# GOVERNANCE, MANAGEMENT, LEADERSHIP AND REGULATION ISSUES IN HIGHER AND TECHNICAL EDUCATION

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**Summary:**

This paper provides an overview of the governance, management, leadership and regulation issues in higher and technical education. The TEQIP Good Practice Guide for Governing Bodies (Dec 2012) discusses several important issues of good governance, such as: goals of good governance, benefits of good governance and the primary accountabilities of governing bodies. The distinction between governance and management is brought out. The characteristics of good leadership are discussed. The issues of regulation and national and international perspectives on regulation are described.

## Introduction

Two statements describe the role of good governance and the status of regulation of higher and technical education in India:

What we need are: Minimum government and maximum governance.

Our higher and technical system is over-regulated and under-governed.

This article discusses several aspects of not only governance and regulation but also management and leadership.

## Governance Issues

### *Definition of Governance:*

A general definition of governance refers to the distribution of authority and functions among the units within a larger entity, the modes of communication and control among them, and the conduct of relationships between the entity and the surrounding environment.

## Governance in Higher Education:

Governance in higher education refers to the means by which higher educational institutions are formally organized and managed, though often there is a distinction between definitions of management and governance. Simply put, university governance is the way in which universities are organized and operated.

What are we trying to achieve with "governance"? That an organization stays true to its aims and objectives;that all stakeholders' interests are understood and respected;that the organization's wider obligations to society are understood.

A TEQIP Task Force has produced the TEQIP Good Practice Guide for Governing Bodies (Dec 2012). The Statement of Purpose asserts that the sole purpose of good governance is to support the mission and objectives of individual institutions. As far as the need for good governance is concerned , good governance ensures that stakeholders, including students, faculty and institutional management, as well as those from the wider society, have full confidence and trust in our institutions – and that all those who have governance responsibilities and accountabilities, both within and outside institutions, carry these out effectively. 'Good governance creates a sound, ethical and sustainable strategy, acceptable to the institution as a whole and to other key stakeholders'. 'Good governance facilitates decision- making that is rational, informed and transparent which leads to organizational efficiency and effectiveness that supports and fosters the development of high quality education and research'.

## Goals of Good Governance:

Good governance allows an organization to have a "big picture" vision and appropriate strategies to realize that vision; be accountable to its stakeholders; achieve its stated objectives; and supports its employees to pursue the full range of their job descriptions.

## Benefits of Good Governance:

- Ensuring openness, transparency and honesty in their operations for becoming well-known and competitive, both nationally and internationally.
- Gaining stakeholder confidence, respect and admiration and enhancing their image, visibility, reach and credibility.

- Helpful to governing bodies in identifying gaps and developing good practices to be able to follow well -accepted international practices.
- A good governance system helps to create a stimulating 'ecosystem' to attract talented faculty and motivates them through a performance- based reward structure.
- An enlightened governance system stimulates a culture of innovation, encourages large-scale faculty development programmes, improves productivity and supports the sustainability and development of institutions.
- Enhanced reputation, credibility, brand value.
- Earn the trust and confidence of all stakeholders.
- Attraction for good faculty and students.
- Enhanced possibility of international collaborations and industry partnerships.
- Better motivation for alumni to engage with the institution and provide support.
- Become a benchmark institution.

## University Governance

Michael Shattuck defines university governance as the "the constitutional forms and processes through which universities govern their affairs". "Governance and Management are theoretically separate functions: management is more about the preparation of policy proposals; the implementation of what is agreed and the efficient and effective deployment of resources.

## The Four Primary Accountabilities of Governing Bodies:

1. To approve the mission and strategic vision of the institution, long-term business plans and annual budgets.

2. To ensure the establishment and monitoring of proper, effective and efficient systems of control and accountability.

3. To monitor institutional performance and quality assurance arrangements.

4. To put in place suitable arrangements for monitoring the head of the institution's performance.

*A couple of examples of good (and bad) practice:*

Does the governing body meet regularly? Is there clear evidence that members of the governing body attend regularly and participate actively?

