models like the ‘triumvirate’ exhibit best practice features of good governance, particularly of New Public Governance, which are notably akin to those of collegiate decision-making, including collaboration, inclusiveness, and trust (Dickinson, 2016; Osborne, 2006; Shattock, 2012; Trakman, 2008). Such models have historically been dominant in universities but have been weakened over time (Rowlands, 2017) and current practices appear to be falling short. It has been calculated that 47% of adverse TEQSA decisions (including conditions on re-registration) between 2018 and 2021 were due to issues within sub-domain 6.3 of the HESF (Winchester, 2021). Strengthening academic governance therefore would be a productive way forward. Rowlands (2017) has identified the following challenges to strengthening academic governance: 1.Power imbalance or failure to exercise powers or be heeded 2.Lack of Academic and Student Voice 3.Symbolic rather than meaningful role 4.No role in strategy 5.Role and responsibility confusion. Rowlands (2017) also helpfully provides solutions: 1.Prioritize role of Academic Board 2.Build trusting relationship with Executive 3.Build meaningful role in quality and assurance 4.Build capacity of Academic Board Committees 5.Recognise role in planning and strategy 6.Strengthen exercise of powers 7.Recognise hidden and ‘soft’ functions. Building appropriate internal accountability through strengthening academic governance is a critical step in ensuring that universities retain their public good orientation as primary and to maintain trust in the sector, including so that government support may be able to be provided in ways which give greater institutional freedom and autonomy. In order for this be achieved, there need to be systemic supports for collegiate decision-making, for strengthened academic governance and increasing academic representation in the membership and functions of university decision-making bodies.

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