Has there been accreditation and/or external quality assurance by a national or professional body?

*Summary of major characteristics of good governance:*

Table I provides a summary of the major characteristics of good governance.

**Table I Major Characteristics of Good Governance**

| Facet | Description |
|---|---|
| Participatory | Participation by persons irrespective of gender, caste and economic status in decision-making and implementation. |
| Consensus oriented | Arriving at win-win solutions for all, and ruling out extreme measures as far as possible. |
| Accountability | Responsibilities are clearly defined and award and punishment are stipulated. |
| Transparency | Information about decision is easily accessible to all in understandable form. |
| Responsive | All the stakeholders are served within a reasonable time by the governing machinery. |
| Effectiveness | Implementation is done in accordance with the agreed decision and taken to the logical end. |
| Efficiency | Implementation is done in energy efficient, eco-friendly and sustainable manner. |
| Equity | Fair distribution of resources and responsibilities among all the stakeholders. |
| Inclusiveness | Needs of economically weaker segments, women, children, senior citizens and physically disabled persons are adequately addressed in any scheme. |

# Management

## Governance vs Management

While "governance" is the strategic task of setting the organization's goals, direction, limitations and accountability frameworks, "management" is the allocation of resources and overseeing the day-to-day operations of the organization. Governance is the structures and processes by which an organization sets goals, monitors performance, maintains viability and ensures compliance with legal requirements and ethical standards. Governance determines the "what?" - What the organization does and what it should become in the future. Management determines the "how?" - How the organization will reach those goals and aspirations.

While governance pertains to the vision of an organization, and translation of the vision into policy, management is all about making decisions for implementing the policies. While the Board of Governors forms the core of governance, Director / Principal and Deans and HoD's form part of the management.

# Leadership

## Leadership

Leadership is "organizing a group of people to achieve a common goal." Leadership style refers to a leader's behaviour. It is the result of the philosophy, personality and experience of the leader.

Warren Bennis, a leading thinker on leadership has said: "I used to think that running an organization was equivalent to conducting a symphony orchestra. But I don't think that's quite it. It's more like jazz -- There is more improvisation".

## Ten Commandments for Successful leaders

The following are stated to represent the Ten Commandments for successful leaders:

1. A sound ethical compass.
2. The ability to take unpleasant decisions.

3. Clarity and focus.
4. Ambition.
5. Effective communication skills.
6. The ability to judge people.
7. A knack for developing talent.
8. Emotional self-confidence.
9. Adaptability.
10. Charm, charisma.

Jack Welch, the ex-Chairman of General Electric – a very successful business leader says "Good business leaders: create a vision, articulate the vision, passionately own the vision, and relentlessly drive it to completion."

### Leadership Quotations

Here is a sample of inspirational and insightful quotations on Leadership and Leaders:

- *"Managers are people who do things right, while leaders are people who do the right thing".* - Warren Bennis, "On Becoming a Leader"

- *"The best example of leadership, is leadership by example".* -- Jerry McClain of Seattle, WA

- *"Whoever is careless with the truth in small matters cannot be trusted with the important matters".* -- Albert Einstein

- *"Never tell people how to do things. Tell them what to do and they will surprise you with their ingenuity"* - George Patton

- *"We must become the change we want to see".* - Mahatma Gandhi

- *"Nearly all men can stand adversity, but if you want to test a man's character, give him power".* - Abraham Lincoln

- *"Do not follow where the path may lead. Go instead where there is no path and leave a trail".* - Ralph Waldo Emerson

- "The *leader has to be practical and a realist, yet must talk the language of the visionary and the idealist".* - Eric Hoffer

## Regulation of Higher and Technical Education -- National and International Perspectives

The OECD Report of August 2012,titled: *Measuring Regulatory Performance --Evaluating the Impact of Regulation and Regulatory Policy,*defines *regulations* as rules or norms adopted by government and backed up by some threat of consequences, usually negative ones, in the form of penalties;regulations seek to change behavior in order to produce desired outcomes. "A regulation works when it solves, or at least reduces or ameliorates, the problem or problems that prompted government to adopt it in the first place".

One can visualize two extremes:

(I) No regulations: free for all; relying on market forces to manage the sector; survival related to stakeholder satisfaction; ad-hoc decision - making; permits considerable discretion; situation analogous to our traffic on the roads!

(ii) Maximum regulation: myriad regulations, norms, guidelines; control-dominated; proliferation of inspectors and inspections; trust deficits at all levels; opportunities for corruption; akin to pre-1991 situation in the business sector.

A via media approach is voluntary self-regulation as exemplified by AICTE mandatory disclosure; the anecdotal evidence, however, is far from satisfactory. In the matter of advertisements and marketing efforts, for example, there are malpractices galore. There is also considerable political influence and lobbying. A typical VVIP response is:"I don't care about your systems, procedures and processes; I just want to get my job done".

An oft-repeated refrain is that the 1991 reforms have left the education sector untouched, while the industry, commerce, business ... sectors were "liberated, unshackled...". Kapil Sibal, the then HRD minister, at an international conference (June 18, 2009), said that "India's education system needs massive reforms, similar to those introduced in the Indian economy by the then Finance Minister Manmohan Singh in 1991". He, however, did not elaborate on the measures his ministry would take to change "the way" of India's education system. He said that his top priority was to liberalize the Indian education system. Sibal also said he was open to the

idea of foreign universities setting up campuses in India, but said any decision to be taken on the issue would be after a consensus.

What do they mean by liberalization of higher education? Freedom to fix fees; freedom to select and admit students;freedom to appoint faculty and staff; freedom to collaborate with foreign institutions;freedom to expand capacity; freedom to diversify program offerings; freedom to operate multiple shifts…In the Indian context, some of these are justifiable, some are not!

Some related concepts, in this context, are discussed here:

Autonomy: It has to be given -- by the university, the state government and the UGC, and has to be sought and accepted by the institution, which places additional responsibilities, including exams of the institution; many colleges have, in fact, refused autonomy. It is pertinent to note that in spite of autonomy being a TEQIP pre-requisite condition it is not complied with by many states.

Autonomy is about freedom to make decisions on: whom to teach (students); what to teach curriculum); who will teach (faculty); and how to assess (exams). It has four dimensions: academic; administrative – mar agerial; financial; and functional.

**Accountability:** Autonomy and accountability are two sides of the same coin. Accountability is taking responsibility for decisions and actions. Some inter-related issues are: transparency; governance; and ethics and values.

**Compliance:** Compliance is of two types: voluntary vs mandatory. Even accreditation has become a compliance exercise, rather than an assurance of quality and striving for excellence. It is, in some ways, the antithesis of innovation. ABET accreditation has moved away from the 'bean-counting' input-based systems and processes to Outcomes-based Education (OBE), which provides opportunities for innovation.

**Transparency:** Transparency is like "living" in a glass house. It is related to administration/management involving decision-making: Conformance to rules, regulations, norms & standards; same rules for everybody; person-neutral; open to scrutiny; allows for scrutiny for justifiability and verifiability of decisions. In academic matters, for example, students are able to discuss assessment / evaluation of their answer papers with teachers; and faculty are able to discuss criteria and decision-making on promotions, perks, etc.

There are some important issues of regulation in the Indian context: multiple regulating agencies (e.g. university, state government, UGC), with overlapping (and similar) criteria, with no coordination between them, enhancing the burden on the institution; trust deficit, giving rise to conflicts, grievances and confusion.

### A Misconception

It is believed by many that regulation of the education sector is a 'curse' peculiar to India; that it is not prevalent in the UK, US ....It is far from the truth!

### Some UK Perspectives

A report from the UK Higher Education Commission entitled *What Universities Need: Regulation, Regulation, Regulation* (2014) called for swift action to protect students from fly-by-night colleges. "A cross-party group of MPs and representatives from business and academia, concede that regulation appears a "rather dry, perhaps even 'geeky' affair". "But there is nothing dry or geeky about what they believe could happen if it is not taken in hand." "This has the potential to damage England's reputation as a leading provider of higher education."

Lord Browne suggested merging all the regulatory bodies into a single, independent Higher Education Council. Earlier this year, the Institute for Public Policy Research came up with a similar proposal. The government has never acted on the idea. "The idea is to keep the diversity of the system and encourage dynamism and some self-regulation, while ensuring that all institutions are maintaining common standards and safeguarding students".

The UK Higher Education Commission Report *Regulating Higher Education: Protecting Students, Encouraging Innovation, Enhancing Excellence* said : "For some, an interest in regulation appears a rather dry, perhaps even 'geeky' affair, a topic best left to those with rather dull lives and a penchant for examining the fine rules and by-laws". "Yet, the way in which the sector is regulated is fundamental to its health and success. In the context of current reforms, the absence of legislation to provide a coherent regulatory architecture for the rapidly changing and increasingly dynamic sector is creating major headaches for its players. Regulation is more than simply a matter of compliance and standards. A well-regulated higher education system has strong development benefits".

## A View from the US

"The stack of federal regulations on colleges and universities today, which stretches as tall as I am, is simply the piling up of well-intentioned laws and regulations done without anyone first weeding the garden," said Senate education committee chairman Alexander, a couple of years back. The US Higher Education Regulations Study(Nov 2011) was tasked with "a review and analysis of regulations affecting higher education to determine the extent to which regulations are overly burdensome and need to be streamlined, improved, or eliminated". Specifically, Congress suggested the Advisory Committee "determine which regulations are duplicative, no longer necessary, inconsistent with other federal regulations, or overly burdensome".

The US Study *Recalibrating Regulation of Colleges and Universities (2013)* was aimed at helping policy makers think about the most effective and efficient way to regulate higher education. The task force developed the following guiding principles to govern the development, implementation, and enforcement of regulations by the department:"Regulations should be related to education, student safety, and stewardship of federal funds; regulations should be clear and comprehensible; regulations should not stray from clearly stated legislative intent; costs and burdens of regulations should be accurately estimated; The Department should recognize good faith efforts by institutions.; the Department should complete programme reviews and investigations in a timely manner; penalties should be imposed at a level appropriate to the violation; disclosure requirements should focus on issues of widespread interest; regulations that consistently create compliance challenges should be revised; The Department should take all necessary steps to facilitate compliance by institutions".

### *Basic Difference between Approval and Accreditation*

While approval is the fulfillment of pre-requisites for starting an institution – as per AICTE norms and standards, accreditation is the assessment of the performance of the institution – as per accreditation criteria – conducted after two batches have graduated (5 years for B.Tech., 3 years for MBA, PGDM).

## Some Recent National Policies

### *NKC 2006-2009 on Regulations:*

NKC recommended a change of the system of regulation for higher education. It characterized the current system as over-regulated and under-governed. NKC perceived a clear need to establish an Independent Regulatory Authority for Higher Education (IRAHE), which must be at an arm's length from the government and independent of all stakeholders including the concerned ministries of the government.

NKC observed that in higher education, regulators perform five functions: *entry*: licence to grant degrees; *accreditation*: quality benchmarking; disbursement *of public funds;access*: fees or affirmative action; licence: to practice profession. "India is perhaps the only country in the world where regulation in four of the five functions is carried out by one entity, that is, the UGC". The purpose of creating an IRAHE is to separate these functions. All other regulatory agencies such as the AICTE will need to be abolished while the MCI and the BCI will be limited to their role as professional associations. These professional associations could conduct nation-wide examinations to provide licences for those wishing to enter the profession.

### *Yash Pal Committee Report - June 22 2009*

This report recommended that the overall regulating structure for all higher education should be just one. This would imply that the UGC and AICTE should be subsumed within a single Higher Education Commission (NCHER). Knowledge and curricular details would be determined by appropriate universities under guidelines of appropriate structures set up by various wings of the Higher Education Commission. Some details about the structure of the Higher Education Commission (HEC), various bodies attached to it and other aspects are discussed in the report.

It is to be noted that the justification and role of the suggested HEC are different from those proposed by the Knowledge Commission.

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